



E-400

The Election Act, 1996
Section 5
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Candidate's Guide to Provisions of The Election Act, 1996

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Preface

The Office of the Chief Electoral Officer, also known as Elections Saskatchewan, is responsible for the administration of provincial elections and provincial election finances, pursuant to *The Election Act, 1996* (the “Act”).

This guide provides an overview of the steps necessary for participation as a candidate in the Province of Saskatchewan, the necessary appointments a candidate must make, the nomination process, and a discussion of the financial reporting responsibilities of a candidate and his or her appointees under the Act. Other guidelines prepared for use by candidates and their respective campaign officials include the “Business Manager’s Guide to Provisions of *The Election Act, 1996*”, Form E-402, and “The Auditor’s Guide to Provisions of *The Election Act, 1996* (Candidate)”, Form E-404. Those persons making use of this guide should be aware that it has no legislative authority and its intent is to assist candidates in determining their respective rights and obligations pursuant to the Act. For precise statutory provisions, reference should be made to the Act as amended.

Copies of *The Election Act, 1996* and guidelines and other forms mentioned within are available from:

Elections Saskatchewan
1702 Park Street
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These publications are also available on-line at www.elections.sk.ca.

Candidate

According to the Act, “candidate” means any individual who, after the writ of election in a constituency is issued, and before two o’clock p.m. on nomination day, files an official nomination paper with the constituency returning officer. [2(1)(h), 44(1)]

An individual is deemed a “potential candidate” if, before, on or after the date of writ of election in a constituency is issued, and prior to official nomination, he or she declares himself or herself, or is declared by others, to be a candidate. Designation as potential candidate is acquired where notification is received and registered through the Chief Electoral Officer of:

- an individual who, with his or her consent, has been selected as a candidate by a constituency association and has received the endorsement of his or her registered political party; or
- an individual who has not received the endorsement of a registered political party and has declared himself or herself to be a candidate;

in a forthcoming election in a constituency [2(1)(hh), 231].

In effect, the date of candidate’s registration commences the administrative and financial obligations of a candidate, whether registration is made prior to official nomination or before the issuance of the writ of election in the constituency. The candidacy period normally concludes with the compilation and filing, by or on behalf of the candidate, of the financial reporting obligations particular to the candidate’s election campaign unless terminated through withdrawal of the candidate from the election or the death of the candidate. [220(f), 261]

Qualification

To be eligible as a candidate for a provincial election in Saskatchewan a person must be:

- at least eighteen years of age; [42(1)(a)]
- a Canadian citizen; [42(1)(b)]
- ordinarily resident in Saskatchewan for at least six months prior to the issue of the writ of election; [42(1)(c)]
- not disqualified *by The Legislative Assembly and Executive Council Act* or by any other Act from being a candidate; [42(1)(d)]
- not disqualified from voting by section 17 of *The Election Act, 1996*; and
- not disqualified from being a candidate by section 42 of *The Election Act, 1996*.

Nomination

Procedure

The writ of election will specify a date for the nomination of candidates. This date must be not more than seventeen clear days and not less than eleven clear days after the date the writ of election in a constituency is issued. [31(3)(b)]

It is important to note that a candidate may file his or her nomination paper with the returning officer of the constituency in which he or she wishes to be elected any time after the writ of election is issued and before two o'clock p.m. on the day fixed for nominations (see Appendix I and II). The returning officer may, in the case of an emergency, accept a nomination paper by facsimile, if the originals and deposit required are provided to the returning officer within 48 hours of the deadline set for the close of nomination. [44(8)]

A nomination paper must be completed on the form prescribed by the Chief Electoral Officer and must include (see Appendix I and II):

- the name, address, occupation and signed consent of the candidate; [44(6)]
- the signatures of at least four voters who reside in the constituency in which the candidate is seeking election, each such signature witnessed by a voter resident in the constituency in which the election is to take place; [44(2)]
- the name, address and signed consent of the candidate's business manager; [44(6)]
- the name and address of the candidate's auditor; [44(6)]
- the nomination paper must be accompanied with a Declaration of a Candidate's Political Affiliation Form E-517, unless the registered party has filed with the Chief Electoral Officer form E-517C Declaration of a Candidate's Political Affiliation Composite, endorsing 2 or more of its' candidates and;
- **a deposit of \$100 in Canadian currency in the form of a postal money order or certified cheque drawn on a valid account in a chartered bank, trust company or credit union. Returning Officers cannot accept cash.** [46]

When the returning officer has received the deposit and the completed nomination paper and is satisfied as to their validity he or she will complete a certificate in respect of the nomination paper and deposit, and deliver to the candidate or the business manager said certificate. [48(1), 48(2)]

The candidate's deposit will be returned to the candidate if the candidate is elected or the candidate has received at least one half of the total number of valid votes cast for the candidate declared elected and the candidate or the candidate's business manager has filed an audited election expense return. In the event the election is found void and set aside or the returning officer refuses to issue a certificate of validity, a candidate's election deposit is returned immediately. Equally, if a candidate dies following the nomination but before close of the taking of the votes on election day the deposit is returned to the candidate's personal representative. [47(1), 47(2), 47(3)]

In circumstances where a candidate or a candidate's business manager has not filed an audited election expenses return, the deposit will not be returned. [47(5)]

Political Affiliation

A candidate's political affiliation will be described in election documents in one of the following three ways: [35(3)]

- as affiliated with a registered political party whose leader has endorsed the candidate;
- as Independent; or
- no designation.

