



E-508

The Election Act, 1996
Section 5
Rev. December 2006

Registered Political Party's Guide to Provisions of The Election Act, 1996

Page

Preface 1

Registration 2

 Procedure 2

 Maintenance 3

 Termination 3

 Political Affiliation 4

Chief Official Agent 5

 Appointment 5

 Responsibilities 5

 Returns 5

 Fiscal Period Return 6

 Election Expenses Return 6

 Contributions 6

 Money 7

 Donations in Kind 8

 Other Revenue 9

 Expenditures 9

 Fiscal Period Expenses 9

 (i) Operating Expenses 9

 (ii) Advertising Expenses 9

 (iii) Other Expenses 10

 Election Expenses 10

 (i) General 10

 (ii) Reporting of Other Payments 11

 (a) Transfers 11

 (b) Donations in Kind 12

 (c) Volunteer Labour 12

 (d) Fund-Raising Events 12

 (iii) Payments 12

 (iv) Election Expense Limit 13

 Reimbursement of Election Expenses 14

Auditor 16

 Appointment 16

 Responsibilities 16

 Reimbursement of Auditors Expenses 17

Table of Contents

Table of Contents
(Cont'd)

	Page
Miscellaneous	18
Metro Organizations or Co-ordinated Campaigns.....	18
Campaign Advertising, Broadcasting.....	18
Voters' List.....	19
Tie Result	20
Appendix I Application to Chief Officer for Registration of a Political Party E-509	21
Appendix II Petition for Registration of a Political Party E – 510.....	22
Appendix III Alteration(s) in the Application for Registration Political Party E-513.....	23
Appendix IV Application to Chief Electoral Officer for Deregistration of a Registered Political Party E-514	24
Appendix V Notice of Selection of a Candidate by a Registered Political Party E-516.....	25
Appendix VI Declaration of a Candidates Political Affiliation E-517	26
Appendix VII Designation of Representative(s) for Endorsement of Candidates E-515.....	27
Appendix VIII Appointment/Consent of the Chief Official Agent of a (Registered) Political Party E-511.....	28
Appendix IX Appointment/Consent of the Auditor of a (Registered) Political Party E-512	29

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 registration of a political party in the Province of Saskatchewan, maintenance of the standing of that registration, and a discussion of the on-going administrative and financial responsibilities of a political party registered under the Act. Other guidelines prepared for use by a registered political party and its officers include the Chief Official Agent’s Guide to Provisions of *The Election Act, 1996*, Form E-520, and the Auditor’s Guide to Provisions of *The Election Act, 1996* (Registered Political Party), Form E-528. Those persons making use of this guide should be aware that it has no legislative authority and its intent is to assist registered political parties 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
Regina SK S4N 6B2
(306) 787- 4000 or toll free 1- 877- 958 – 8683
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These publications are also available on-line at www.elections.sk.ca.

Registration

In order that a political party, or any person acting on its behalf, may be entitled to spend money or receive contributions, for the purposes of promoting, opposing or endorsing that party, any other political party, or the candidacy of any individual, that party must be registered. [223]

Procedure

A political party may make an application for registration under section 224 of *The Election Act, 1996* (see Appendix I), to the Chief Electoral Officer any time between the day fixed for the return to the writ of election at a general election and the 5th day after the issuing of the writ of election for the next general election. An application for registration must be signed by the leader and includes:

- the full name of the political party;
- any abbreviation of the party's name that is to be shown in election documents;
- the name and address of the party leader;
- the address of the party's office where it keeps its records and where it may be served with notices, documents and other communications;
- the names and addresses of its officers, chief official agent and auditor and the written consent of both its chief official agent and auditor to act as such;
- an audited financial statement, including a statement of assets and liabilities, as at a date not more than 60 days prior to the application; and
- a written statement that its primary purpose is to field candidates for election as Members of the Legislative Assembly of Saskatchewan.

