



Saskatchewan Métis **Elections Act 2007**

AS AMENDED SEPTEMBER 8-9, 2008 MNLA/AGA AND JULY 29, 2016
Section 29(1) AMENDED APRIL 14, 2018

SASKATCHEWAN MÉTIS ELECTIONS ACT 2007

As Amended September 8-9, 2008 MNLA/AGA and July 29, 2016, MNLA April 14, 2019

Approved and ratified at a duly called and effective Meeting on Electoral Reform of the General Assembly of the Métis Nation - Saskatchewan, held on the 21st day of April 2007, in the City of Saskatoon in the Province of Saskatchewan.

SASKATCHEWAN MÉTIS ELECTIONS ACT 2007

PART I GENERAL PROVISIONS

PURPOSE OF THIS ACT

Purpose

1. The purpose of this Act is to establish a dependable regime for the election of members of the Saskatchewan Provincial Métis Council that promotes the meaningful exercise of the democratic rights and freedoms of the Métis – Saskatchewan. (amended July 29, 2016)

INTERPRETATION

Definitions

2. In this Act,

"advance vote" means a poll held before election day;

"Adjudicator" means the person appointed under section 120 to hear complaints under this Act; "approved" means as approved by the Chief Electoral Officer;

"by-election" means an election to fill a vacancy pursuant to Section 29 of this Act; *(amended April 14, 2018)*

"campaign material" means any advertisement, including advertisements on the radio, television and the Internet as well as placards, posters or banners, in favour of or on behalf of a candidate or against a candidate;

"candidate" means a person

- a) who is a candidate for election to the office of Executive Member or Regional Representative; and
- b) whose nomination papers are accepted by the Chief Electoral Officer;

"Chief Electoral Officer" means the Chief Electoral Officer appointed under section 92; "close of nominations" means 2:00 pm on the 30th day before election day;

"Complaints Officer" means the person appointed under section 116 to enforce compliance with this Act;

"Constitution" means the Constitution of the Métis Nation - Saskatchewan;

"contribution" includes money, services and goods provided during an election period to promote or oppose the election of a candidate;

"court" means the Saskatchewan Court of Queen's Bench;

"declaration of election" means the document issued by the Chief Electoral Officer specifying the election day for the general election and any by-election after the general election; (amended July 29, 2016)

"election" means an election of an Executive Member or a Regional Representative to the Provincial Métis Council, whether at a general election or a by-election;

"election day" means

- a) the day fixed by the Chief Election Officer in a declaration of election; or
- b) in respect of a general election after 2007, the day fixed in the Constitution for the holding of an election;

"election expense" means any amount paid or liabilities incurred during an election period to promote or oppose the election of a candidate and includes any contribution of services or goods;

"election officer" means

- a) the Chief Electoral Officer,
- b) any person acting as the Chief Electoral Officer,
- c) a Regional Returning Officer,
- d) an assistant regional returning officer,
- e) a supervisory deputy returning officer,
- f) a deputy returning officer,
- g) a poll clerk, and
- h) a registration clerk;

"election period" means the period commencing 35 days before election day and terminating at the close of polls on election day, or the day the election is cancelled;

"Executive Member" means the President, Vice-President, Secretary or Treasurer, who sits as a member of the Provincial Métis Council, in accordance with Article 3 of the Constitution;

"family", when used with reference to a person, means

- a) his or her spouse and children, and
- b) anyone who is related to the person or his or her spouse and shares a residence with the person and is primarily dependent on the person or spouse for financial support;

"general election" means an election for the Executive Members and Regional Representatives to the Provincial Métis Council;

"Independent Oversight Committee" repealed July 29, 2016

"ineligible" means, in respect of being a candidate, that the person does not have the right to be a candidate or is not qualified to be a candidate;

"Métis citizen" means, as described in Article 10 of the Constitution, a person who

- a) self identifies as Métis,
- b) is distinct from other Aboriginal peoples,
- c) is of Historic Métis Nation ancestry, and
- d) is accepted by the Métis Nation;

"polling record" means the document containing the name and other particulars of every person who votes and other voting particulars added by the poll clerk;