In order to use the name of a registered political party in election documents a candidate must be endorsed by the leader of the registered political party or the leader's designated representative on the Declaration of Political Affiliation Form E-517 (filed with the Returning Officer) or Declaration of a Candidate's Political Affiliation Composite Form E-517C (filed with the Chief Electoral Officer) filed in conjunction with the nomination paper (see Appendix III and IV). These documents may be filed with the returning officer or the Chief Electoral Officer respectively. A candidate who is not endorsed by a registered political party will be designated in election documents as "Independent" unless he or she requests on said Declaration to have the "Independent" designation deleted. [45]

The Act requires, with respect to each individual who, before, on, or after the issuance of the writ of election, is selected by a party's constituency association to be a candidate, and whom the party intends to endorse as a candidate upon that individual filing his or her nomination paper, that each registered political party file with the Chief Electoral Officer written notice, signed by the party leader, or designate, setting out:

- the name and address of each such candidate;
- the name of the constituency association nominating each such candidate;
- and

-
- the written notice by each such candidate of the appointment and consent of each candidate's business manager and auditor having been given the authority to act in those capacities;

as soon as the party becomes aware of that selection (see Appendix V). [230]

In those circumstances where a potential candidate or a candidate is not endorsed by a registered political party, notification of the appointment and written consent of the business manager and auditor is to be forwarded directly to the Chief Electoral Officer. [43(4)(b)]

Withdrawal of a Candidate

A candidate may withdraw his or her nomination any time after nomination and before the close of polls on Election Day by filing with the constituency returning officer written notice of that withdrawal (see Appendix VI). A candidate who withdraws forfeits his or her nomination deposit to the Minister of Finance. Votes cast for a withdrawn candidate are void in the determination of the candidate returned being declared elected. [52]

Death of a Candidate

If a candidate dies after being nominated and before the close of polls on Election Day, the returning officer must fix a new nomination day and a new election day and notify the Chief Electoral Officer of the postponement of the election. [53]

Entitlement to Vote

In a general election, a candidate, and any spouse or dependent of that candidate who lives with that candidate is qualified to vote in one, but only one, of the following places: [16(5)]

- the polling division where the candidate lives; or
- any polling division in the constituency in which the candidate is a candidate.

Tie Result

If, on the final count, the returning officer finds that two or more candidates have the same number of votes, the returning officer shall declare the result to be a tie vote. In the event of a tie vote, each of the candidates having the same number of votes, or the business manager of those candidates, is entitled to request a recount or an addition. [148]

Candidates' Representatives

Participation of candidates' representatives at the polls is an integral part in the conduct of an election. As such, the rights and privileges of a candidate may be upheld through appointment of candidates' representatives. Such appointment must be made in writing by the candidate, of one or more voters or Saskatchewan residents who are Canadian citizens and who are 14 years of age or older, to be present and to represent him or her, in addition to or in place of himself or herself, at a polling place. [54(1)]

If a returning officer has established a central polling place and a candidate's representative takes an oath of secrecy or makes a declaration to that effect for a polling place that has been combined into the central polling place, the representative is deemed to have taken that oath or made that declaration for all polling places in the central polling location. [54(5)]

Each candidate's representative requires a Form E-417 Appointment of Candidate's representative (See Appendix VII) or Form E-417C Appointment of Candidate's Representative at a Central Polling Place (See Appendix VIII) to be signed by the candidate. [54(1)]

An election officer is prohibited by the Act from being appointed or acting as a candidate's representative. [3(1)(e)]

Business Manager

Appointment

A candidate is required, upon declaration of candidacy or before nomination day, to appoint a qualified voter to act as business manager. The appointment and consent must be made in writing, be signed by the candidate and be forwarded at the time of registration with the Chief Electoral Officer or filed in conjunction with the candidate's nomination paper (see Appendix IX). If this appointment ends for any reason, the candidate must immediately appoint another person to act as business manager and notify the Chief Electoral Officer of this change. Any new business manager appointed must comply with the provisions of the Act with respect to the actions of his or her predecessor. [43(1), 43(2), 44(6)]

A business manager may act as business manager on behalf of more than one candidate. [43(3)]

A returning officer, election clerk, supervisory deputy returning officer, deputy returning officer, poll clerk, enumerator and candidate is prohibited by the Act from being appointed or acting as business manager. [3(1)(e)]

Responsibilities

The business manager assumes absolute responsibility for overseeing the financial operations of the candidate's campaign including the compilation and filing of the candidate's election expenses return. Receipt of all contributions and other income and authorization and payment of all expenditures are under the authority of the business manager. As such the business manager is obliged to ensure the financial records of the candidate are kept accurately and completely. [236(4)]

In order to facilitate accurate recording of contributions and expenditures the business manager, in conjunction with the candidate's auditor, should establish and maintain an effective accounting system and keep legible records of all contributions and any other income received and ensure that all expenditures incurred by the candidate are recorded and paid in an appropriate fashion. [236(4), 236(5)]

Return

Election Expenses Return

Within three months after polling day, a business manager must file with the constituency returning officer, on behalf of his or her respective candidate, an audited election expenses return which sets out the following: [261]

- all contributions received, including the amount of money and the commercial value of goods and services;
- all election expenses incurred, including the personal expenses and campaign expenses of the candidate;
- designation by the candidate of the distribution of excess contributions and reimbursements; and [269(2)]
- solemn declarations by the business manager and the candidate.

Supporting bills, vouchers, statements, and proofs of payment verifying expenditures must be submitted with the return. This return must also be accompanied by the auditor's report. [261(1)(b), 261(3), 261(4)]

Within thirty days of the filing of any election expenses return, a returning officer shall publish a summary of the return in a newspaper published or circulated within the constituency and the Chief Electoral Officer will subsequently publish the return in *The Saskatchewan Gazette*. [261(8), 262(5)]

Contributions

All contributions received by or on behalf of a candidate's election campaign are under the auspices of the business manager. The total amount of contributions and the number of contributors must be reported in the election expenses return. In respect of each contribution, the following information must be recorded: [239(4), 261]

- source (name of contributor);
- amount of:
 - (i) dollar value of money received;
 - (ii) market value of goods or discount provided;
 - (iii) cost of salary or wages paid by the contributor for services provided;and
- date received.