Each application must be accompanied by a complete and accurate petition for registration signed by at least 2,500 voters, 1,000 of whom must reside in at least 10 different constituencies, with a minimum of 100 voters in each of those constituencies (see Appendix II). [224]

If the political party meets the requirements of the Act, the Chief Electoral Officer registers the name of the party. Upon registration of a political party, the Chief Electoral Officer is required to publish in *The Saskatchewan Gazette* the name and any abbreviation of the name of that political party, the date of its registration, and any subsequent alteration in the name or abbreviation. [225(1), 233]

The Chief Electoral Officer maintains a register of political parties and all information filed pursuant to section 224 of the Act. The Chief Electoral Officer is obliged to allow any person, upon request, to inspect the Register and to provide to any person, upon request, copies of the information contained in the Register. [231, 232]

A political party registered under *The Election Act*, as it existed, is deemed to be registered under *The Election Act, 1996* (proclaimed 1 January 1997) unless it has been lawfully deregistered. [289]

Maintenance

A registered political party must at all times maintain the currency of the information filed in the Register of the Chief Electoral Officer. Where any information filed by a registered political party is altered, the Act requires that the registered political party deliver to the Chief Electoral Officer, within 30 days of alteration, a written notice of alteration and any subsequent replacements. The Chief Electoral Officer shall vary the Register accordingly (see Appendix III). [226(1)]

Within 10 days of the issue of a writ of election for a general election, each registered political party must file with the Chief Electoral Officer a written notice, signed by the leader, confirming or updating the information contained in the register of political parties. [226(3)]

Termination

The registration of a political party continues unless: [227(1)]

- the leader of the party requests, in writing, to terminate the registration (see Appendix IV); or
- on nomination day at a general election, the party fails to nominate 2 or more candidates in the province; or
- the party does any of the following:
 - fails to maintain an office in Saskatchewan;
 - fails, at election time, to update the information which must accompany an application for registration;
 - fails to maintain the appointment of a chief official agent or an auditor;
 - fails to submit an annual return of receipts and expenses or a return of election expenses;
 - accepts contributions from non-Canadians who reside outside Canada; or
 - obstructs the Chief Electoral Officer in any of his or her duties or fails to provide any information required by the Act and requested by the Chief Electoral Officer;

and it is deregistered by the Chief Electoral Officer.

Where the Chief Electoral Officer proposes to deregister a political party he or she must give notice of the intent to deregister and provide the party an opportunity to be heard. The Chief Electoral Officer may then give the political party an opportunity to rectify the contravention and, if the contravention is rectified, may refrain from deregistration. [227(2), 227(3)]

Upon deletion from the Register the chief official agent of the political party must liquidate the party's assets, provide the Chief Electoral Officer with an audited report respecting the liquidation and pay any remaining surplus to the Chief Electoral Officer to be held in trust for the party for two years to be either repaid to the party if it becomes re-registered within the two year period, or, if it does not, to be paid to the Minister of Finance. [227(6), 227(7), 227(8)]

In order for a political party to become registered once it has been deregistered, it must rectify the contravention of the Act which caused the deregistration and it must meet the qualifications for registration set out under section 224 in the Act. [228]

Political Affiliation

The stated primary purpose of a registered political party must be to field candidates for election as Members of the Legislative Assembly of Saskatchewan. [224(1)(h)]

The Act requires that each registered political party, by the close of nominations at each general election, endorse at least two candidates. A candidate is a person who files an official nomination paper with the constituency returning officer, and is declared by himself or herself, or by others with his or her consent, to be a candidate. [2(1)(h), 227(1)(b)]

The Act requires, with respect to each individual who, before, on, or after the issue 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, setting out: [230]

- 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).

Except as described below, candidates must be endorsed by the leader of the registered political party in all documents filed with the Returning Officer or Chief Electoral Officer (see Appendix VI). [45(1), 45(1.1)]

Where, at election time for a general election, the leader of a registered political party wishes to designate a person or persons to endorse candidates, the registered political party must, within ten days after the issue of the writ of election, notify the Chief Electoral Officer in writing of any such designation (see Appendix VII). [226(3)]

Chief Official Agent

Appointment

Each political party must appoint a chief official agent. This appointment must be made in writing, be signed by the party leader and be included in its application for registration. If this appointment ends for any reason, the leader of the party must immediately appoint another person to act as chief official agent and notify the Chief Electoral Officer of this change (see Appendix VIII). [224(f), 226(1)]

However, a registered political party may appoint an individual or corporation incorporated or registered in Saskatchewan as chief official agent. If the chief official agent is a corporation, an individual may be designated to act on behalf of the chief official agent for the purposes of this Act. [234]

Each registered political party must file audited financial information with the Chief Electoral Officer annually and after each election and as such must at all times maintain the appointment of a chief official agent. Accordingly, the responsibilities of a chief official agent apply on an on-going basis and any new chief official agent appointed must comply with the provisions of the Act with respect to the actions of his or her predecessor. [235, 250, 251]

