

2018

## CHAPTER 47

An Act to amend *The Election Act, 1996* and to  
make consequential amendments to certain Acts

(Assented to December 5, 2018)

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, 2018*.

**SS 1996, c E-6.01 amended**

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

**New sections 5.1 and 5.2**

3 **The following sections are added after section 5:**

**“Authority to test alternate procedures, equipment or technology during by-election**

5.1(1) In this section and in section 5.2, ‘**alternate procedure, equipment or technology**’ means a procedure, equipment or technology that is different from that required by this Act or the regulations.

(2) Notwithstanding any other provision of this Act or the regulations, the Chief Electoral Officer may direct the use of an alternate procedure, equipment or technology during a by-election.

(3) A directive of the Chief Electoral Officer issued pursuant to this section must:

- (a) describe in detail the alternate procedure, equipment or technology to be used; and
- (b) refer to the provisions of this Act or the regulations that will be varied or not complied with during the by-election.

(4) No by-election shall be held in accordance with a directive issued pursuant to this section unless, at least four weeks before the writ for the by-election, the Chief Electoral Officer has:

- (a) advised the Speaker and the Board of Internal Economy of the intention to proceed with the proposed use of an alternate procedure, equipment or technology during the by-election and provided the Speaker and the Board with a copy of the intended directive;
- (b) provided a copy of the intended directive to each registered political party; and
- (c) published a copy of the intended directive on the Elections Saskatchewan website.

- (5) A directive issued pursuant to this section prevails in the case of any conflict between the directive and any provision of this Act or the regulations.
- (6) If the Chief Electoral Officer takes any action pursuant to this section during a by-election, the Chief Electoral Officer shall prepare and submit to the Speaker, within six months after polling day, a written report that:
- (a) deals with the alternate procedure, equipment or technology used; and
  - (b) if appropriate, makes recommendations with respect to amending this Act to allow the adoption of the alternate procedure, equipment or technology on a permanent basis.
- (7) In accordance with section 13 of *The Executive Government Administration Act*, the Speaker shall lay before the Legislative Assembly each report received by the Speaker pursuant to this section.
- (8) No by-election, and no proceeding taken pursuant to this Act or the regulations, is invalid by reason of a failure to comply with this Act or the regulations if that non-compliance is authorized by a directive issued pursuant to this section.
- (9) No by-election, and no proceeding taken pursuant to this Act or the regulations, is invalid for an irregularity in complying with a directive issued pursuant to this section if there has been substantial compliance with the directive.

**“Use of alternate procedure, equipment or technology during a general election**

- 5.2(1)** The Chief Electoral Officer may direct that an alternate procedure, equipment or technology be used during a general election if the Chief Electoral Officer has received approval to do so from the Board of Internal Economy.
- (2) The Chief Electoral Officer’s directive pursuant to this section must:
- (a) describe in detail the alternate procedure, equipment or technology to be used; and
  - (b) refer to the provisions of this Act or the regulations that will be varied or not complied with during the general election.
- (3) The Chief Electoral Officer shall:
- (a) provide copies of the directive to each registered party and to every candidate who has been nominated; and
  - (b) publish the directive on the Elections Saskatchewan website.
- (4) During a general election, the alternate procedure, equipment or technology must be made available in every constituency.
- (5) If an alternate procedure, equipment or technology is used at an election in accordance with this section, the Chief Electoral Officer shall include a report on the matter:
- (a) in the report that the Chief Electoral Officer makes with respect to that election pursuant to section 286; or
  - (b) in the next annual report made pursuant to section 286.1.

(6) No general election, and no proceeding taken pursuant to this Act or the regulations, is invalid by reason of a failure to comply with this Act or the regulations if that non-compliance is authorized by a directive issued pursuant to this section.

(7) No general election, and no proceeding taken pursuant to this Act or the regulations, is invalid for an irregularity in complying with a directive issued pursuant to this section if there has been substantial compliance with the directive”.