In any instance where the aggregate value of contributions from any individual source exceeds \$250, that source must be identified in the return. [261(2)(g)]

Contributions may take the form of gifts, loans, advances, deposits or other forms of assistance. Contributors are to be listed by classification as follows: [220(d), 261(2)(e)]

- individuals;
- corporations;
- trade unions;
- unincorporated organizations and associations; and
- other persons or groups of persons.

Each contribution received, pursuant to subsection 240(6) of the Act, from a corporation, trust fund or constituency association must be accompanied by a statement, certified by the business manager to be true, setting out the name of the person authorizing the contribution on behalf of the corporation, trust fund, or constituency association and the name of and the amount contributed by each person who contributed more than \$250 in a year whose contribution was used to make up the funds contributed.

Likewise, each contribution received, pursuant to subsection 240(7) of the Act, from a registered party (defined in the Act as a “federally registered political party”) must be accompanied by a statement, certified by the business manager to be true, setting out the name of and the amount contributed by each person who contributed more than \$250 in a year whose contribution was used to make up the funds contributed.

Funds collected from other sources such as tickets sold for dinners, rallies, public meetings and other functions, as well as collections at such functions and proceeds from the sale of pins, buttons, flags, hats and other items are deemed contributions which must be recorded and reported in the aggregate. In addition, a record must be kept of all contributions or donations received, regardless of size, because the aggregate of contributions or donations by a donor during the period of registration of the candidate may exceed \$250, requiring individual reporting of the name of the donor. [261(2)(g), 261(2)(h)]

Contributions may be received by a candidate’s business manager in one of two forms: [220(d)]

- money; or
- donations in kind.

Money

Contributions of money should be recorded as they are received and deposited intact into a bank account set up for that purpose. [236(4)]

Donations in Kind

The Act requires that all goods and services provided (excluding volunteer labour) be recorded at their commercial value. The business manager is required to obtain, for each commercial value claim over \$25, commercially-valid written proof of the value of any goods and services in question. Such donations or contributions may include: [220(c), 255, 261(2)(a), 266(1)(a)]

- services of an employee provided by an employer;
- goods produced or donated by a person who is a commercial supplier of such goods;
- services provided by a person or organization who is a commercial supplier of those services;
- goods produced or donated by a person who is not a commercial supplier of such goods; or
- discounts on goods or services provided by any person (the “commercial value” in such case being the difference between the market value of such goods or services and the actual price charged for them).

Reference should be made to subsection 220(c) of the Act for guidance on the treatment of any shortfall between the commercial value and the amount, if any, charged for the goods or services in question.

The value of donations in kind must be recorded and included by the business manager as a contribution received where claimed as an election expense. Accordingly, commercial value is an election expense and a contribution concurrently and must be reported as such in both the contributions portion and in the election expenses portion of the election expenses return. [220(c), 220(e), 220(f)]

A contribution that is made through an agent and where the agent fails or refuses to disclose the identity of his or her principal is deemed to be received from an anonymous donor. No anonymous contribution in excess of \$250 may be accepted by a candidate’s business manager. Any such contribution must be reported and forwarded by the business manager to the Chief Electoral Officer and subsequently forfeited to the Minister of Finance. [241]

There are no limits on the amount of contributions a candidate may collect; however, contributions cannot be collected from persons outside Canada who are not Canadian citizens. [242]

While a candidate may not, an independent candidate may receipt contributions received from provincial resident taxpayers, inclusive of individuals and corporations, in accordance with *The Political Contributions Tax Credit Act, 2001* (Saskatchewan) and *The Income Tax Act, 2000* (Saskatchewan). For interpretation of the provincial political contributions tax credit regime, see Form P-604, Guide to Provisions of The Political Contributions Tax Credit Act, 2001 (Independent Candidate).

Expenditures

The Act defines expenses incurred by a candidate's campaign in three categories: candidate's personal expenses, candidate's campaign expenses and candidate's election expenses which are reported on in the election expenses return. [261(2)]

Candidate's Personal Expenses

Candidate's personal expenses are expenses incurred in connection with an election and are paid directly by the candidate during the period of his or her candidacy. Personal expenses of the candidate are to be recorded by the candidate and reported in the election expenses return but are not included in the calculation of election expenses. [220(j)]

Candidate's Campaign Expenses

Candidate's campaign expenses are expenses of the candidate incurred during an election and are paid directly by the candidate, or indirectly on behalf of the candidate, for travel to or within the constituency and include meals and accommodation. Candidate's campaign expenses, or any portion thereof, may be excluded in the calculation of election expenses if inclusion would result in the candidate exceeding the expense limitations specific to that election. [220(b), 252(4), 252(5)]

Candidate's Election Expenses

(i) General

An election expenses return sets out the amount of money spent and the commercial value of goods and services used during an election for election purposes.