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 chief official agent. [234]

Responsibilities

The chief official agent assumes responsibility for overseeing the financial operations of the registered political party including the filing of all financial reports required under the Act. Receipt of all contributions and other income and authorization and payment of all expenditures are under the authority of the chief official agent. Therefore, the chief official agent is obliged to ensure the financial records of the party are kept accurately and completely. [235]

In order to facilitate accurate recording of contributions and expenditures the chief official agent, in conjunction with the party's auditor, should establish and maintain an effective accounting system and should issue receipts for all contributions received and ensure that all expenditures incurred by the registered political party are recorded and paid in an appropriate fashion. [235]

Returns

The chief official agent is responsible for compiling and submitting the audited fiscal period return and the audited election expenses return of the registered political party. [250, 251]

Fiscal Period Return

The Act requires registered political parties to file a fiscal period return with the Chief Electoral Officer within four months after the end of each fiscal year. This return must be accompanied by an auditor's report and it must set out the following: [250]

- all contributions received, including the amount of money and the commercial value of goods and services provided;
- other revenue;
- the operating expenses;
- the advertising expenses; and
- all other expenditures of the registered political party.

Election Expenses Return

Six months after polling day for either a general election or by-election each registered political party must file an election expenses return with the Chief Electoral Officer. [251]

This return must be accompanied by an auditor's report and it must set out the amount of money spent and the commercial value of goods and services used during the election for election purposes. The bills, vouchers, statements, and proofs of payment verifying these expenses must also be submitted with the return. [251(1)]

Contributions

All contributions received by or on behalf of a registered political party are under the auspices of the chief official agent. The total amount of contributions and the number of contributors must be reported in the fiscal period return. In respect of each contribution, the following information must be recorded: [250(2)]

- source (name of contributor);
- amount
 - (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 in a fiscal period, that source must be identified in the return. [250(2)(b)]

Contributions may take the form of gifts, loans, advances, deposits or other forms of assistance and include party membership fees or dues. Contributors are to be listed by classification as follows: [250(2)(a)]

- 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 chief official agent 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 chief official agent 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 funds collected 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 fiscal year may exceed \$250, requiring individual reporting of the name of the donor. [235(b), 250(2)(c)]

Contributions may be received by a registered political party’s chief official agent in one of two forms: [220(d), 269(1)]

- 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. [235(b)]

Donations in Kind

The Act requires that all goods and services provided (excluding volunteer labour) be recorded at their commercial value. The chief official agent 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), 244, 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 chief official agent 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 fiscal period return and in the election expenses return to which it relates. [220(e), 235(b), 250, 251]

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 registered political party. Any such contribution must be reported and forwarded by the chief official agent to the Chief Electoral Officer and subsequently forfeited to the Minister of Finance. [240(2), 241]

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

A registered political party 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-600, Guide to Provisions of The Political Contributions Tax Credit Act, 2001 (Registered Political Party).

Other Revenue

Income earned from such sources as financial and capital holdings and from the political activities of the party is classified as other revenue and as such is reported by the chief official agent in the fiscal period in which it is received. For example, investment income may result from dividends, securities, interest paid on deposits or gains which occur from the disposal of financial or capital assets which are property of the registered political party. As well, miscellaneous income may result from existing resources or political activities of a registered political party such as funds from election expenses reimbursements and candidates' excess contributions. [250(2)(c.1)]

Expenditures

The Act breaks expenses incurred by a registered political party in two categories: fiscal period (annual) expenses which are reported in the fiscal period return, and election expenses which are reported in the election expenses return. [250(2)(d), 251(2)]

Fiscal Period Expenses

The fiscal period return breaks expenses down into three different categories:

(i) **Operating Expenses**

This sub-category includes all reasonable expenses incurred in the day-to-day operations of the permanent office of the registered political party. It should be noted that expenses included here are not to be included in calculating election expenses in relation to any election having been held during the given fiscal year. [250(2)(d)]

(ii) **Advertising Expenses**

The advertising expenses sub-category is treated in a slightly different manner than the rest of the expenses for fiscal year purposes in that registered political parties are subject to a limitation on the amount that can be spent on newspaper, radio and television advertising during the calendar year (this limit does not apply during an election). Money spent on advertising by constituency associations, Members of the Legislative Assembly and candidates, using money provided directly or indirectly by the party, are also included in this limitation. Expense limits are adjusted every year for inflation in accordance with the Consumer Price Index (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*. [221, 243(4)]

(iii) Other Expenses

Finally, “other expenses” includes those expenses which cannot be categorized as operating or advertising expenses.