**New section 135.1**

**4 The following section is added after section 135:**

**“Advance voting modifications**

**135.1(1)** Notwithstanding any other provision of this Act or the regulations, the Chief Electoral Officer may direct that voting at one or more advance polls be conducted in accordance with one or more of the modifications described in subsection (2).

(2) The Chief Electoral Officer may do all or any of the following:

(a) direct that the poll book used at an advance poll be in an electronic format in whole or in part;

(b) subject to subsection (3), direct that vote counting equipment be used at an advance poll;

(c) subject to subsection (4):

(i) establish special election officer positions;

(ii) specify the duties, responsibilities and functions of special election officers;

(iii) specify the provisions of this Act or the regulations that are to apply to special election officers and the manner in which they are to apply; and

(iv) direct the returning officer to appoint individuals to the special election officer positions instead of appointing individuals as election officers.

(3) The following restrictions apply with respect to the use of vote counting equipment:

(a) the equipment must not be a part of or connected to an electronic network during the voting process;

(b) at the option of the Chief Electoral Officer, the equipment may be securely connected to an electronic network after the polls close for the purpose of transmitting information to the Chief Electoral Officer;

(c) the equipment must be tested in accordance with accepted industry standards;

(d) the equipment must not be used in any way that enables a voter’s choice of a candidate for whom the voter intends to vote to be made known to an election officer, a special election officer or a candidate’s representative.

- (4) The following restrictions apply with respect to the appointment of an individual to a special election officer position:
- (a) the individual must be a voter who is:
    - (i) eligible for appointment in accordance with section 3;
    - (ii) in the opinion of the returning officer, competent and reliable; and
    - (iii) willing to act in the position;
  - (b) the individual must take an oath or make a declaration in the form required by the Chief Electoral Officer.
- (5) If the use of an electronic poll book is directed:
- (a) any requirement in this Act for the signature of a person in the poll book is satisfied by an electronic signature that is in, attached to or associated with any part of the poll book in electronic form;
  - (b) the furnishing of poll book entries after the closing of the advance poll on the last day of the advance poll, as required by this Act, is satisfied by the provision of the entries in an electronic or printed format, at the option of the Chief Electoral Officer;
  - (c) during the conduct of the advance poll, the Chief Electoral Officer shall have access at all times to the electronic poll book and, in the Chief Electoral Officer's discretion, may provide electronic updates of unique voter identification information or other information from the poll book entries to candidates and registered political parties by secure transmission from the poll book;
  - (d) electronic forms may be completed and transmitted to the Chief Electoral Officer respecting voter registration at the advance poll, with information supplied by the voter, if that registration is provided for by this Act;
  - (e) after closing of the advance poll on the last day of the advance poll, data from the electronic poll book must be securely stored and protected from loss, disclosure or unauthorized access, with any part of the poll book in a physical form being placed in a ballot box as required by this Act; and
  - (f) the Chief Electoral Officer has authority to adapt any other provision of this Act that the Chief Electoral Officer considers necessary or advisable to facilitate the use of the electronic poll book.
- (6) If the use of vote counting equipment is directed:
- (a) the Chief Electoral Officer may modify the form of the ballot paper used at an advance poll covered by the directive to the extent necessary for proper operation of the vote counting equipment, including by the inclusion of machine-readable features in the ballot paper and the use of a secrecy sleeve, without change in substance, insofar as is possible, of the requirements set out in this Act and the regulations respecting ballot papers; and

(b) the Chief Electoral Officer has authority to adapt any other provision of this Act that the Chief Electoral Officer considers necessary or advisable to facilitate the use of the vote counting equipment”.

**Section 220 amended**

**5 Clause 220(d) is repealed and the following substituted:**

“(d) **‘contribution’**, subject to section 238.1, includes a gift, loan, advance, deposit or other form of assistance”.

**New section 238.1**

**6 The following section is added before section 239:**

**“Loans and guarantees by financial institutions**

**238.1(1)** In this section, **‘financial institution’** means a bank, trust or loan corporation or credit union.

(2) For the purposes of this Act, a contribution does not include:

(a) a loan provided by a financial institution unless the loan is forgiven or written off; or

(b) a financial guarantee that is provided based on standard commercial terms.