Election expenses are defined in the Act as “. . . 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 . . .” Briefly, this definition includes all expenditures or liabilities incurred to promote or oppose a particular political party or candidate. It also includes the commercial value of goods and services donated (except volunteer labour) and the commercial value of goods and services provided to a candidate's campaign at less than their commercial value. The Act sets out the method for determining the value of goods and services provided at a cost lower than their commercial value. If goods and services donated are worth less than \$200, they are not considered in the reimbursement for election expenses. [220, 266(1)]

The phrase “during an election” is defined in the Act as, “. . . the period commencing the day a writ is issued for an election and ending on polling day for the election.” Accordingly, if a candidate spends money or incurs a liability prior to an election for an item used during an election the amount of the expenditure or liability is an election expense. [2(o)]

Without limiting the generality of the definition of “election expenses” in *The Election Act, 1996*, the following items must invariably be included as election expenses where they are used during an election: [220(f)]

- advertising and publicity, including production costs and placement;
- salaries paid to campaign officials, including remittances for C.P.P. and E.I.;
- travel, sustenance, and accommodation paid to campaign officials;
- rental of office and meeting space, including utilities, office equipment and supplies;
- campaign literature (pamphlets, posters signs etc.);
- lumber and other structural support material;
- postage or distribution costs of campaign literature;
- interest accrued on loans or lines of credit taken to acquire goods and services used during the election; and
- candidate's campaign expenses.
- the cost related to the conduct of election surveys or other surveys or research conducted during an election.

The Act deems a number of items not to be election expenses. For example: [220(h), 266(1)(c)]

- amounts for the use of privately owned vehicles (unless the amounts are for oil, fuel and additional insurance or unless the amounts are for distances traveled);
- payments for goods and services used before or after the election period;
- expenses related to recounts or additions;
- the costs of nomination of a candidate;
- candidate's nomination deposit;
- the cost or commercial value of free broadcast time where this time is available to all candidates;
- candidate's personal expenses [220(f), 220(h)].

(ii) Reporting of Other Payments

(a) Transfers

The business manager of a candidate is not required to report, in an election expenses return, transfers or gifts made to a registered political party during an election. However, where money transferred is used to finance election expenses, or where goods or services transferred are used as election expenses, the election expenses are attributable to the transferee. Such a transfer is considered a contribution for the benefit and use of the recipient. The transferor shall record the transfer, but is not entitled to claim the amount as an election expense. [266(1)(b)]

(b) Donations in Kind

The commercial value of goods and services (donations in kind) must be recorded and included by the business manager as a contribution received where used as an election expense, unless the aggregate of all donations from a donor does not exceed \$25 in total. Accordingly, commercial value is an election expense and a contribution concurrently and must be reported as such in both the contributions portion and in the election expenses portion of the election expenses return. In circumstances where commercial value is determined to be worth \$200 or less, it will not be reimbursed. [239(5), 266(1)(a), 269(1)]

(c) Volunteer Labour

Where services are provided to the election campaign by a business manager or other campaign official, as a donation of time rendered without any form of remuneration paid by the campaign, the services are deemed “volunteer labour” and the cost of those services is not considered an election expense. [220(e)(iii), 220(e)(iv)(A)]

In cases where a campaign official’s services have been provided by a union or business and remuneration has been paid by that union or business to the official rendering the services, the services are not to be regarded as volunteer labour, but rather are to be regarded as having a commercial value which should be calculated and treated as both a contribution and an election expense.

(d) Fund-Raising Events

Funds from other sources such as tickets sold for dinners, rallies, public meetings, and other functions, as well as funds collected at such functions and proceeds from the sale of pins, buttons, flags, hats and other items are deemed to be contributions received. However, the expenses incurred in raising funds reported as contributions at fund-raising events are to be deducted from the gross income and the net income reported as the contribution to the candidate. [261(2)(h)]

Conversely, lawful expenses of public meetings or rallies held for election purposes may be claimed as election expenses as long as no tickets or fees in the nature of admission or participation charges are sold or collected and the dominant purpose of the event is not fund-raising. The collection of voluntary donations at a meeting or rally also does not, by itself, determine the nature of the event as a fund-raising event.

(iii) Payments

The Act sets out requirements regarding the payment of election expenses of a candidate. These procedures are as follows:

- creditors must submit all accounts to the candidate or business manager within sixty days after the day fixed for the return to the writ. [256(1)]
- if a creditor dies within the sixty day period his or her legal representative must submit the bill, charge or claim to the candidate or business manager within two months of becoming the legal representative of the creditor; [256(3)]

-
- failure to deliver a bill, charge or claim within either of the two periods mentioned above means the account is barred and may not be paid by the business manager; and [256(2),(5)]
 - all non-barred accounts must be paid within ninety days of polling day and any account not paid within the ninety day period is deemed to be a disputed claim and may only be paid under the direction of the Chief Electoral Officer or an order of a Judge of the Court of Queen's Bench. [257, 258(1), 258(5)]

In order for the candidate to support and substantiate the payment of any expenses exceeding \$25, all original bills, invoices, bills of lading, work orders, purchase orders, leases and vouchers stating particulars of each expense, and proofs of payment in the form of receipts or cancelled cheques must be included when making claim as an election expense. In cases where the commercial value of goods or services is being considered as an election expense, the commercial value of the goods and services must be established by an independent means, such as a statement or a written estimate from a commercial supplier setting out the market value of the goods or services in question. [255, 261(2)(a), 261(2)(i)]

(iv) Election Expense Limits

Candidates are subject to certain limitations on the incursion of election expenses during elections. As such, determination of spending limits is based on whether the candidate is contesting an election conducted in a Northern constituency or Southern constituency. For example, in the case of:

- an election held in a Northern constituency, the spending limit corresponds with the greater of either: (a) the amount determined by multiplying the number of voters on the revised voters' list by an established base amount to be adjusted annually, or (b) the base amount established for a Northern constituency to be adjusted annually for inflation in accordance with the Consumer Price Index (C.P.I.) [252(1)(a)].
- an election held in a Southern constituency, the spending limit corresponds with the greater of either: (a) the amount determined by multiplying the number of voters on the revised voters' list by an established base amount to be adjusted annually, or (b) the base amount established for a Southern constituency to be adjusted annually for inflation in accordance with the C.P.I. [(252(1)(b)].