These may include, but are not limited to, transfers to provincial constituencies and candidates, transfers to federal electoral districts, and transfers to federal political parties. [250(2)(f)]

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. [251]

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 party 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 calculation of the election expenses reimbursement. [220(f), 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 registered political party 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, including the party leader;
- rental of office and meeting space, including utilities, office equipment and supplies;

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- campaign literature (pamphlets, posters signs etc.);
 - lumber and other structural support material;
 - postage or distribution costs of campaign literature; and
 - interest accrued on loans or lines of credit taken to acquire goods and services used during the election;
 - 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;
- the reasonable expenses incurred for the operation of the permanent office of a registered political party;
- expenses related to recounts or additions;
- the costs of conventions and leadership campaigns;
- the cost or commercial value of free broadcast time where this time is available to all registered political parties;
- amounts spent for alcoholic beverages;
- 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 travelled); or
- amounts for goods previously used in an election if that cost was claimed in a previous election expenses return.

(ii) Reporting of Other Payments

(a) Transfers

The chief official agent of a registered political party is not required to report, in an election expenses return, transfers or gifts made to candidates 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. [220(h)]

(b) Donations in Kind

The commercial value of goods and services (donations in kind) must be recorded and included by the chief official agent as a contribution received where used as an election expense. Accordingly, commercial value is an election expense and a contribution concurrently and must be reported as such in both the fiscal period return and in the election expenses return. In circumstances where commercial value is determined to be worth \$200 or less, it is not considered in the calculation of the election expense. [266(1)]

(c) Volunteer Labour

Where services are provided to the election campaign by a chief official agent 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)]

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, 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. [220(e)]

(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 registered political party. [250(2)(c)]

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. [220(h)(xi)]

(iii) Payments

The Act sets out requirements regarding the payment of election expenses of a registered political party. These procedures are as follows: [245, 246]

- creditors must submit all accounts to the party within three months after the day on which the bill, charge or claim was issued or made;

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- if a creditor dies within the three month period his or her legal representative must submit the bill, charge or claim to the party or chief official agent within two months of becoming the legal representative of the creditor;
 - 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 chief official agent; and
 - all non-barred accounts must be paid within four months of the date received by the chief official agent and any account not paid within the four month 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.

In order for the registered political party 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. [220(c), 249, 251]

(iv) Election Expense Limits

Registered political parties that field candidates are subject to certain limitations on the incursion of election expenses during general elections or by-elections. As such, determination of spending limits is based on factors particular to the election to which the expenses pertain. For example, the base amount of money or the equivalent of money that can be spent by a registered political party during a general election has been established under clause 243(1)(a) in the Act and is to be adjusted annually for inflation in accordance with the C.P.I.

A second limit regulates the amount of expenses which may be incurred by a registered political party in respect of an election other than a general election (i.e. by-election) in which that party endorses a candidate. Determination of the spending limit in this circumstance depends on whether a by-election is conducted in a Northern constituency or a Southern constituency. For example, in the case of:

- a by-election held in a Northern constituency, the base amount of money or the equivalent of money that may be spent by a registered political party has been established under subclause 243(1)(b)(i) in the Act and is to be adjusted annually for inflation in accordance with the C.P.I.; and

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- a by-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. (paragraph 243(1)(b)(ii)(A) or (B)).

The Act states that limitations on expenses are to be adjusted for inflation to correspond with each calendar year. Once adjusted, they are to be forwarded by the Chief Electoral Officer to each registered political party and are to be published in *The Saskatchewan Gazette*. [221]

In view of the nature and extent of the responsibilities assumed by the chief official agent in preparing and filing the returns of the registered political party, it is essential that the principal officers of the party be thoroughly aware of all matters respecting those returns. [235(d)]

Reimbursement of Election Expenses

In certain instances a registered political party may be entitled to receive reimbursement of a portion of its lawfully incurred election expenses. [264(1)]

To be eligible for reimbursement, a registered political party must have endorsed candidate(s) who, in the aggregate, have received not less than 15 per cent of all valid votes cast in the election, and whose chief official agent has completed and submitted an audited election expenses return. [264(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 chief official agent or to any other person the chief official agent designates in writing, a sum equal to: [264(6)]

- one-half of the eligible election expenses of the party other than those expenses which are disputed or unpaid;

The Act is specific in respect of payment of reimbursement to qualifying parties, 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 to the chief official agent for 75 per cent of the total amount of reimbursement allowable of the election expenses claimed in the return. [264(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. [264(4)]

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:
 - 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
 - the amounts are for distances traveled and supported by signed invoices or vouchers containing details of the number of kilometers 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.