"polling station" means premises secured by a Regional Returning Officer for the taking of the votes on election day or the day of the advance vote;

"Provincial Métis Council" means the Provincial Métis Council as described in Article 3 of the Constitution;

"Region" means a region as described in Article 5 of the Constitution;

"Regional Representative" means one of the 12 elected regional representative who sits as a member of the Provincial Métis Council, as described in Article 3 of the Constitution;

"satisfactory evidence of identity" means documentary evidence of a person's identity approved as being satisfactory by the Chief Electoral Officer;

"Senate" (repealed September 8, 2008)

"send" means to send by mail, hand delivery, courier, facsimile transmission, or where specifically authorized, by electronic transmission;

"voter" means a person who has the right to vote in an election under this Act.

APPLICATION

Application

3. This Act applies to the general election of Executive Members and Regional Representatives to the Provincial Métis Council. (amended July 29, 2016)

DETERMINING RESIDENCE

Residence rules

4. (1) For the purposes of this Act, the place of residence of a voter shall be determined by reference to all the facts of the case and by the provisions of this section, as far as they are applicable.

Place of home or dwelling

- (2) The residence of a voter is the place of the voter's home or dwelling to which, when absent, the voter intends to return.

Temporary absence

(3) A voter does not lose residence in the place of the voter's home or dwelling by leaving it for a temporary purpose, including the pursuit of education or employment.

Selection of residence

(4) A voter who left the voter's place of residence for a temporary purpose may select one of the following places of residence for the purposes of voting at an election:

- a) the place of the voter's home or dwelling to which the voter intends to return; or
- b) the place where the voter's family resides.

Intention

(5) If a voter leaves the voter's place of residence with the intention of residing elsewhere, the voter loses residence in that place.

Family

(6) The place where a voter's family resides shall be deemed to be the place of residence of the voter, unless the voter intentionally establishes or continues his or her residence in some other place.

Homeless voters

(7) The residence of a voter who has no home is any place offering food or lodging where the voter usually sleeps or takes meals.

Single residence

(8) A voter shall be deemed to have a residence in only one place and, if a voter maintains a residence in more than one place, the voter must select one residence for the purpose of this Act.

Prisoners

(9) A voter who is confined to a penal or correctional institution in Saskatchewan shall select one of the following places of residence for the purposes of voting at an election:

- a) the voter's place of residence before being confined; or
- b) the place where the voter's family resides.

Deemed residence

(10) A place of residence selected by a voter under this section shall be deemed to be the place in which the voter resides for the purposes of this Act.

Exception for by-election

(11) No person is entitled to vote at a by-election unless he or she continues to be resident until election day for the by-election in the same Region in which he or she was resident on the day the declaration of election was issued.

Seasonal residence

- (12) No person shall be deemed to be resident on election day in a home or dwelling that is
- a) generally occupied by him or her during six months of the year or less, and
 - b) generally remains unoccupied by him or her for the balance of the year, unless, at a general election, the person has no residence in any other Region to which he or she might move on that day.

LANGUAGE OF ELECTIONS

Languages of election officers

5. (1) Election officers should be appointed to represent the languages spoken in the community in which they will be performing their functions.

Interpreters

- (2) Where a deputy returning officer or poll clerk does not understand the language spoken by a voter, the deputy returning officer shall, where possible, appoint and swear in an interpreter, who shall translate communications between the deputy returning officer and the voter.

Validity of election

- (3) The failure to comply with any provision of this section shall not affect the validity of an election.

**PART II
DEMOCRATIC RIGHTS**

VOTING RIGHTS

Right to vote for Executive Member

6. (1) Every person has a right to vote in an election for an Executive Member if, on election day, the person is
- a) a Métis citizen;
 - b) at least 16 years of age;
 - c) not registered as a member of a First Nation or other group of Aboriginal peoples; and
 - d) a resident of Saskatchewan.

Right to vote for Regional Representative

- (2) Every person has a right to vote in an election for a Regional Representative if, on election day, the person is
- a) a Métis citizen;
 - b) at least 16 years of age;
 - c) not registered as a member of a First Nation or other group of Aboriginal peoples; and
 - d) a resident of the Region for which the Regional Representative is a candidate.