Note: “Southern constituency” is defined as all constituencies with the exception of Athabasca and Cumberland, which are “Northern Constituencies”.

The number of voters for each constituency is established through enumeration and a revision process. The calculation of spending limits, is therefore based on the total number of names on the revised voters’ list in the constituency.

Expense limits are adjusted for inflation to correspond with each calendar year in accordance with the C.P.I. Current year limits are forwarded by the Chief Electoral Officer to each registered political party and are published in *The Saskatchewan Gazette*. They may also be obtained by contacting the Office of the Chief Electoral Officer. [221]

In view of the nature and extent of the responsibilities assumed by the business manager in preparing and filing the election expenses return of the candidate, it is essential that the candidate be thoroughly aware of all matters respecting that return. [236(4), 261(5)]

Reimbursement of Election Expenses

In certain instances a candidate may be entitled to receive reimbursement of a portion of his or her lawfully incurred election expenses. To be eligible for reimbursement, a candidate must have received not less than 15 per cent of all valid votes cast in the constituency, and his or her business manager must have completed and submitted an audited election expenses return. [265(1)]

Based on the information contained in the return, and subject to proper compliance and eligibility, the Chief Electoral Officer shall authorize payment to the business manager or to any other person the candidate designates in writing, a sum equal to the lesser of: [265(6)]

- 60% of the eligible election expenses of the candidate other than those expenses which are disputed or unpaid; or [265(6)]
- the maximum reimbursement allowable under the Act.

The amount of reimbursement is subject to other considerations as identified below.

- (i) If the value of all contributions received does not exceed the election expenses but the value of those contributions and the reimbursement calculated exceeds the election expenses incurred by or on behalf of the candidate, the reimbursement shall be distributed as follows: [270(a)]
- where the candidate is endorsed by a registered political party, those contributions and the reimbursement less the election expenses to the chief official agent of the registered political party or to the candidate's business manager, as directed by the candidate, and to the business manager an amount equal to the election expenses less the contributions received; or [270(a)]
 - where a candidate is not endorsed by a registered political party, to the business manager of the candidate an amount equal to the election expenses less the contributions received. [270(b)]
- (ii) If the value of all contributions to a candidate exceeds the candidate's election expense:
- in the case of a candidate endorsed by a registered party, pay any reimbursement to the party's chief official agent or to the candidate's business manager as directed by the candidate
 - where a candidate is not endorsed by a registered political party, no reimbursement is to be paid

The Act is specific in respect of payment of reimbursement to qualifying candidates, and as such the Chief Electoral Officer is required, following receipt of an audited election expenses return, to conduct a preliminary review and to issue a certificate authorizing the Minister of Finance to make an interim payment for 75 per cent of the total amount of reimbursement allowable of the election expenses claimed in the return. [265(2), 265(3)]

Within 90 days of receipt of the return, the Chief Electoral Officer shall complete a detailed examination, issuing a certificate to the Minister of Finance authorizing a final payment of the total amount of eligible election expenses reimbursable exceeding the initial 75 per cent payment. [265(4), 265(5), 269(4), 270]

Calculations for reimbursement of election expenses do not include disputed or unpaid claims if those claims are still outstanding at the time of filing of the return. However, the Act recognizes expenditures not lawfully paid and makes consideration for provision of payment in certain situations as allowable election expenses. Thus, if payment is made under the direction of the Chief Electoral Officer or a Judge's Order (Saskatchewan Court of Queen's Bench) or to the representative of a creditor who has died, the Chief Electoral Officer may authorize a supplementary reimbursement of election expenses upon receipt of documented payment of said claims. [261(6), 261(7)]

Barred claims may not be revived and shall not be reimbursed. [256]

A number of election expenses are not reimbursable pursuant to section 264, 265 or 268 and include: [266(1)]

- any commercial value claims for items totaling \$200 or less;
- 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;
- 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 the receipts or cancelled cheques that provide proof of payment; or
 - (ii) the amounts are for distances traveled and supported by signed invoices or vouchers containing details of the number of kilometres traveled, the locations traveled to and from and the dates of travel;
- any amounts spent for beverage alcohol;
- any amounts claimed that are for goods previously used in an election or goods that are unused, if the costs of those goods was claimed in a previous election expenses return pursuant to this Act or a prior *Election Act*;
- any amounts incurred or paid as expenses for fund-raising functions;
- any amounts claimed as election expenses that are not supported by:
 - (i) a supplier document that states the particulars of the expense; and
 - (ii) a receipt or cancelled cheque that provides proof of payment.

Surplus

- (i) In instances where the value of all contributions and any reimbursement paid to the business manager of a candidate exceeds the election expenses incurred, the candidate's business manager shall pay the surplus amount: [269(2)]
- where a candidate is endorsed by a registered political party, to the chief official agent of the registered political party, or to the candidate's constituency association, as directed by the candidate; or
 - where a candidate is not endorsed by a registered party, to the Minister of Finance.
- (ii) If the candidate dies or withdraws from an election and prior to the death or withdrawal the value of all contributions received exceeds the candidate's election expenses, no reimbursement shall be paid, and the candidate's business manager shall pay the excess amount:
- where the candidate is endorsed by a registered political party, to the chief official agent of the registered political party; or [271(a)]
 - where the candidate is not endorsed by a registered political party, to the Minister of Finance.[271(b)]

Auditor

Appointment

A candidate is required, upon declaration of candidacy or before nomination day, to appoint an auditor. The appointment and consent must be made in writing, be signed by the candidate and be forwarded at the time of registration with the Chief Electoral Officer or filed in conjunction with the candidate's nomination paper (see Appendix X). If this appointment ends for any reason, the candidate must immediately appoint another person to act as auditor and notify the Chief Electoral Officer of this change. [238]

According to the Act, an auditor must be a person who is, or a firm with at least one person that is, a member in good standing of: [222]

- the Institute of Chartered Accountants of Saskatchewan;
- the Certified General Accountants Association of Saskatchewan; or
- the Society of Management Accountants of Saskatchewan.