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. [245]

Barred claims may not be revived and shall not be reimbursed. [245]

Auditor

Appointment

Each registered political party must appoint an auditor. The appointment and consent of the auditor must be in writing, be signed by the party leader and be included in the political party's application for registration. If for any reason this appointment ends, the registered political party must, within thirty days, appoint another auditor and inform the Chief Electoral Officer of this change (see Appendix IX). [224(1), 226(1)]

According to the Act, an auditor must be a person who is, or in the case of a firm, have at least one partner who 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(3)]

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 registered political party or participating in the examination or the preparation of an auditor's report. [237(2)]

As there is audited financial information which must be reported by a registered political party annually and after each election, and because a registered political party must at all times maintain the appointment of an auditor, the responsibilities of a registered political party's auditor apply on an on-going basis. [237(1)]

Responsibilities

The auditor reports in writing to the chief official agent on the fiscal period return and on the election expenses return of the registered political party. [237(3)]

In order to make these reports, the auditor is entitled, under the Act, to make any examinations he or she considers necessary to comment on whether the returns fairly present 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: [237(4), 237(5)]

-
- the returns do 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 chief official agent; and
 - it appears that proper accounting records have not been kept by the chief official agent.

The auditor is entitled, at reasonable times, to have access to all records, documents, books, accounts and vouchers of the chief official agent. The auditor is also entitled to require any information and explanation from the chief official agent he or she considers necessary to make his or her report. [237(6)]

A definite and clear understanding should be established prior to engagement between the auditor and principal officers of the registered political party to ensure awareness of their respective responsibilities and the extent of the role of the auditor.

Reimbursement of Auditor's Account

Auditor's fees for preparation of the fiscal period return are not reimbursable. These are operating expenses to be reported on the succeeding fiscal period return. However, the auditor's fees for reporting on the election expenses return are reimbursable and as such are paid by the chief official agent and are not to be included on the election expenses return as an election expense. The chief official agent must file, within six months after the election, a statement setting out the amount charged by the auditor to undertake the audit and proof that the auditor's charges have been paid. [267(1)]

The auditor's account of a registered political party is reimbursable regardless of whether the party qualifies for reimbursement of its election expenses. [267(1)]

The chief official agent, 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 chief official agent 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(3)]

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. [260]

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), 260(5)]

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. No registered political party may incur election expenses of its own pursuant to a joint agreement. 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. [278(2)]

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.

Section 215 also states that no person shall distribute or cause to be distributed an advertisement that promotes a registered political party unless there is included in, or unless there appears on the face of, the advertisement the statement that the advertisement is “authorized by the chief official agent for [name of registered political party]”.

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.


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)]

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]

This guide has been prepared by the Office of the Chief Electoral Officer 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.

 <small>SASKATCHEWAN</small>	<p>Application to Chief Electoral Officer for Registration of a Political Party</p>	<p>E-509 Form HHH The Election Act, 1996 Section 224 (rev. 2005)</p>
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I hereby apply to have registered, pursuant to section 224, of *The Election Act, 1996*, the political party named herein:

A. the full name of the political party is _____ ;

B. the name of the political party and any abbreviation of that name that is to be shown in any election documents is _____ ;

C. the name and address of the leader of the political party is

Name _____ ;

Address _____ Postal Code _____ ;

D. the address of the office of the political party where records are maintained and where notices, documents and other communications pursuant to this Act, may be delivered is

Address _____ Postal Code _____ ;

E. the names and addresses of the officers of the political party are affixed, or

(i) Name _____ Address _____

Office Held _____ Postal Code _____

(ii) Name _____ Address _____

Office Held _____ Postal Code _____

(iii) Name _____ Address _____

Office Held _____ Postal Code _____

F. the name and address of the chief official agent of the party is

Name _____

Address _____ Postal Code _____ ;

G. the name and address of the auditor of the party is

Name _____

Address _____ Postal Code _____

Attached hereto is an audited financial statement of the political party, including a statement of assets and liabilities, as at a date not more than 60 days prior to the date of this application, namely:

_____, 20____.

Date of Audit


The primary purpose of the political party is to field candidates for election as Members of the Legislative Assembly of Saskatchewan.

