

# BILL

No. 202

An Act to amend *The Election Act, 1996*

(Assented to )

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

## Short title

1 This Act may be cited as *The Election Amendment Act, 2019*.

## SS 1996, c E-6.01 amended

2 *The Election Act, 1996* is amended in the manner set forth in this Act.

## Section 2 amended

3(1) **Subsection 2(1) is amended:**

(a) **in clause (c.1) by striking out “*The Legislative Assembly and Executive Council Act, 2007*” and substituting “*The Legislative Assembly Act, 2007*”;**

(b) **in clause (k) by striking out “, subject to section 18.3,”;**

(c) **in clause (ll.1) by striking out “*The Legislative Assembly and Executive Council Act, 2007*” and substituting “*The Legislative Assembly Act, 2007*”; and**

(d) **by repealing subclause (pp)(v).**

(2) **Subsection 2(2) is repealed.**

## Section 3 amended

4 **Subsection 3(1) is amended:**

(a) **in clause (d) by striking out “or the Assistant Chief Electoral Officer”; and**

(b) **by repealing clause (h) and substituting the following:**

“(h) unless otherwise provided by this Act, a person who is not eligible to vote pursuant to this Act”.

## New section 4.5

5 **Section 4.5 is repealed and the following substituted:**

**“Application of certain Acts to Chief Electoral Officer**

4.5(1) *The Public Service Act* does not apply to the Chief Electoral Officer.

(2) *The Public Employees Pension Plan Act* applies to the Chief Electoral Officer”.

**Section 6 amended**

**6 Section 6 is amended by striking out “locking” and substituting “sealing”.**

**Section 8 repealed**

**7 Section 8 is repealed.**

**Section 9 amended**

**8 Subsection 9(1) is repealed and the following substituted:**

“(1) The Chief Electoral Officer may appoint as a returning officer for a constituency:

- (a) a voter residing in the constituency; or
- (b) if there is no voter residing in the constituency who is qualified to be a returning officer, a voter residing in Saskatchewan”.

**Section 10 amended**

**9 Subsection 10(2) is repealed and the following substituted:**

“(2) A returning officer shall only appoint as a deputy returning officer a person who:

- (a) in the opinion of the returning officer, is competent and reliable;
- (b) unless otherwise authorized by the Chief Electoral Officer, is resident in the constituency;
- (c) is willing to act as a deputy returning officer;
- (d) is at least 16 years of age; and
- (e) in the case of a person who is 18 years of age or older, is eligible in accordance with section 3 to be appointed as an election officer”.

**Section 13 amended**

**10(1) Subsection 13(1) is amended by adding “or deputy returning officer” after “returning officer” wherever it appears.**

**(2) Subsection 13(2) is amended by adding “or deputy returning officer” after “returning officer”.**

**(3) Subsection 13(3) is repealed and the following substituted:**

“(3) A returning officer or deputy returning officer shall only appoint as a poll clerk a person who:

- (a) in the opinion of the returning officer, is competent and reliable;
- (b) unless otherwise authorized by the Chief Electoral Officer, is resident in the constituency;
- (c) is willing to act as a poll clerk;
- (d) is at least 16 years of age; and
- (e) in the case of a person who is 18 years of age or older, is eligible in accordance with section 3 to be appointed as an election officer”.

**Section 16 amended**

**11(1) Clause 16(1)(c) is amended in the portion preceding subclause (i) by striking out “on the day” and substituting “subject to sections 18 and 18.1, on the day”.**

**(2) The following subsection is added after subsection 16(4):**

“(4.1) Notwithstanding subsection (4), an individual is entitled to vote within the polling division in which the individual ordinarily resides on polling day, if that polling division is different than the polling division mentioned in subsection (4)”.

**Section 17 amended**

**12 Clause 17(d) is amended by striking out “and the Assistant Chief Electoral Officer”.**

**Section 18.2 amended**

**13(1) Subsection 18.2(1) is amended by striking out “Subject to section 18.3, the” and substituting “The”.**

**(2) Subsection 18.2(4) is repealed and the following substituted:**

“(4) 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:

- (a) surname, given name and any middle name;
- (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;
- (c) date of birth;
- (d) gender;
- (e) telephone number;
- (f) the permanent unique identifier assigned pursuant to subsection (5);
- (g) a constituency code as assigned by the Chief Electoral Officer;
- (h) a polling division code as assigned by the Chief Electoral Officer; and
- (i) any other identification number assigned by other persons who provide information to the Chief Electoral Officer”.

**Section 18.3 repealed**

**14 Section 18.3 is repealed.**

**Section 18.7 amended**

**15 Subsection 18.7(3) is repealed and the following substituted:**

- “(3) The voters’ list must only contain the following voter data for each voter:
- (a) the voter’s surname, given name and middle name, if any;
  - (b) the residential address, including the postal code, of the residence of the voter, and the mailing address, including the postal code, if the mailing address is different from the residential address;
  - (c) the voter’s permanent unique identifier assigned by the Chief Electoral Officer pursuant to subsection 18.2(5);
  - (d) the constituency code as assigned by the Chief Electoral Officer for the voter; and
  - (e) the polling division code as assigned by the Chief Electoral Officer for the voter”.

**New sections 19.1 to 21**

**16 Sections 19.1 to 21 are repealed and the following substituted:**

**“Enumeration and revision**

**19.1(1)** The Chief Electoral Officer may, at any time the Chief Electoral Officer considers it advisable, direct that an enumeration be conducted of all or some of the constituencies or areas within constituencies.

(2) An enumeration is to be conducted during a period determined by the Chief Electoral Officer.

**“Enumerators appointed**

**20(1)** The Chief Electoral Officer shall appoint one or more enumerators for the purposes of section 19.1.

(2) The Chief Electoral Officer shall only appoint as an enumerator a voter who:

- (a) in the opinion of the Chief Electoral Officer, is competent and reliable;
- (b) unless otherwise authorized by the Chief Electoral Officer, is resident in the constituency for which an enumeration is to be conducted;
- (c) is willing to act as an enumerator; and
- (d) is eligible in accordance with section 3 to be appointed as an election officer.

(3) An appointment as an enumerator is to be made in the prescribed form.

(4) An appointment as an enumerator terminates on the completion of the enumerator’s responsibilities for the enumeration for which the enumerator is appointed.

(5) On appointment, every enumerator shall take an oath or make a declaration in the prescribed form.

(6) If an enumerator dies, is absent or is unable or unwilling to perform the enumerator’s responsibilities, the Chief Electoral Officer shall appoint as an enumerator another voter who meets the qualifications set out in subsection (2).

(7) An enumerator may administer any oaths that are required by this Act or the regulations to be administered with respect to conducting an enumeration.

(8) The Chief Electoral Officer shall give to each enumerator a complete description of the area for which the enumerator is appointed and any amendments to the description that may be made from time to time.