An auditor must apply generally accepted accounting and auditing principles in conducting an examination or in making a report pursuant to the Act. [222(2)]

A returning officer, election clerk, supervisory deputy returning officer, deputy returning officer, poll clerk, enumerator, candidate, business manager of a candidate, chief official agent of a registered political party, and anyone who is a partner, employee or student of any of the foregoing is prohibited by the Act from acting as auditor for a candidate or participating in the examination or the preparation of an auditor's report. [238(4)]

Given that the nature of a candidate's election campaign is particular to the election contested, the engagement of the auditor concludes following the auditor's examination and preparation of reporting on financial obligations of the candidacy.

Responsibilities

The auditor reports in writing to the business manager on the election expenses return prepared on behalf of the candidate. [238(5)]

In order to make this report, the auditor is entitled, under the Act, to make any examinations he or she considers necessary to comment on whether the return fairly presents the financial transactions in the accounting records on which they are based. More specifically, the auditor must make statements in his or her reports where in the auditor's opinion: [238(6), 238(7)]

- the return does not fairly represent the financial transactions required to be set out by the reports;
- the auditor did not receive all the information and explanations requested from the business manager; and
- it appears that proper accounting records have not been kept by the business manager.

The auditor is entitled, at reasonable times, to have access to all records, documents, books, accounts and vouchers of the business manager and of the candidate. The auditor is also entitled to require any information and explanation from the business manager and candidate he or she considers necessary to make his or her report. [238(8)]

A definite and clear understanding should be established among the auditor, the candidate and his or her business manager to ensure awareness of their respective financial reporting responsibilities under the Act.

Reimbursement of Auditor's Account

The auditor's fees for reporting on the election expenses return are reimbursable and as such are paid by the business manager and are not to be included on the election expenses return as an election expense. [267(7)]

The auditor's account of a candidate is reimbursable regardless of whether the candidate qualifies for reimbursement of his or her election expenses. [267(4)]

The business manager, upon receipt of a bill or invoice marked "paid" from the auditor, submits that proof of payment and cancelled cheque to the Chief Electoral Officer. Upon receipt by the Chief Electoral Officer of proof of payment for auditing services rendered, the business manager is entitled to reimbursement up to the maximum prescribed in the Act and adjusted annually for inflation in accordance with the C.P.I. [267(4), 267(5), 267(6)]

Miscellaneous

Metro Organizations or Co-ordinated Campaigns

The Election Act, 1996 recognizes the use in Saskatchewan of joint campaigns or organizations among candidates. Joint campaigns have been used extensively in large urban centres of the province (metro organizations); but they are also possible in rural areas.

Pursuant to section 260 of the Act, any number of candidates of a particular political party may enter into an agreement or arrangement in writing with each other, or with each other and their political party, for the purpose of jointly incurring candidate election expenses and making payments of these expenses. Any such agreement must specify the proportions to be paid by each candidate and the method adopted for payment of said expenses, indicate who will administer the agreement and be signed by the administrator and all participating candidates.

All business managers' party to such an agreement must file a copy of the document in their respective candidates' election expenses returns. The administrator of the agreement shall retain all original documentation for filing purposes, prepare and forward duplicate copies of each transaction's detail pursuant to the agreement for inclusion in each participant's respective election expenses return. [260(4)]

A registered political party may only enter into such an agreement for the purpose of administering the agreement since such agreements are only for the incursion of candidate election expenses. As such, the role of the chief official agent in such cases must be solely as an administrator of the agreement for the convenience of the candidates. [260(1)]

Campaign Advertising, Broadcasting

The Election Act, 1996, section 215, requires that every advertisement having reference to any election or promoting the candidacy of a particular person, must prior to its distribution, display on its face the statement that the advertisement is "authorized by the business manager for [name of the candidate]" or if the name of the candidate is clearly indicated on the advertisement, the statement that the advertisement is "authorized by the business manager for the candidate". The term "advertisement" includes any visual publication, display or representation consisting of images or text, any audio publication or representation, any handbill, placard, poster, circular letter or pamphlet, any electronic or digital display and any radio or television broadcast.

According to section 190 of the Act, no person shall on election day, post or display within any polling place, on a hall, window or door of a polling place or of the building in which a polling place is situated, or in or within fifty feet of a polling place, any campaign literature, emblems, ensign, badge, ribbon, label, flag, banner, card, poster or device that could be taken as an indication of support of a candidate or political party or group. Section 190 also prohibits the use of a public address system or other loudspeaker device and the organization of or participation in parades or demonstrations for the purpose of promoting or securing the election of a candidate on polling day, prior to the closing of the polls. It is also forbidden to bring into or use or possess in any polling place a cellular phone or other communications device. Any person who contravenes these provisions may be excluded from a polling place and any offending material may be removed from display.

As well, section 190 provides that a candidate's representative inside a polling place may wear a badge which is in a form approved by the Chief Electoral Officer, identifies the function of the candidate's representative and identifies the party endorsing the representative's candidate or, if such is the case, the independent status of the candidate.

In accordance with the above, section 189 of the Act forbids the unlawful taking down, covering up, mutilation, defacing or altering of;

- a poster or sign set up or displayed by or on behalf of a candidate.
- an election proclamation, notice or other document required by this act.