Secret ballot

7. A voter has a right to vote by secret ballot.

One vote

8. (1) The right to vote may only be exercised once in an election for each office for which the election is held.

Voting for Regional Representative

- (2) A voter may only vote for the Regional Representative for the Region in which the voter is considered to reside under this Act.

Voting in a Region

- (3) A voter may only vote at a polling station or other place for voting in the Region in which the voter is considered to reside under this Act, except registered voters in a penal or correctional institution who may vote at a mobile poll arranged for that institution.

Marks in lieu of signatures

9. A voter who must sign a document under this Act, but is unable to write, may place a distinctive mark on the document instead, if a witness who can attest to the voter's identity also signs the document.

REGISTRATION OF VOTERS

Registration

10. No person who is an eligible voter may vote in an election unless he or she registers as a voter, in accordance with this Act, either before election day or at the polling station on election day.

Registration information

11. (1) The Chief Electoral Officer shall make public a list of the places and times where persons eligible to vote may register in advance of election day.

Registration by the Chief Electoral Officer

- (2) The election officers responsible for registering voters are as follows:

- a) the Chief Electoral Officer, and any registration clerks appointed by him or her, is responsible for registration at penal or correctional institutions in Saskatchewan and any other places designated by the Chief Electoral Officer;
- b) the Regional Returning Officer is responsible for registration at the office of the Regional Returning Officer;
- c) a registration clerk appointed by the Regional Returning Officer is responsible for registration at a polling station and a mobile poll.

Right to register to vote

12. (1) Any person who is an eligible voter may register in accordance with this section.

Registration procedure

- (2) A person who wishes to register to vote must

- a) go to a place for registration listed in section 11;
- b) provide documentary evidence of the voter=s name, current address and signature for inspection by the election officer, which entitles him or her to vote; and
- c) sign and swear, or affirm, the voter registration form in Form 1 of the Schedule.

Approved ID

- (3) Acceptable documentary evidence for the purposes of subsection (2) is

- (a) one approved document that shows the voter=s
 - (i) first and last names,
 - (ii) current address, and
 - (iii) signature or photo;
- (b) one approved document showing the voter=s name and another approved document showing the voter=s name and current address; or
- (c) any other approved documentary evidence, suitable for persons without the documentation referred to in paragraphs (a) and (b).

Voters in a penal or correctional institution

- (4) A voter who is confined to a penal or correctional institution in Saskatchewan must register to vote at least 14 days before election day in accordance with arrangements made by the Chief Electoral Officer at that institution.

Duty of election officers

- (5) When a voter asks to be registered, the responsible election officer designated for this purpose shall
- (a) accept the oath /affirmation of the voter;
 - (b) complete the election officer's portion of the voter registration form; and
 - (c) send the attached copies of the voter registration form in accordance with the distribution requirements of the form.

Proof of registration

- (6) The responsible election officer designated for this purpose shall issue to each voter who registers proof of registration in the approved form.

VOTER REGISTRY

Final voters list

13. (1) The Chief Electoral Officer shall, as soon as possible after election day, prepare a final voters list for each Region by compiling the information on voters who registered in accordance with this Act before the end of election day.

Preparation of voter registry

- (2) The Chief Electoral Officer shall ensure the preparation of a voters registry compiled with information from the direct registration of voters from time to time.

Registration cards

- (3) The Chief Electoral Officer shall issue voter registration cards to each voter who has registered for the general election.

Agreements

14. The Chief Electoral Officer may enter into agreements with a provider of electronic information services respecting the maintenance of voter information, the privacy of that information and other related matters.

PROTECTION OF VOTER INFORMATION

Protection of voter information

15. The Chief Electoral Officer may issue directions that the address of voters or other information about voters on a voters list be removed or obscured to protect their privacy or security.

Restricted use of voters lists

16. No person shall copy or use a voters register or voters list prepared under this Act for any purpose other than an election under this Act or the registration of Métis citizens.

RIGHTS OF CANDIDACY

Right to be a candidate

17. (1) Every person has a right to be a candidate in an election if, on nomination day, the person is
- (a) qualified to vote in the election for the office for which the person seeks to be a candidate; and
 - (b) not disqualified under this section.