**“Supplies for enumerators**

**21** The Chief Electoral Officer shall give to each enumerator sufficient materials and supplies to enable the enumerator to perform the enumerator’s responsibilities”.

**Section 22 amended**

**17(1) Subsection 22(1) is repealed.**

**(2) Subsection 22(6) is repealed and the following substituted:**

“(6) If the Chief Electoral Officer considers it to be necessary to do so, the Chief Electoral Officer may:

- (a) engage any person to provide security for an enumerator who is conducting an enumeration; or
- (b) request the assistance of a peace officer to provide security for an enumerator who is conducting an enumeration”.

**New heading before section 25 and new sections 25 to 29**

**18 The heading before section 25 is struck out and sections 25 to 29.4 are repealed and the following substituted:**

**“VOTERS’ LIST**

**“Preparation of voters’ list**

**25(1)** An enumerator shall:

- (a) complete a voter information record or voter confirmation record containing voter data for each voter, and each person who will be eligible to vote at the next general election after the date the information is collected, who is enumerated by the enumerator; and
- (b) submit all voter information records and voter confirmation records to the Chief Electoral Officer.

**(2)** The Chief Electoral Officer shall:

- (a) based on the voter information contained in the register of voters and the voter information records and voter confirmation records submitted pursuant to subsection (1), enter or delete all the information necessary to complete or revise a voters’ list;
- (b) proofread the voters’ list and correct any errors; and
- (c) ensure that the voters’ list is complete and meets the requirements of this section.

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- (3) Subject to subsection (4):
- (a) the names on each voters' list must be arranged alphabetically according to surnames; and
  - (b) the voters' list must set out the surname, first name, middle name, if any, and mailing address and residential premises of each voter.
- (4) In the case of a polling division in a city, town or village that requires the use and display of street address numbers, if requested by a registered political party or candidate, the Chief Electoral Officer shall arrange the names on each voters' list provided to the registered political party or candidate in geographical order by reference to streets and address numbers, sorted firstly by streets and secondly by address numbers.
- (5) Each name on each voters' list is to be numbered consecutively, commencing with the number one.
- (6) In producing a voters' list for a polling division, the Chief Electoral Officer shall place on the voters' list for the polling division:
- (a) beginning on the line immediately following the last name on the voters' list, the prescribed form of certificate; and
  - (b) the date and, in the place provided for the signature of the returning officer, the name and phone number of the returning officer.

**“Distributing and posting of voters' lists**

**26(1)** Immediately after completing the voters' list, the Chief Electoral Officer or the returning officer shall provide one electronic copy and, if requested, one paper copy to each candidate.

(2) The Chief Electoral Officer shall provide to each registered political party one electronic copy of the voters' list for each constituency in which that registered political party has endorsed a candidate for the purposes of section 45.

(3) The Chief Electoral Officer shall publish and may advertise in any manner that the Chief Electoral Officer considers necessary to bring to the attention of persons eligible to vote:

- (a) notification of each voter's right to:
  - (i) review the voters' list if, in the opinion of the Chief Electoral Officer, the review is for electoral purposes; and
  - (ii) apply for revisions to the voters' list; and
- (b) the manner in which to apply for a revision mentioned in subclause (a)(ii), in accordance with section 27.

**“REVISIONS TO VOTERS' LIST**

**“Applications for revision**

**27(1)** The Chief Electoral Officer may receive applications pursuant to subsection (2):

- (a) to add or delete a name from the voters' list; or
- (b) to correct information on the voters' list about a voter.

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- (2) In accordance with subsections (3) and 26(3):
- (a) a person eligible to vote may apply to the Chief Electoral Officer to have the person's name added to the voters' list or to correct any information about the person on the voters' list;
  - (b) a person may apply to the Chief Electoral Officer to have the person's name deleted from the voters' list;
  - (c) a person eligible to vote may apply to the Chief Electoral Officer to have the name of the person's relative deleted from the voters' list by providing a copy of a death certificate for the relative; and
  - (d) a person's relative may apply:
    - (i) to have the person's name added to the voters' list; or
    - (ii) to correct any information about the person on the voters' list.
- (3) An applicant pursuant to subsection (2) shall complete and sign an application in the prescribed form to establish the identity and place of ordinary residence of the person who is the subject of the application.
- (4) The Chief Electoral Officer may approve the revision requested by an applicant only if the applicant provides evidence that is, in the opinion of the Chief Electoral Officer, sufficient to support the requested revision.

**“Revisions to voters' list**

- 28(1) The Chief Electoral Officer shall keep a record of revision in which the Chief Electoral Officer shall record every addition, correction or deletion made to the voters' list as a result of the revision.
- (2) As soon as is practicably possible after a revision, the Chief Electoral Officer shall update the register of voters based on the record of revision mentioned in subsection (1).
- (3) The Chief Electoral Officer shall prepare a new voters' list for the affected constituency or polling division pursuant to section 18.7 following the updating of the register of voters pursuant to this section.

**“VOTER INFORMATION CARD**

**“Voter Information Card**

- 29(1) The Chief Electoral Officer may send a voter information card to each voter whose name appears on the register of voters.
- (2) The voter information card must indicate:
- (a) the address of the voter's polling place;
  - (b) the voting hours on election day;
  - (c) the dates of advance polls and the voting hours and locations of advance polling stations in the voter's constituency;
  - (d) details respecting how a voter may obtain more information; and
  - (e) any other information the Chief Electoral Officer considers advisable.
- (3) The voter information card may be sent by any method the Chief Electoral Officer considers appropriate”.

**Section 32 amended**

**19 Subsection 32(7) is repealed.**

**Section 34 amended**

**20(1) Subsections 34(3) and (4) are repealed and the following substituted:**

“(3) At least seven days before nomination day, the returning officer shall cause copies of the election proclamation to be posted in the returning officer’s office.

“(4) As soon as the election proclamation is printed, the returning officer shall deliver one copy of the election proclamation to the following:

- (a) the official campaign headquarters, known to the returning officer, of each candidate or potential candidate;
- (b) the council of each municipality wholly or partly situated within the constituency.

“(4.1) The council of a municipality shall cause to be posted a copy of the election proclamation, as soon as is practicable after receiving it, in a conspicuous place in the municipality”.

**(2) Subsection 34(6) is repealed and the following substituted:**

“(6) If the returning officer varies the location of any polling place, the returning officer shall:

- (a) make every reasonable effort to notify each candidate or potential candidate of the change; and
- (b) provide reasonable notice, in any form and manner that the returning officer considers appropriate, to bring the change to the attention of voters who are impacted by the change”.

**Section 35 amended**

**21(1) Clause 35(3)(a) is amended by striking out “and occupations”.**

**(2) Subsection 35(4) is repealed.**

**(3) Clause 35(5)(c) is amended by striking out “, occupations”.**

**(4) Clause 35(6)(a) is repealed and the following substituted:**

“(a) print on the back of each ballot paper an impression of the printing aid given to the printer by the returning officer”.