Signature of Party Leader

Dated at _____, Saskatchewan, this _____ day of _____, 20____.

Received, registered and effective, this _____ day of _____, 20____.

Signature of Chief Electoral Officer

 SASKATCHEWAN	E-514
The Election Act, 1996 Section 227(1)(a)	
Application to Chief Electoral Officer for Deregistration of a Registered Political Party	
This will serve as notice of _____ Name of Registered Political Party	
Address	Postal Code
In my capacity as Leader of the aforementioned registered political party, voluntarily request that the Chief Electoral Officer deregister _____ Name of Registered Political Party	
as a registered political party in the Province of Saskatchewan.	
Given under my hand this _____ day of _____, _____.	
_____ Signature of Party Leader	
Note: The Chief Official Agent, upon deregistration, shall provide the Chief Electoral Officer with an audited report on matters regarding the liquidation of assets and payment of liabilities of the political party and pay any remaining surplus monies to the Chief Electoral Officer (s. 227(6)).	
Received, registered and effective, this _____ day of _____, _____.	
_____ Signature of Chief Electoral Officer	



E-516

The Election Act, 1996
Section 230

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

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).

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

Appendix VI Declaration of a Candidate's Political Affiliation E-517 and E517C



Declaration of a Candidate's Political Affiliation Composite

The Election Act, 1996
Section 45
(rev. 2005)

Original Submission Additions Changes (will supersede any other 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 _____ in the constituency appearing beside their names in the current provincial election.

Name of Registered Political Party

Date: _____, 20____

Signature of Party Leader / Designated Representative

Constituency	Candidate's Name	Candidate's Name
Arm River-Watrous		Regina, Elphinstone-Centre
Albion		Regina, Lakewood
Albion		Regina, Northeast
Biggar		Regina, Cu/Apple Valley
Carmichael		Regina, Rosemont
Carleton Place		Regina, South
Carleton Place		Regina, West
Carmichael		Regina, Wabash Acres
Carmichael		Regina, Wascana Plains
Carmichael		Rosemont-Elrose
Carmichael		Rosemont-Shellbrook
Carmichael		Saskatchewan Rivers
Carmichael		Saskatoon Centre
Carmichael		Saskatoon Eastview
Carmichael		Saskatoon Fairview
Carmichael		Saskatoon Greystone
Carmichael		Saskatoon Massey Place
Carmichael		Saskatoon Meewasin
Carmichael		Saskatoon Northwest
Carmichael		Saskatoon Nutana
Carmichael		Saskatoon Riverside
Carmichael		Saskatoon Silver Springs
Carmichael		Saskatoon Southeast
Carmichael		Saskatoon Sutherland
Carmichael		Swift Current
Carmichael		The Battlements
Carmichael		Thunder Creek
Carmichael		Weyburn-Big Muddy
Carmichael		Wood River
Carmichael		Yorkton

Declaration of a Candidate's Political Affiliation Composite

The Election Act, 1996
Section 45
(rev. 2005)

Original Submission Additions Changes (will supersede any other 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 _____ in the constituency appearing beside their names in the current provincial election.

Name of Registered Political Party

Date: _____, 20____

Signature of Party Leader / Designated Representative

Declaration of a Candidate's Political Affiliation Composite

The Election Act, 1996
Section 45
(rev. 2005)

Original Submission Additions Changes (will supersede any other 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 _____ in the constituency appearing beside their names in the current provincial election.

Name of Registered Political Party

Date: _____, 20____

Signature of Party Leader / Designated Representative



Declaration of a Candidate's Political Affiliation

The Election Act, 1996
Section 45
(rev. 2005)

E-517

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

Have the registered political party complete and sign this part of the form in order for your political affiliation to appear on all election related documents, including ballots, and submit this form with your NOMINATION PAPER, Form E-405.