Disqualification

- (2) A person is not qualified to be a candidate if, on nomination day, the person
- (a) holds elected office pursuant to the Elections Act, 1996 (Saskatchewan); the Local Government Election Act (Saskatchewan) or the Canada Elections Act or is a member of the Senate;
 - (b) is a judge of any court, other than a citizenship court;
 - (c) is an election officer or a member of the staff of the Office of the Chief Electoral Officer;
 - (d) is not a resident of Saskatchewan;
 - (e) is confined to a penal or correctional institution and is serving a sentence of confinement that extends to at least election day;
 - (f) committed an offence in relation to elections within the previous 10 years; or
 - (g) committed an indictable offence within the previous five years.

Regional Representative

- (3) In addition to the disqualifications in subsection (2), a person is not qualified to be a candidate for Regional Representative if, on nomination day, the person is not a resident of the Region for which the person is a candidate.

Dual office

- (4) A candidate who holds office in a Métis Nation Regional Council, Local or any other elected or appointed body of the Métis Nation - Saskatchewan shall, if elected to the Provincial Métis Council, resign from the other office before assuming his or her duties.

Single candidacy

18. No person may be a candidate for more than one elected office at the same time.

Signing a prohibited agreement

19. (1) No candidate shall sign any document that would, if the candidate were elected as a member of the Provincial Métis Council,
- (a) require the candidate to resign at the request of another;
 - (b) constitute an undated resignation; or
 - (c) require the candidate to follow any course of action that would prevent the candidate from exercising freedom of action in the Provincial Métis Council.

Prohibited pledges

- (2) A person who signs a document prohibited by subsection (1) forfeits the right to be a candidate and becomes ineligible to be a candidate for a period of five years.

Election void

20. The election of any person who is ineligible to be candidate is void.

NOMINATION OF CANDIDATES

Nominators for Executive Member

21. (1) Any five or more voters in Saskatchewan may nominate a candidate for the office of Executive Member.

Nominators for Regional Representative

(2) Any five or more voters in a Region may nominate a candidate for the office of Regional Representative for that Region.

Nomination period

(3) A nomination must be made by filing nomination papers at the office of the Chief Electoral Officer any time between 9:00 am on the 35th day before election day and 2:00 p.m. on the 30th day before election day.

Delegation of power

22. (1) The Chief Electoral Officer may delegate to a Regional Returning Officer the power to receive nominations papers.

Powers of delegate

(2) Where the Chief Electoral Officer delegates the power to receive the nomination papers, the delegate shall

- (a) have all the powers of the Chief Electoral Officer to receive nominations; and
- (b) comply with this Act and any instructions given by the Chief Electoral Officer.

Nomination papers

23. (1) The nomination papers must be in the approved form and must include the following information:

- (a) the name of the office for which the person seeks to be a candidate;
- (b) a warning that if the person is nominated as a candidate for more than one office, all nominations for that person are void;
- (c) the full name of the prospective candidate and his or her contact information;
- (d) the name of the prospective candidate exactly as he or she wishes it to appear on the ballot;
- (e) an oath or affirmation from the prospective candidate that he or she is eligible to be a candidate and agrees to be nominated;
- (f) the signature of the prospective candidate;
- (g) the full names, postal or civic address and signatures of at least five voters who are nominating the candidate;
- (h) the full name, postal or civic address and signature of each person who witnessed any person sign the nomination papers;
- (i) a declaration, in Form 3 of the Schedule, by each person who witnessed any person sign the nomination papers;

- (j) a Canadian Police Information Centre (CPIC) criminal record check document proving that the candidate has not committed an offence in relation to elections within the previous 10 years or committed an indictable offence within the previous five years; and
- (k) a deposit of \$100.00, in the approved form, payable to the Métis Nation -Saskatchewan.

Signature by nominating voters

- (2) Each voter nominating a candidate shall sign the nomination papers in the presence of another voter who shall also sign the nomination papers as a witness to the nominator's signature.

Signature by candidate

- (3) A prospective candidate shall sign the nomination papers in the presence of a voter who shall also sign the nomination papers as witness to the prospective candidate's signature.