**Section 36 amended**

**22(1) Subsection 36(1) is repealed and the following substituted:**

“(1) Subject to subsections (2) to (8), on receiving the writ, a returning officer shall provide a polling place for each polling division”.

**(2) Subsection 36(4) is repealed.**

**New section 40****23 Section 40 is repealed and the following substituted:****“Nomination deadline**

**40** The nomination of candidates may occur any time after the issue of the writ and before the day and time set out in the election proclamation in accordance with clause 34(2)(a)”.

**Section 42 amended**

**24(1) Clause 42(1)(d) is amended by striking out “The Legislative Assembly and Executive Council Act, 2007” and substituting “The Legislative Assembly Act, 2007”.**

**(2) Clause 42(2)(e) is amended by striking out “, the Assistant Chief Electoral Officer”.**

**Section 43 amended****25 Subsections 43(4) and (5) are repealed and the following substituted:**

“(4) A potential candidate shall file the name and address of the individual appointed in subsection (1), together with that individual’s written consent to act, with:

(a) in the case of a potential candidate or candidate endorsed by a registered political party, the registered political party, and the registered political party shall file the information with the Chief Electoral Officer;

(b) in the case of a potential candidate or candidate not endorsed by a registered political party, the Chief Electoral Officer.

“(5) If a business manager dies or is unable to serve as business manager for any reason, the potential candidate or candidate shall immediately appoint another business manager and file, in the manner set out in subsection (4), the name and address of the individual appointed together with that individual’s written consent to act as business manager.

“(6) If there is any other change to the information filed pursuant to subsection (1) or (5), the potential candidate, candidate or the registered political party shall file, in the manner set out in subsection (4), the change in information within 10 days after the change”.

**Section 44 amended****26 Clause 44(6)(a) is repealed and the following substituted:**

“(a) the name and address of the candidate”.

**Section 45 amended****27 Subsection 45(1) is repealed and the following substituted:**

“(1) 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 the candidate, the candidate shall file with the nomination paper a written document that:

(a) is signed by the leader or chief official agent of the registered political party; and

(b) indicates the candidate’s decision to have the name of the registered political party appear on the ballot paper and all other election documents.

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“(1.01) The leader or the chief official agent of each registered political party shall provide written notification to the Chief Electoral Officer that 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 of candidates who provide written notification in accordance with subsection (1)”.

**New section 47**

**28 Section 47 is repealed and the following substituted:**

**“Handling and forfeiture of deposits**

**47(1)** Subject to subsections (3) and (4):

(a) the Chief Electoral Officer shall return a candidate’s deposit to the candidate immediately after:

- (i) the final count by the returning officer; or
- (ii) the election is found void and set aside; and

(b) the returning officer shall return a candidate’s deposit to the candidate immediately after the returning officer refuses to issue a certificate of validity with respect to the nomination paper of the candidate.

(2) If a candidate dies after being nominated and before the close of the taking of the votes of the voters, the Chief Electoral Officer shall return the deposit to the candidate’s personal representative.

(3) If a candidate has forfeited the candidate’s deposit, the Chief Electoral Officer shall forward the deposit to the Minister of Finance for deposit in the general revenue fund.

(4) The Chief Electoral Officer shall not return a deposit to a candidate unless the candidate and the candidate’s business manager have complied with section 261”.

**Section 49 repealed**

**29 Section 49 is repealed.**

**Section 51 amended**

**30(1) Subsection 51(1) is repealed.**

**(2) Subsection 51(2) is amended:**

**(a) by repealing clause (a) and substituting the following:**

“(a) the names, political affiliations, if any, and addresses of the candidates nominated”; **and**

**(b) in clause (b) by striking out “and addresses”.**

**Section 57 amended**

**31 Subsection 57(3) is amended by striking out “black lead pencil” and substituting “marking device”.**

**Section 59 amended**

**32(1) Clause 59(1)(b) is amended by striking out “lock and”.**

**(2) Subsection 59(2) is amended by striking out “locked and”.**

**Section 63 amended****33(1) Subsection 63(1) is repealed and the following substituted:**

“(1) Only the following persons are entitled to be present in the polling place during the time that the polling place remains open for voting:

- (a) the Chief Electoral Officer and any person authorized in writing by the Chief Electoral Officer;
- (b) the returning officer, the supervisory deputy returning officer, if any, and the deputy returning officer;
- (c) the election clerk and the poll clerk or clerks;
- (d) any interpreter;
- (e) the candidates;
- (f) not more than two candidate’s representatives for each candidate for each ballot box at the polling place;
- (g) voters;
- (h) any other persons authorized by the returning officer, supervisory deputy returning officer or deputy returning officer to:
  - (i) assist voters at a polling place established at a hospital or personal care facility; or
  - (ii) assist in preserving the peace at the polling place;
- (i) any other persons authorized by the Chief Electoral Officer for the purposes of observing and auditing voting procedures and election processes”.

**(2) The following subsection is added after subsection 63(2):**

“(3) Subject to the other provisions of this Act, only the following persons are entitled to be present in the polling place at the counting of the votes pursuant to section 141, or for the purposes of subsections 100(2), 101(2), 108(2), 109(2), 116(2), 117(2), 124(2) and 135(2):

- (a) the Chief Electoral Officer;
- (b) the returning officer, the supervisory deputy returning officer, if any, and the deputy returning officer;
- (c) the election clerk and the poll clerk or clerks;
- (d) any interpreter;
- (e) the candidates;
- (f) not more than two candidate’s representatives for each candidate for each ballot box at the polling place;
- (g) 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;
- (h) any other persons authorized by the Chief Electoral Officer for the purposes of observing and auditing voting procedures and election processes”.

**New section 65****34 Section 65 is repealed and the following substituted:****“Information that voters must provide on entering polling place**

**65(1)** On entering the polling place, a voter shall give the voter’s name to:

- (a) the deputy returning officer; and
- (b) if requested to do so by any candidate’s representative, the candidate’s representative.

(2) Before being given a ballot paper and voting, the voter shall:

- (a) either:
  - (i) provide the deputy returning officer with the satisfactory evidence of the voter’s identity and ordinary residence required pursuant to section 72.1; or
  - (ii) make the voter’s declaration in accordance with section 71;
- (b) if the voter’s name does not appear on the voters’ list, answer any questions from the deputy returning officer; and
- (c) provide to the deputy returning officer any information, satisfactory to the deputy returning officer, that relates to establishing the individual’s:
  - (i) identity;
  - (ii) ordinary residence on the day on which the writ was issued; and
  - (iii) eligibility to vote”.

**Section 72.1 amended****35(1) Clause 72.1(2)(a) is repealed and the following substituted:**

“(a) 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”.