Voters' Lists

Voters' lists in the custody of the Chief Electoral Officer shall not be open to public inspection pursuant to section 177 of the Act. However, the Chief Electoral Officer is permitted to enter into agreements with registered political parties and candidates for the use of voters' lists, providing such an agreement does not contravene *The Freedom of Information and Protection of Privacy Act*. Any such agreement will include terms that these voters' lists are to be used for electoral purposes only and that the receiving party or candidate is to refrain from giving the lists, in any form, to any other person. The Chief Electoral Officer intends to take all reasonable steps to protect against any use of a voters' list other than a use authorized by the Act. [24(12)]

This guide has been prepared to facilitate compliance with related provisions of *The Election Act, 1996*. In instances where interpretation of the requirements is ambiguous it is within the mandate of the Chief Electoral Officer to interpret and prescribe legislative intent under the Act. This guide has no legal or legislative effect.

DECLARATION OF A CANDIDATE'S POLITICAL AFFILIATION**E-517**

*** Please be advised that if Form E-517 is not completed or submitted with the nomination paper, the candidate will be referred to in all related election documents, including ballots, as an "Independent" Candidate.

Part A – Candidates who are endorsed by a Registered Political Party

This certifies that _____ being a candidate in the constituency of _____ for the election being held on _____, _____ is the Candidate endorsed officially to represent the _____.

Said party is a registered political party in the Province of Saskatchewan. Please indicate the candidate's political affiliation in all related election documents, including ballots.

DATE: _____

Signature of Party Leader/Designated Representative

*** A Registered Political Party who wishes to endorse several candidates on a single document may use Form E-517C, Declaration of a Candidate's Political Affiliation Composite, instead of this form. If using Form E-517C it must be submitted at the same time as the Candidate's nomination paper.

Part B – Candidates who are not endorsed by a Registered Political Party

If this part of Form E-517 is completed no designation will appear on related election documents, including ballots.

I, _____ the undersigned candidate in the constituency of _____ for the election to be held on _____, _____ state that I DO NOT wish to use the word "Independent" on all related election documents, including ballots.

DATE: _____

Signature of Candidate

CHECKLIST FOR THE SUBMISSION OF THE NOMINATION PAPER

FILING DEADLINE

- Form E-405, Candidate's Nomination Paper, must be personally submitted to the Returning Officer no later than 2:00 p.m. on the day fixed for close of nominations.

NOMINATION DEPOSIT

- \$100 deposit must be submitted to Returning Officer at same time as form E-405, Candidate's Nomination Paper. The deposit must be:
- in Canadian currency;
 - either a **postal money order or a certified cheque** drawn on a valid account in a chartered bank, trust company or credit union; and
 - made payable to the Saskatchewan Minister of Finance.

THE RETURNING OFFICER CANNOT ACCEPT CASH
Nomination Papers submitted with a cash deposit will be rejected.

CANDIDATE WITH A POLITICAL AFFILIATION

A Candidate may choose to file the Nomination Paper with either:

- Form E-517, Declaration of a Candidate's Political Affiliation; or
- Form E-517C, Declaration of Candidate's Political Affiliation Composite


Either of these forms must be signed by the Leader of the registered political party, or a designated representative, in order for the candidate's political affiliation to appear on the ballot.

A Candidate that is not endorsed by a registered political party or who has not completed Form E-517(C) will have the word "INDEPENDENT" appear below his or her name.

ELECTRONIC FILING

In the case of an emergency, a Returning Officer may accept a Nomination Paper by facsimile.

The candidacy will only be valid if the originals and the required \$100 deposit are subsequently provided to the Returning Officer within 48 hours of the filing deadline.



Declaration of a Candidate's Political Affiliation Composite

E-517C
The Election Act, 1996
 Section 45
 (rev. 2005)

Original Submission
 Additions
 Changes *(will supersede any prior submissions related to the same information)*

NEW 2005 Legislative Provision – section 45(1.1) of The Election Act, 1996:

- ✓ Form E-517C - DECLARATION OF A CANDIDATE'S POLITICAL AFFILIATION COMPOSITE, must be filed with the Chief Electoral Officer before 2:00 p.m. on the day fixed for nomination.
- ✓ Form E-517C - DECLARATION OF A CANDIDATE'S POLITICAL AFFILIATION COMPOSITE must be signed by the leader of a registered political party, or a designated representative.

Note: A candidate will not be recognized as affiliated with a registered political party unless either Form E-517C is filed by the registered party with the Chief Electoral Officer or Form E-517 (accompanied with the Candidate's NOMINATION PAPER, Form E-405) is filed with the Returning Officer.

Declaration

The undersigned, hereby certify that the following persons are endorsed as candidates of the _____
Name of Registered Political Party

_____ in the constituency appearing beside their names in the current provincial election.

Date: _____, 20____

Signature of Party Leader / Designated Representative

Constituency	Candidate's Name
Arm River-Watrous	
Athabasca	
Batoche	
Biggar	
Cannington	
Canora-Pelly	
Carrot River Valley	
Cumberland	
Cut Knife-Turtleford	
Cypress Hills	
Estevan	
Humboldt	
Indian Head-Milestone	
Kelvington-Wadena	
Kindersley	
Last Mountain-Touchwood	
Lloydminster	
Martensville	
Meadow Lake	
Meelfort	
Melville-Saltcoats	
Moose Jaw North	
Moose Jaw Wakamow	
Moosomin	
Prince Albert Carlton	
Prince Albert Northcote	
Regina Coronation Park	
Regina Dewdney	
Regina Douglas Park	