(3) If a loan mentioned in subsection (2) is made at a rate of interest that is less than the prime rate of interest of that financial institution as at the date the loan is fixed, the benefit of the difference between the amount of interest that would be payable at that prime rate and the amount of interest being charged for the loan is a contribution.

(4) The Chief Electoral Officer may request, in writing, that a financial institution that has provided a loan or financial guarantee mentioned in this section furnish reports and documents respecting the loan or financial guarantee that the Chief Electoral Officer may require, and every financial institution to which a request is made shall comply with the request within the period specified in the request”.

**Section 277 amended**

**7 The following clause is added after clause 277(5)(a):**

“(a.1) advertising by the Saskatchewan Pension Plan that is related to its competitive business interests”.

**Section 277.1 amended**

**8 The following clause is added after clause 277.1(3)(a):**

“(a.1) advertising by the Saskatchewan Pension Plan that is related to its competitive business interests”.

**Section 277.2 amended**

**9 Subsection 277.2(3) is amended:**

(a) **by striking out “or” after clause (a); and**

(b) **by adding the following after clause (a):**

“(a.1) advertising by the Saskatchewan Pension Plan that is related to its competitive business interests; or”.

**New section 283.1****10 The following section is added after section 283:****“Right of access to condominiums and rental properties**

**283.1(1)** The Chief Electoral Officer shall advise each returning officer of a candidate’s right of access pursuant to the following provisions:

- (a) section 36.11 of *The Condominium Property Act, 1993*;
- (b) section 46 of *The Residential Tenancies Act, 2006*.

(2) At the request of a candidate, a returning officer shall provide confirmation of the right of access mentioned in subsection (1) to any third party”.

**New section 286****11 Section 286 is repealed and the following substituted:****“Preparation and tabling of reports**

**286(1)** As soon as is practicable after an election, the Chief Electoral Officer shall prepare and submit to the Speaker a report:

- (a) summarizing the outcome of the election;
- (b) summarizing the cost of the election, including:
  - (i) the expenses incurred by the Chief Electoral Officer with respect to the election; and
  - (ii) the amount of reimbursements paid pursuant to Part VII to each registered political party and candidate with respect to the election;
- (c) setting out a summary of all returns and reports submitted to the Chief Electoral Officer by registered political parties and candidates with respect to the election; and
- (d) setting out:
  - (i) any other information that the Chief Electoral Officer considers necessary; and
  - (ii) any recommendations for amending this Act.

(2) The Chief Electoral Officer may prepare and submit to the Speaker at any time a report with respect to any matters relating directly or indirectly to the administration of this Act.

(3) In accordance with section 13 of *The Executive Government Administration Act*, the Speaker shall lay before the Legislative Assembly all reports received by the Speaker pursuant to this section”.

## CONSEQUENTIAL AMENDMENTS

SS 1993, c C-26.1, section 36.11 amended

**12 Subsection 36.11(2) of *The Condominium Property Act, 1993* is repealed and the following substituted:**

“(2) For the purpose of canvassing or distributing election materials during a campaign to elect a member to the House of Commons or the Legislative Assembly or to an elected office in a municipality, a school board or the conseil scolaire, every corporation and its agents, officers or employees must give unrestricted access at reasonable times to a candidate, or an authorized agent or representative of a candidate, to:

- (a) each unit; and
- (b) the common property, including a hallway, roadway or other point of access”.

SS 2006, c R-22.0001, section 46 amended

**13 Subsection 46(2) of *The Residential Tenancies Act, 2006* is repealed and the following substituted:**

“(2) A landlord must allow unrestricted access to residential property, including each rental unit that is part of the residential property, by:

- (a) a candidate seeking election to the House of Commons, the Legislative Assembly or an office in an election governed by *The Local Government Election Act, 2015*;
- (b) the authorized representative of a candidate mentioned in clause (a) who is canvassing electors or distributing election material; or
- (c) an enumerator or revising agent carrying out the enumerator’s or revising agent’s duties pursuant to *The Election Act, 1996*”.

**Coming into force**

**14** This Act comes into force on assent.