**(2) The following subsection is added after subsection 72.1(2):**

“(3) Notwithstanding subsection (2), if an individual described in subsections 18(10) to (13) or 18.1(2) to (5) is required to provide satisfactory evidence of the individual’s identity and ordinary residence pursuant to this Act, and the individual does not have identification that meets the requirements of subsection (2), the individual must:

- (a) provide satisfactory evidence to the applicable election officer that the individual meets the requirements of the applicable subsection; and
- (b) make a declaration of the individual’s deemed ordinary residence in Saskatchewan”.

**Section 74 amended**

**36 Clause 74(4)(b) is repealed and the following substituted:**

“(b) either:

- (i) deposit the ballot in the ballot box; or
- (ii) cause the ballot to be deposited in the ballot box by the deputy returning officer or the voter’s friend who is accompanying the voter”.

**Section 75 amended**

**37 Subclause 75(b)(ii) is repealed and the following substituted:**

“(ii) at the request of the voter, either deposit the ballot in the ballot box or return it to the voter or to the voter’s friend who is accompanying the voter to deposit the ballot in the ballot box”.

**Section 77 amended**

**38(1) Clause 77(1)(b) is repealed and the following substituted:**

“(b) requests assistance”.

**(2) Clause 77(3)(c) is repealed and the following substituted:**

“(c) at the request of the voter, either deposit the ballot in the ballot box or return it to the voter or to the voter’s friend who is accompanying the voter to deposit the ballot in the ballot box”.

**Section 84 amended**

**39 The following subsection is added after subsection 84(1):**

“(1.1) Notwithstanding subsection (1), a voter who makes an application pursuant to section 87 may vote at an advance poll or on polling day in the constituency of the voter if the voter satisfies the deputy returning officer that the voter:

- (a) is voting at an advance poll or on polling day as a result of changing circumstances; and
- (b) has not voted pursuant to section 88”.

**Section 85 amended**

**40 Clause 85(1)(a) is repealed and the following substituted:**

“(a) the name and address of every voter who made a voter’s declaration on polling day”.

**Section 87 amended**

**41 Subsection 87(2) is repealed and the following substituted:**

“(2) An application pursuant to this section must be received:

- (a) by the Chief Electoral Officer no earlier than seven months before polling day and at least nine days before polling day; or
- (b) by the returning officer no earlier than the day on which the writ is issued and at least nine days before polling day”.

**Section 88 amended****42(1) Subsections 88(2) and (3) are repealed and the following substituted:**

“(2) The materials mentioned in subsection (1) must be delivered not less than four days before polling day by registered mail, courier or any other prescribed method.

“(3) Immediately after the expiry of the deadline mentioned in subsection 87(2), the returning officer shall provide, in writing, the name and address of each absentee voter to the deputy returning officer for the polling division where each absentee voter is eligible to vote”.

**(2) Subsection 88(5) is repealed and the following substituted:**

“(5) As soon as is practicable after the expiry of the deadline mentioned in subsection 87(2), the returning officer shall inform each candidate of the name and address of each absentee voter within that candidate’s constituency”.

**(3) Clause 88(7)(h) is repealed and the following substituted:**

“(h) return the outer envelope to the returning officer by regular mail, registered mail, courier or personal delivery”.

**Section 89 amended****43 Subsection 89(5) is amended:****(a) by repealing subclause (b)(ii) and substituting the following:**

“(ii) if delivered by regular mail, registered mail or courier, by 12:00 noon on the 10th day following polling day”; **and**

**(b) by repealing clause (c) and substituting the following:**

“(c) if delivered by regular mail, registered mail or courier, were received in an outer envelope having a post office stamp or courier receipt showing that the envelope was mailed or sent before the close of voting on polling day”.

**Section 89.3 amended****44(1) Subsection 89.3(1) is repealed and the following substituted:**

“(1) If the returning officer is satisfied that the applicant is a homebound voter and that it is reasonably practicable to do so, the returning officer shall ensure that the applicant is contacted to schedule an appointment at an agreed time for two election officers to attend on the 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”.

**(2) Subsections 89.3(4) and (5) are repealed and the following substituted:**

“(4) If directed to do so pursuant to subsection (1), the election officers 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 deputy returning officer; and
  - (iii) is similar to the ballot described in section 35, except that the counterfoil is to be detached;
- (b) a ballot envelope that has voting instructions printed on it;
- (c) a certificate envelope with a certificate of identification and instructions, both in the prescribed form, printed on it;
- (d) instructions with respect to how to vote in accordance with this section.

“(5) If election officers are 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 officers at the scheduled time.

“(5.1) If a homebound voter refuses to allow the candidate’s representatives mentioned in subsection (5) entry into the voter’s home:

- (a) the homebound voter may still vote in accordance with this section; and
- (b) the election officers shall note in the poll book that the homebound voter refused entry to the candidate’s representatives”.

**(3) Subsections 89.3(10) and (11) are repealed and the following substituted:**

“(10) Subject to subsection (10.1), section 89 applies, with any necessary modification, to the post-voting procedures that are to govern the certificate envelope and ballot returned pursuant to subsection (9).

“(10.1) Ballots returned pursuant to subsection (9) shall be counted at the same time as ballots mentioned in section 141.

“(11) As soon as is practicable after all homebound voters have voted pursuant to this section, the returning officer shall provide, in writing, the name and address of each homebound voter to the deputy returning officer for the polling division where the homebound voter is eligible to vote”.

**Section 90 amended****45 Clause 90(1)(a) is repealed and the following substituted:**

“(a) in the opinion of the returning officer, it is appropriate to establish mobile polls”.

**Section 93 amended****46 Clause 93(1)(b) is repealed.**

**Section 99 amended**

**47(1) Subsection 99(3) is amended by striking out “, occupation”.**

**(2) Subclause 99(10)(b)(iii) is repealed and the following substituted:**

“(iii) at the request of the voter, either deposit the ballot envelope in the ballot box or return it to the voter or to the voter’s friend who is accompanying the voter to deposit the ballot envelope in the ballot box”.

**Section 100 amended**

**48(1) Subsection 100(2) is amended by striking out “section 63” and substituting “subsection 63(3)”.**

**(2) Subsection 100(12) is amended by striking out “lock and”.**

**(3) Subsection 100(15) is repealed and the following substituted:**

“(15) The deputy returning officer shall immediately deliver to the returning officer the sealed ballot box mentioned in subsection 99(10) containing the unopened ballot envelopes, and the returning officer shall deliver them to the Chief Electoral Officer”.

**Section 101 amended**

**49(1) Subsection 101(2) is repealed and the following substituted:**

“(2) Subject to subsection (2.1), 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 subsection 63(3) to be present.

“(2.1) Notwithstanding subsection 63(3), for the purposes of subsection (2), the total number of candidate’s representatives that are entitled to be present is as follows:

- (a) two candidate’s representatives for each registered political party; and
- (b) one candidate’s representative for each candidate who is not endorsed by a registered political party”.