Constituency	Candidate's Name
Regina Elphinstone-Centre	
Regina Lakeview	
Regina Northeast	
Regina Qu'Appelle Valley	
Regina Rosemont	
Regina South	
Regina Walsh Acres	
Regina Wascana Plains	
Rosetown-Eirose	
Rosthern-Shellbrook	
Saskatchewan Rivers	
Saskatoon Centre	
Saskatoon Eastview	
Saskatoon Fairview	
Saskatoon Greystone	
Saskatoon Massey Place	
Saskatoon Meewasin	
Saskatoon Northwest	
Saskatoon Nutana	
Saskatoon Riversdale	
Saskatoon Silver Springs	
Saskatoon Southeast	
Saskatoon Sutherland	
Swift Current	
The Battlefords	
Thunder Creek	
Weyburn-Big Muddy	
Wood River	
Yorkton	


For Use by Chief Electoral Officer

Received at _____ a.m./p.m. on _____, 20____

Signature of Chief Electoral Officer

**Notice of Selection of a Candidate
by a Registered Political Party**

Appendix V

 SASKATCHEWAN	E-516 The Election Act, 1996 Section 230
Notice of Selection of a Candidate by a Registered Political Party	
<p>Note: Where any information to be filed with the Chief Electoral Officer following selection of a candidate by a constituency association of a registered political party becomes known to that party or is altered, the registered political party shall, by instrument in writing (this form) signed by the leader, notify the Chief Electoral Officer of the designation of any such candidate and any subsequent replacement thereof. This form must be filed in conjunction with the written notice by the candidate of the appointment and consent of the business manager and of the auditor having been given authority to act in those capacities (s. 236 and s. 238).</p>	
Notice is hereby given that:	
Name of Candidate _____	
Address _____	Postal Code _____
has been selected by _____ Name of Constituency Association	
on _____, _____, _____, as a Candidate at the election about to be held, Date	
of a member to serve the constituency of _____ to represent the _____ in the Legislative Assembly of Saskatchewan. Name of Registered Political Party	
Given under my hand this _____ day of _____, _____.	
_____ Signature of Party Leader	
Received, registered and effective, this _____ day of _____, _____.	
_____ Signature of Chief Electoral Officer	



E-407

Form UU

The Election Act, 1996
Section 52

Withdrawal of Candidate

Constituency of _____

I, _____, a Candidate nominated

for the above constituency, withdraw.

Dated at _____, Saskatchewan, this _____ day of _____, _____.

Signature of Candidate



Appointment of Candidate's Representative

E-417
The Election Act, 1996
Revised July 2011

Constituency of: _____ Polling Day: _____

Appointment

I, _____ the undersigned Candidate,
Name of Candidate

representing the _____, for the election now pending, hereby appoint
Name of Registered Political Party

_____ to be my representative at the polling place established at
Name of Designate

Address of Polling Place

Date: _____
Signature of Candidate

Candidate's representative must retain the yellow copy of this form and produce as evidence of appointment to each Deputy Returning Officer within the polling place. The white copy of this form will be given to the SDRO or DRO (if there isn't an SDRO in the polling place) to be returned to the Returning Officer after the close of the poll.

FOR USE BY A DEPUTY RETURNING OFFICER WITHIN A POLLING PLACE

I certify that the above name candidate's representative has sworn the Oath of Secrecy or made the Declaration of Secrecy as required by section 14 of *The Election Act, 1996* at poll number _____
(or as the case may be)

Date: _____
Signature of Deputy Returning Officer



Appointment/Consent of the Business Manager of a Candidate

E-401

The Election Act, 1996 Sections 43 and 236(1) Revised 2008

To be filed, within 10 days, with the registered political party or with the Chief Electoral Officer

Constituency of _____

Part I

I, the said _____, having declared my candidacy at the election of a member to represent the said constituency in the Legislative Assembly of Saskatchewan do hereby appoint _____ Name

Address _____ Postal Code _____

Home Phone Number _____ Business Phone Number _____ Cellular Number _____ E-mail Address _____

to act as my Business Manager at the election about to be held.

Given under my hand this _____ day of _____, _____.

Signature of Candidate

Part II

I, the said _____, being a qualified voter in the Province of Saskatchewan, do hereby consent to my appointment to act as Business Manager to the above-named Candidate in the election about to be held.

Dated at _____, Saskatchewan, this _____ day of _____, _____.

Signature of Business Manager

Note: The Chief Electoral Officer shall forthwith be notified in writing (this form) of the appointment and consent of the Business Manager of a Candidate and any subsequent replacements thereof (s.43(5) and s.236(3)).

Received, registered and effective, this _____ day of _____, _____.

Signature of Chief Electoral Officer



Appointment/Consent of the Auditor of a Candidate

E-403

The Election Act, 1996
Section 238(1)
Revised 2008

To be filed with the registered political party or with the Chief Electoral Officer

Constituency of _____

Part I

I, the said _____, having declared my candidacy at the election of a member to represent the said constituency in the Legislative Assembly of Saskatchewan do hereby appoint _____
Name

Address _____ Postal Code _____

Home Phone Number _____ Business Phone Number _____ Cellular Number _____ E-mail Address _____

to act as my Auditor at the election about to be held.

Given under my hand this _____ day of _____, _____.

Signature of Candidate

Part II

I, the said _____, do hereby consent

to my appointment to act as Auditor for the above-named Candidate in the election about to be held.

Dated at _____, Saskatchewan, this _____ day of _____, _____.

Signature of Auditor

Note:

The Chief Electoral Officer shall forthwith be notified in writing (this form) of the appointment and consent of the Auditor of a Candidate and any subsequent replacements thereof (s.238(3)).

Received, registered and effective, this _____ day of _____, _____.

Signature of Chief Electoral Officer