- ✓ **New 2005 Legislative provision for Candidates endorsed by a Registered Political Party:**
A Registered Political Party who wishes to endorse several candidates on a single document may use, instead of this form, Form E-517C, DECLARATION OF A CANDIDATE'S POLITICAL AFFILIATION COMPOSITE, and file it with the Chief Electoral Officer before 2:00 p.m. on the day fixed for nomination.

This is to certify that _____ being a candidate in the constituency of _____ for the election to be held on _____, 20____

Name of Candidate

Name of Constituency

Date of Election

is the Candidate endorsed officially to represent the _____

Name of Registered Political Party

being a registered political party, in the Province of Saskatchewan. The candidate's political affiliation shall hereafter appear in all related election documents, including ballots.

Date: _____

Signature of Party Leader / Designated Representative

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. If Form E-517 is not provided, the candidate will be referred to in all related election documents, including ballots, as an "Independent" Candidate.

I, _____ the undersigned candidate in the constituency of _____ for the election to be held on _____, 20____

Name of Candidate


Name of Constituency

Date of Election

state that I do not wish to use the word "Independent" on all related election documents, including ballots.

Date: _____

Signature of Candidate

 SASKATCHEWAN		E-515 The Election Act, 1996 Section 226(3)(b)
Designation of Representative(s) for Endorsement of Candidates		
<p>Note: Where the Leader, of a registered political party, wishes to designate a person or persons to endorse candidates at the election, the registered political party shall, not later than 10 days after the writ of election is issued, notify the Chief Electoral Officer in writing (this form) of the designation of any such representatives. Upon receipt of any such notice, the Chief Electoral Officer shall vary the Register accordingly (s. 226(4)).</p>		
<p>I, _____, having authority to act for the Party Leader</p> <p>_____ in this capacity, do hereby designate Name of Registered Political Party</p> <p>the following person(s) as my representative(s) to act for the purpose of officially endorsing candidates at the election to be held on the _____ day of _____, _____ in the Province of Saskatchewan:</p> <p>(i) _____ Name of Designated Representative (ii) _____ Name of Designated Representative</p> <p>Given under my hand this _____ day of _____, _____.</p> <p style="text-align: right;">_____ Signature of Party Leader</p> <hr/> <p>Received, registered and effective, this _____ day of _____, _____.</p> <p style="text-align: right;">_____ Signature of Chief Electoral Officer</p>		



E-511

The Election Act, 1996
Section 224(1)(f)

**Appointment/Consent of the
Chief Official Agent of a
(Registered) Political Party**

Note: Where any person whose name is recorded in the Register of the Chief Electoral Officer ceases to act as Chief Official Agent of a registered political party, the leader of the party shall forthwith appoint a new Chief Official Agent (this form) and by instrument in writing signed by him or her (Form E-513), notify the Chief Electoral Officer of the alteration pursuant to section 226 of *The Election Act, 1996*. Upon receipt of any such notice, the Chief Electoral Officer shall vary the register accordingly (s. 226(4)).

Part I

In my capacity as Leader of the _____,
Name of (Registered) Political Party

do hereby appoint _____
Name

Address _____ Postal Code _____

to be Chief Official Agent of the above-named (registered) political party.

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

Signature of Party Leader

Part II

I, _____, do hereby consent to act as
Chief Official Agent of the above-named (registered) political party pursuant to *The Election Act, 1996* (s. 234 and s. 235).

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

Signature of Chief Official Agent

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

Signature of Chief Electoral Officer



E-512

The Election Act, 1996
Section 224(1)(f)

**Appointment/Consent of the Auditor
of a (Registered) Political Party**

Note: Where any person whose name is recorded in the Register of the Chief Electoral Officer ceases for any reason to act as Auditor of a registered political party, the leader of the party shall forthwith appoint a new Auditor (this form) and by instrument in writing signed by him or her (Form E-513), notify the Chief Electoral Officer of the alteration pursuant to section 226 of *The Election Act, 1996*. Upon receipt of any such notice, the Chief Electoral Officer shall vary the register accordingly (s. 226(4)).

Part I

In my capacity as Leader of the _____,
Name of (Registered) Political Party

do hereby appoint _____
Name

Address _____ Postal Code _____

to be Auditor of the above-named (registered) political party.

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

Signature of Party Leader

Part II

I, _____, do hereby consent to act as
Auditor of the above-named (registered) political party pursuant to *The Election Act, 1996* (s. 222 and s. 237).

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

Signature of Auditor

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

Signature of Chief Electoral Officer