**(2) Clause 101(7)(a) is repealed and the following substituted:**

“(a) the name and address of each temporarily displaced voter from the constituency who made a voter’s declaration”.

**New section 105**

**50 Section 105 is repealed and the following substituted:**

**“Location of polling places**

**105(1)** The returning officer shall, in consultation with an official of the hospital, determine:

- (a) the number of polls to be established within the hospital; and
- (b) the format that each poll is to take as either a fixed location, bed-to-bed visitations, or both.

(2) The returning officer may do any things that the returning officer considers necessary with respect to the establishment of the polling places mentioned in subsection (1).

(3) If a voter in a hospital is unable to go to any polling place established pursuant to subsection (1) and requests that the voter be permitted to vote at any other place in the hospital, the deputy returning officer or the poll clerk shall:

- (a) take the ballot box and all other election material to the place designated by the voter; and
- (b) ensure that the voter may vote in secrecy”.

**Section 107 amended**

**51(1) Subsection 107(3) is amended by striking out “, occupation”.**

**(2) The following subsection is added after subsection 107(5):**

“(5.1) Notwithstanding sections 71 to 72.1, a voter in a hospital poll who makes a voter’s declaration pursuant to this section is deemed to provide satisfactory evidence of the voter’s identity and ordinary residence if the voter provides the voter’s hospital bracelet or another piece of evidence supplied by the hospital to confirm that the voter is admitted to the hospital”.

**(3) Subclause 107(10)(b)(iii) is repealed and the following substituted:**

“(iii) at the request of the voter, either deposit the ballot envelope in the ballot box or return it to the voter or to the voter’s friend who is accompanying the voter to deposit the ballot envelope in the ballot box”.

**Section 108 amended**

**52(1) Subsection 108(2) is amended by striking out “section 63” and substituting “subsection 63(3)”.**

**(2) Subsection 108(12) is amended by striking out “lock and”.**

**(3) Subsection 108(15) is repealed and the following substituted:**

“(15) The deputy returning officer shall immediately deliver to the returning officer the sealed ballot box mentioned in subsection 107(10) containing the unopened ballot envelopes, and the returning officer shall deliver them to the Chief Electoral Officer”.

**Section 109 amended**

**53(1) Subsection 109(2) is repealed and the following substituted:**

“(2) Subject to subsection (2.1), 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 subsection 63(3) to be present.

“(2.1) Notwithstanding subsection 63(3), for the purposes of subsection (2), the total number of candidate’s representatives that are entitled to be present is as follows:

- (a) two candidate’s representatives for each registered political party; and
- (b) one candidate’s representative for each candidate who is not endorsed by a registered political party”.

**(2) Clause 109(7)(a) is repealed and the following substituted:**

“(a) the name and address of each voter from the constituency who made a voter’s declaration”.

**Section 115 amended**

**54(1) Subsection 115(3) is amended by striking out “, occupation”.**

**(2) The following subsection is added after subsection 115(5):**

“(5.1) Notwithstanding sections 71 to 72.1, a voter in a remand centre who makes a voter’s declaration pursuant to this section is deemed to provide satisfactory evidence of the voter’s identity and ordinary residence if the voter provides a letter from the administrator of the remand centre that attests to the identity of the voter”.

**(3) Subclause 115(10)(b)(iii) is repealed and the following substituted:**

“(iii) at the request of the voter, either deposit the ballot envelope in the ballot box or return it to the voter or to the voter’s friend who is accompanying the voter to deposit the ballot envelope in the ballot box”.

**Section 116 amended**

**55(1) Subsection 116(2) is amended by striking out “section 63” and substituting “subsection 63(3)”.**

**(2) Subsection 116(12) is amended by striking out “lock and”.**

**(3) Subsection 116(15) is repealed and the following substituted:**

“(15) The deputy returning officer shall immediately deliver to the returning officer the sealed ballot box mentioned in subsection 115(10) containing the unopened ballot envelopes, and the returning officer shall deliver them to the Chief Electoral Officer”.

**Section 117 amended**

**56(1) Subsection 117(2) is repealed and the following substituted:**

“(2) Subject to subsection (2.1), 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 subsection 63(3) to be present.

“(2.1) Notwithstanding subsection 63(3), for the purposes of subsection (2), the total number of candidate’s representatives that are entitled to be present is as follows:

- (a) two candidate’s representatives for each registered political party; and
- (b) one candidate’s representative for each candidate who is not endorsed by a registered political party”.

**(2) Clause 117(7)(a) is repealed and the following substituted:**

“(a) the name and address of each voter from the constituency who made a voter’s declaration”.

**Section 121 amended**

**57 The following subsection is added after subsection 121(3):**

“(4) Subsection 105(1) applies, with any necessary modification, to the establishment of a poll in a hospital pursuant to this section”.

**Section 123 amended**

**58(1) Subsection 123(3) is amended by striking out “, occupation”.**

**(2) The following subsections are added after subsection 123(5):**

“(5.1) Notwithstanding sections 71 to 72.1, a voter in a remand centre who makes a voter’s declaration pursuant to this section is deemed to provide satisfactory evidence of the voter’s identity and ordinary residence if the voter provides a letter from the administrator of the remand centre that attests to the identity of the voter.

“(5.2) Notwithstanding sections 71 to 72.1, a voter in a hospital poll who makes a voter’s declaration pursuant to this section is deemed to provide satisfactory evidence of the voter’s identity and ordinary residence if the voter provides the voter’s hospital bracelet or another piece of evidence supplied by the hospital to confirm that the voter is admitted to the hospital”.

**(3) Subclause 123(10)(b)(iii) is repealed and the following substituted:**

“(iii) at the request of the voter, either deposit the ballot envelope in the ballot box or return it to the voter or to the voter’s friend who is accompanying the voter to deposit the ballot envelope in the ballot box”.

**Section 124 amended**

**59(1) Subsection 124(2) is amended by striking out “section 63” and substituting “subsection 63(3)”.**

**(2) Subsection 124(12) is amended by striking out “lock and”.**

**Section 125 amended**

**60 Subsection 125(1) is amended by striking out “name, address and occupation” and substituting “name and address”.**

**New section 129**

**61 Section 129 is repealed and the following substituted:**

**“Establishment of advance polling places**

**129(1)** The returning officer shall establish an advance polling place or advance polling places at those places in the constituency the returning officer considers most convenient for voters.

(2) Subject to subsection (3), the returning officer may establish an advance poll at a place in the constituency for a period of less than 5 days if the returning officer considers it to be appropriate.

(3) The returning officer shall establish at least one advance polling place in the constituency on each of the 5 days fixed for advance polling by the writ”.

**New section 132**

**62 Section 132 is repealed and the following substituted:**

**“Hours of advance poll**

**132** An advance poll is to be open from 12:00 noon until 8:00 p.m. on each day that the advance poll is held”.

**Section 135 amended**

**63(1) Subsection 135(2) is amended by striking out “section 63” and substituting “subsection 63(3)”.**

**(2) Subsection 135(8) is amended by striking out “lock and”.**

**(3) Clause 135(12)(a) is amended by striking out “name, address and occupation” and substituting “name and address”.**

**Section 141 amended**

**64 Subsection 141(2) is amended by striking out “section 63” and substituting “subsection 63(3)”.**

**Section 145 amended**

**65 Subsection 145(12) is repealed.**

**Section 155 amended**

**66 Subsection 155(4) is repealed and the following substituted:**

“(4) The judge shall, by order, fix a time and place at which the judge or another judge is to recount or add the votes if the certificate of the returning officer shows:

(a) 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; or

(b) the result to be a tie vote pursuant to section 148”.

**Section 159 amended**

**67 Subsection 159(6) is repealed and the following substituted:**

“(6) The Chief Electoral Officer, any person authorized in writing by the Chief Electoral Officer, the candidates and not more than two candidate’s representatives for each candidate may be present at the recount or addition”.

**Section 165 amended**

**68(1) Subsection 165(1) is amended:**

**(a) in clause (a) by striking out “the returning officer” and substituting “the Chief Electoral Officer”; and**

**(b) in clause (b) by striking out “the returning officer shall pay” and substituting “the Chief Electoral Officer shall pay”.**

**(2) Subclause 165(2)(b)(iii) is repealed and the following substituted:**

“(iii) the Chief Electoral Officer”.

**(3) Subsection 165(5) is repealed.**

**Section 171 amended****69 Subsection 171(3) is repealed and the following substituted:**

“(3) The returning officer shall send to the Chief Electoral Officer by any means that provides evidence satisfactory to the Chief Electoral Officer of mailing or sending:

- (a) the return to the writ;
- (b) the writ of election;
- (c) the nomination papers;
- (d) the affidavit of the printer; and
- (e) 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”.

**Section 172 amended****70(1) Subsection 172(2) is repealed.****(2) Subsection 172(5) is repealed and the following substituted:**

“(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 a means that provides evidence satisfactory to the Chief Electoral Officer of mailing or sending”.

**Section 177 amended****71 Subsection 177(5) is repealed and the following substituted:**

“(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 a purpose that the Chief Electoral Officer is satisfied is an electoral 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.

“(6) No person shall use the register of voters, the voters' list or the voter data for a purpose not authorized by this Act”.

**New section 188****72 Section 188 is repealed and the following substituted:****“Lawful literature may be distributed**

**188** The following are not corrupt practices or contraventions of this Act:

- (a) the distribution by a registered political party, 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 registered political party, candidate, business manager or any candidate's representative of newspapers or any other media containing political articles, reports of political meetings or other matters of public interest”.

**Section 190 amended**

**73(1) Subsection 190(1) is repealed and the following substituted:**

“(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:

- (a) promoting or securing the election of any candidate; or
- (b) opposing the election of any candidate”.

**(2) Subsection 190(6) is repealed and the following substituted:**

“(6) No person shall use in any polling place any cellular phone or other communications device, except in accordance with the policies established by the Chief Electoral Officer”.

**Section 192 amended**

**74 The following subsection is added after subsection 192(1):**

“(1.1) Clause (1)(h) does not apply to a salary or remuneration mentioned in subclause 220(f)(iv)”.

**Section 213 amended**

**75 Section 213 is amended by adding “is” before “related”.**

**New section 219**

**76 Section 219 is repealed and the following substituted:**

**“Limitation on prosecutions**

**219** Every prosecution pursuant to this Act must be commenced within two years after the day on which the Chief Electoral Officer first knew or in the circumstances ought to have known that the alleged offence occurred”.

**Section 220 amended**

**77 Clause 220(f) is repealed and the following substituted:**

“(f) ‘**election expenses**’ means the cost of goods and services used during an election for the purpose of promoting or opposing, directly or indirectly, a registered political party or the election of a candidate, regardless of whether those costs are incurred before, during or after the election, and includes the following:

- (i) the cost of acquiring the right to use time on the facilities of any broadcasting undertaking or of acquiring the right to publish an advertisement in any newspaper;
- (ii) the cost of acquiring the services of any person, including remuneration and expenses paid to the person or on the person’s behalf, as a chief official agent or business manager or otherwise;
- (iii) the cost of acquiring meeting space and acquiring, distributing and mailing objects, material or devices of a promotional nature;
- (iv) the cost of the salary, candidate campaign expenses or other remuneration paid or agreed to be paid to a candidate, on account of being a candidate, by the candidate’s business manager or by a registered political party;

(v) the cost incurred for literature, posters, signs or audio or visual materials, including films, recordings, records or videotapes or other materials or devices of an advertising nature used during an election;

(vi) in the case of the leader of a registered political party, the reasonable costs incurred during the election for the purposes of campaigning for the registered political party;

(vii) interest accrued during the election on loans or lines of credit taken to acquire goods and services used during the election;

(viii) the cost related to the conduct of election surveys or other surveys or research conducted during an election;

(ix) with respect to the establishment of a campaign office for a candidate or registered political party, the cost of acquiring telephone or internet service;

(x) the cost of establishing a bank account;

but does not include any exempt election expense”.

**Section 221 amended**

**78 Subsection 221(5) is repealed.**

**Section 222 amended**

**79 Subsection 222(2) is repealed and the following substituted:**

“(2) In conducting an examination or in making a report pursuant to this Act every auditor shall:

(a) apply generally accepted accounting principles; and

(b) take any additional steps that are necessary to ensure the examination and report comply with this Act”.

**Section 224 amended**

**80(1) The following subsection is added after subsection 224(2):**

“(2.1) For the purposes of subsection (2), the signatures on the petition must be written within six months before the date the application is submitted”.

**(2) Subsection 224(3) is repealed and the following substituted:**

“(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 seven months before the polling day for the next general election”.

**Section 225 amended**

**81 The following subsection is added after subsection 225(1):**

“(1.1) For the purpose of making a determination pursuant to subsection (1), the Chief Electoral Officer:

(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 may include, in the discretion of the Chief Electoral Officer, a sampling of voters whose signatures appear on the petition for registration; and

(b) may take any further steps considered necessary or appropriate 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 powers that may be exercised pursuant to section 280, requiring the applicant to provide any additional information the Chief Electoral Officer considers relevant”.

**Section 230 amended**

**82(1) Subsection 230(1) is amended in the portion preceding clause (a) by striking out “it shall” and substituting “the leader or chief official agent of the registered political party shall”.**

**(2) Subsection 230(3) is repealed and the following substituted:**

“(3) The leader of the registered political party, or any person designated by the leader, shall sign all information before it is filed with the Chief Electoral Officer”.

**Section 231 amended**

**83 Clause 231(e) is repealed and the following substituted:**

“(e) records submitted pursuant to this Part by each registered political party and the business manager of each candidate who has not been endorsed by a registered political party with respect to tax receipts issued by the party or business manager”.

**Section 235 amended**

**84 Clause 235(b) is repealed and the following substituted:**

“(b) keep legible records of all contributions and other income received by the party, including the name of all contributors, the amounts contributed and the address of the contributor at the time the contribution was made”.

**New section 236**

**85 Section 236 is repealed and the following substituted:**

**“Business manager**

**236(1)** A candidate’s business manager shall do the following with respect to the candidate:

(a) ensure that all the candidate’s accounts are kept at a chartered bank, a trust or a loan corporation or a credit union;

(b) keep legible records of all contributions and other income received by the candidate, including:

- (i) the name of each contributor;
- (ii) the address of each contributor at the time the contribution was made;
- (iii) the amounts contributed; and
- (iv) the date on which each contribution is made;

(c) keep legible records of all bills, invoices, vouchers and receipts for the election in which the candidate is nominated;

(d) ensure that all statements, reports, returns and documents required by this Act are completed, audited, if required, and filed with the Chief Electoral Officer;

(e) perform any other acts that a business manager is required by this Act to perform.

(2) The duties of a business manager pursuant to this section continue during an election and for any period after the election that is necessary to complete and file all statements, reports, returns and documents required by this Act to be filed with the Chief Electoral Officer”.

**Section 240 amended**

**86 Subsection 240(4) is repealed and the following substituted:**

“(4) If a person uses an agent:

- (a) the agent shall disclose the name and address of the agent’s 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
- (b) no business manager or chief official agent shall accept any contribution from an agent unless the name and address of the agent’s principal is made known at the same time that the contribution is made”.

**Section 243 amended**

**87(1) Subclause 243(1)(b)(ii) is repealed and the following substituted:**

“(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”.

**(2) Subsections 243(2) and (3) are repealed.**

**(3) Subsection 243(4) is amended in the portion preceding clause(a) by adding “additional” before “adjusted amount of \$195,407”.**

**New section 243.1****88 The following section is added after section 243:****“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”.

**New section 247****89 Section 247 is repealed and the following substituted:****“Handling of disputed claims**

**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.

(2) The person who is owed moneys pursuant to the disputed claim or the chief official agent of a registered political party may apply to the Chief Electoral Officer for a direction allowing the chief official agent to make the payment.

(3) On an application pursuant to subsection (2) and after giving each party an opportunity to be heard and to present evidence, the Chief Electoral Officer may authorize the chief official agent to pay the disputed claim whether or not the claim is submitted after the four-month period mentioned in section 246 or the payment is made after that four-month period.

(4) The Chief Electoral Officer may make a direction pursuant to subsection (3) only if the Chief Electoral Officer is satisfied that the claim is made in good faith.

(5) Any party that is dissatisfied with the decision of the Chief Electoral Officer may appeal to a judge of the court, and the judge may allow or disallow the appeal.

(6) Any sum paid by a chief official agent pursuant to the authority of the Chief Electoral Officer or of a judge is deemed to be paid within the time limit prescribed in this Act”.

**Sections 248 and 249 repealed****90 Sections 248 and 249 are repealed.****Section 250 amended****91 Clause 250(2)(b) is repealed and the following substituted:**

“(b) for 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:

- (i) the name of the person;
- (ii) the address of the person at the time the contribution was made; and
- (iii) the amount contributed by the person”.

**Section 252 amended**

**92 Subsections 252(1) to (3) are repealed and the following substituted:**

“(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:

(a) the adjusted amount of \$52,108 in a constituency lying north of the dividing line described in the schedule to *The Constituency Boundaries Act, 1993*; or

(b) the adjusted amount of \$39,082 in a constituency lying south of the dividing line described in the schedule to *The Constituency Boundaries Act, 1993*”.

**New section 252.1**

**93 The following section is added after section 252:**

**“Where candidate exceeds limits on election expenses**

**252.1** In addition to any other liability pursuant to this Act, if a candidate, business manager or any other person acting within the scope of that person’s authority on behalf of a candidate incurs election expenses that exceed the limits set out in section 252, the amount of any reimbursement payable pursuant to section 265 must be reduced by the amount equal to the amount by which the election expenses exceed the limits set out in section 252”.

**Section 253 amended**

**94(1) Subsection 253(1) is amended by striking out “and to section 259”.**

**(2) Subsection 253(2) is amended:**

(a) by adding “or” after clause (a);

(b) by repealing clause (b); and

(c) by striking out “or” before clause (c).

**Section 256 amended**

**95 Subsection 256(1) is repealed and the following substituted:**

“(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 after polling day”.

**Section 259 repealed**

**96 Section 259 is repealed.**

**Section 260 amended**

**97 Subsection 260(3) is amended in the portion preceding clause (a) by striking out “to 259” and substituting “to 258”.**

**Section 261 amended**

**98(1) Subsection 261(1) is amended in the portion preceding clause (a) by striking out “returning officer” and substituting “Chief Electoral Officer”.**

**(2) Subsection 261(2) is amended:**

**(a) by repealing clause (g) and substituting the following:**

“(g) for each person in each class mentioned in clause (e) who made a contribution in excess of \$250 for the use of the candidate:

- (i) the name of the person;
- (ii) the address of the person at the time the contribution was made; and
- (iii) the amount contributed by the person”;

**(b) by repealing clause (i) and substituting the following:**

“(i) copies of:

- (i) supplier documents that state the particulars of each expense;
- (ii) receipts or cancelled cheques that provide proof of payment with respect to the expenses;
- (iii) statements for all of the accounts mentioned in clause 236(4)(a); and
- (iv) appropriate records, including but not limited to photographs or written scripts, that provide proof of the content of any advertisement that promoted the candidacy of the candidate”.

**(3) Subsection 261(5) is repealed and the following substituted:**

“(5) Within three months after polling day, each candidate shall file with the Chief Electoral Officer a solemn oath or declaration, in the prescribed form, with respect to the election expenses incurred by the candidate”.

**(4) Subsection 261(8) is amended by striking out “a returning officer” and substituting “the Chief Electoral Officer”.**

**New section 262**

**99 Section 262 is repealed and the following substituted:**

**“Handling of election expenses return**

**262(1)** After receiving an election expense return or supplementary election expenses return pursuant to section 261, the Chief Electoral Officer shall make a copy of the return and of any documents accompanying the return.

**(2) The Chief Electoral Officer shall:**

- (a) preserve copies of all returns and documents made pursuant to this section; and
- (b) make the copies available for public inspection for at least six months during normal office hours of the Chief Electoral Officer.

**(3) The Chief Electoral Officer shall retain all returns and documents received pursuant to section 261 for at least two years.**

(4) If the returns or documents are required by the business manager who filed them, the Chief Electoral Officer shall send them to the business manager, who shall use them as required and then return them to the Chief Electoral Officer.

(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.

(6) If a return or other document filed with the Chief Electoral Officer pursuant to section 261 contains an error or omission, the candidate or the candidate's business manager may apply to the Chief Electoral Officer for a direction to correct the error or omission.

(7) On an application pursuant to subsection (6) and if satisfied that the error or omission was due to inadvertence, the Chief Electoral Officer may authorize the candidate or the business manager to correct the error.

(8) If a candidate or business manager is dissatisfied with the decision of the Chief Electoral Officer pursuant to subsection (7), the candidate or business manager may appeal to a judge of the court, and the judge may allow or disallow the appeal".

#### **Section 263 amended**

**100 Subsection 263(1) is amended in the portion preceding clause (a) by striking out "becomes unable for any reason" and substituting "as a result of any other unforeseen or extraordinary circumstance cannot reasonably be expected".**

#### **New section 263.1**

**101 The following section is added after section 263:**

##### **"Late filing fee**

**263.1(1)** Subject to subsection (3), in addition to any other liability pursuant to this Act, if an election expenses return or supplementary election expenses return is not filed by the date set out in section 261, or the date ordered by the Chief Electoral Officer pursuant to section 263, the candidate shall pay the Chief Electoral Officer a late filing fee of \$25 for each day the failure to file the election expenses return or supplementary election expenses return continues.

(2) A late filing fee may be imposed for not more than 30 days.

(3) The Chief Electoral Officer shall forward any penalties received pursuant to this section to the Minister of Finance for deposit in the general revenue fund".

#### **Section 264 amended**

**102 Subsection 264(3) is repealed and the following substituted:**

"(3) Immediately on receipt of a certificate pursuant to subsection (2), the Minister of Finance shall pay to the party's chief official agent an amount equal to 75% of the portion of the registered political party's election expenses mentioned in clause (2)(b) for which the registered political party is entitled to reimbursement in accordance with subsection (6)".

**Section 265 amended****103(1) Subsection 265(3) is repealed and the following substituted:**

“(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 portion of the candidate’s election expenses mentioned in clause (2)(b) for which the candidate is entitled to reimbursement in accordance with subsection (6):

- (a) if the candidate was endorsed by a registered political party, to the party’s chief official agent or the candidate’s constituency association, as directed by the candidate; or
- (b) if the candidate was not endorsed by a registered political party, to the candidate’s business manager”.

**(2) Subsection 265(5) is repealed and the following substituted:**

“(5) Subject to sections 269 and 270, immediately on receipt of a certificate pursuant to subsection (4), the Minister of Finance shall pay to the person mentioned in subsection (3) an amount equal to the amount mentioned in clause (4)(b) less the amount paid pursuant to subsection (3)”.

**Section 266 amended****104 Subsection 266(1) is amended:****(a) by repealing subclause (c)(ii) and substituting the following:**

“(ii) the amounts are:

- (A) for distances travelled;
- (B) 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; and
- (C) at the rates paid to members of the public service of Saskatchewan for travel”; **and**

**(b) by adding the following clauses after clause (g):**

“(h) any amounts claimed for advertising costs respecting an advertisement that fails to comply with subsections 215(2) or (3);

“(i) any other amounts claimed respecting expenses that do not comply with the requirements of this Act”.

**Section 267 amended**

**105 Subsection 267(4) is amended in the portion preceding clause (a) by striking out “within three months after the candidate returned has been declared elected” and substituting “within three months after polling day”.**

**Section 269 amended**

**106(1) Subsection 269(1) is amended in the portion preceding clause (a) by striking out “sections 270, 271 and 275” and substituting “sections 270 and 271”.**

**(2) Subsection 269(2) is repealed.**

**(3) Subsection 269(3) is amended by striking out “clause (2)(b) or”.**

**(4) Subsection 269(4) is repealed and the following substituted:**

“(4) If a candidate was not endorsed by a registered political party and the value of all contributions to the candidate exceeds the candidate’s election expenses, the Minister of Finance shall not pay any reimbursement”.

**New section 270**

**107 Section 270 is repealed and the following substituted:**

**“If contributions and reimbursement exceed election expenses for candidate not endorsed**

**270** In the case of a candidate not endorsed by a registered political party, if the value of all contributions received by or on behalf of the candidate does not exceed the actual election expenses incurred by or on behalf of the candidate, but the total of the value of those contributions and the reimbursement calculated pursuant to section 264, 265 or 267 exceeds the actual expenses incurred by or on behalf of the candidate, the Minister of Finance shall pay to the business manager of the candidate only an amount equal to the actual election expenses incurred by or on behalf of the candidate less the value of contributions received by or on behalf of the candidate”.

**Section 277.1 amended**

**108 Subsection 277.1(1) is amended by striking out “*The Legislative Assembly and Executive Council Act, 2007*” and substituting “*The Legislative Assembly Act, 2007*”.**

**New section 285**

**109 Section 285 is repealed and the following substituted:**

**“Delivery or service**

**285(1)** Subject to any other provision of this Act, any election materials or statements, returns, reports or other documents that are required or permitted to be delivered or served by this Act may be delivered or served:

(a) by personal service made:

(i) in the case of an individual, on that individual;

(ii) in the case of a partnership, on any partner; or

(iii) in the case of any other person, any officer or director of that person;

(b) by any method that provides proof of mailing or delivery to the last known address of the person to be served that is known to the Chief Electoral Officer; or

(c) in the case of statements, election materials, returns, reports or other documents that are to be served on the Chief Electoral Officer, by any method that provides proof of mailing or delivery addressed to the main office of the Chief Electoral Officer.

(2) A document sent in the manner mentioned in clause (1)(b) or (c) is deemed to have been served on the third day following the date it is sent unless the person to whom the document was sent establishes that the document was not received until a later date through no fault of that person”.

**Section 287 amended**

**110(1) The following clause is added after clause 287(1)(a.1):**

“(a.11) for the purposes of subsection 88(2), prescribing a method of delivering an absentee ballot”.

**(2) Subsections 287(2) and (3) are repealed and the following substituted:**

“(2) The Chief Electoral Officer may determine the form and contents of any notice, application, return or other document required by the Act if the Lieutenant Governor in Council has not made regulations pursuant to clause (1)(b) prescribing a form respecting that notice, application, return or other document.

“(3) Any reference to a prescribed form in this Act is deemed to include a form determined by the Chief Electoral Officer in accordance with subsection (2).

“(4) If the Lieutenant Governor in Council makes regulations pursuant to clause (1)(b) prescribing forms, the regulations made by the Lieutenant Governor in Council prevail over the form determined by the Chief Electoral Officer”.

**Coming into force**

**111** This Act comes into force by order of the Lieutenant Governor in Council.







FOURTH SESSION  
**Twenty-eighth Legislature**  
SASKATCHEWAN

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**B I L L**

No. 202

An Act to amend *The Election Act, 1996*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Jeremy Harrison

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