Declaration of witness

- (4) The person who collects the signatures of the voters for nomination papers shall make a declaration in Form 3 of the Schedule.

Details of candidate

- (5) When setting out the full name of a prospective candidate in the nomination papers, titles, degrees or prefixes must not be included;
 - (a) a nickname commonly used by the prospective candidate may be included with the given names; and
 - (b) a normal abbreviation of one or more of the given names of the prospective candidate may be substituted for the given name or names.

Prohibited witness

- (6) A candidate cannot be a witness to any signature in the nomination papers.

Deposit

- (7) A candidate's deposit is not refundable for any reason.

Refusal of nomination

- 24. (1) The Chief Electoral Officer shall refuse to accept the nomination papers and shall reject the candidacy of a person, if the Chief Electoral Officer is aware that
 - (a) the nomination papers are incomplete or were not filed before the close of nominations;
 - (b) all the necessary documents for the nomination were not properly filed according to the requirements of this Act;
 - (c) the person has been nominated as a candidate for more than one office; or
 - (d) the person is ineligible to be a candidate.

Corrections

- (2) Where the nomination papers have been rejected because they were improperly filed, the nomination papers may be corrected, completed or replaced with new ones before the close of nominations.

Multiple nominations

(3) Where a person has been nominated, or consented to be nominated, as a candidate for more than one office, all the nominations for that person are void.

Certificate

(4) Unless the nomination papers are rejected under subsection (1), the Chief Electoral Officer shall issue to the prospective candidate a certificate indicating that the prospective candidate's nomination papers have been accepted.

NOTICE OF SUSPECTED INELIGIBILITY

25. (1) If the Chief Electoral Officer has reason to suspect that the candidacy of a person should be rejected, he or she shall immediately notify the prospective candidate of the suspicion and the reasons for it.

Time for submission

(2) The prospective candidate must make any submissions to the Chief Electoral Officer immediately on being notified of the suspicion of being ineligible.

Decision of Chief Electoral Officer

(3) The Chief Electoral Officer shall, after considering any submissions on behalf of the prospective candidate and no later than two days after the close of nominations, make a decision on whether the person is ineligible and his or her candidacy is to be rejected.

Final and conclusive

(4) The decision of the Chief Electoral Officer under this section is final and conclusive.

WITHDRAWAL OF A CANDIDATE

Withdrawal

26. (1) A candidate may withdraw no later than 5:00 p.m. on the day nominations close by personally submitting to the Chief Electoral Officer a letter of withdrawal signed by the candidate and witnessed by two voters.

Witness

(2) The voters who witnessed the candidate's letter of withdrawal shall certify by oath or affirmation that the candidate signed the letter of withdrawal in their presence.

Consequences

(3) Once the nomination period is closed it shall not be re-opened and the withdrawal of a candidate after the close of nominations shall not result in another nomination period.

ACCLAMATIONS

Election by acclamation

27. (1) Where, at the close of nominations, only one person has been nominated for the office, that person is deemed to be elected by acclamation.

Withdrawal of candidate

(2) When, as a result of the withdrawal of a candidate there is only one candidate left for election to that office and the election is not postponed, no election shall be held, and the remaining candidate is deemed to be elected by acclamation.

Electoral Report

(3) Where a candidate has been elected by acclamation, the Chief Electoral Officer shall send a copy of the election report to the elected person.

PART III HOLDING AN ELECTION

ELECTION DAY

Election day

28. (1) Election day shall be the day fixed by the Constitution for election to the Provincial Métis Council, but if that day is a holiday, election day shall be the following day that is not a holiday.

General election in 2007

(2) repealed July 29, 2016

29. (1) Where the office of an Executive Member becomes vacant, the Métis Nation Legislative Assembly shall elect from the Provincial Métis Council members, an interim executive member and may either:
- (a) Direct the Chief Electoral Officer to issue a declaration of a by-election for the election of a candidate to fill the vacancy as soon as practicable; or
 - (b) Declare that the by-election of the interim Executive Member be postponed until the next general election

(2) Where the office of a Regional Representative becomes vacant, the Regional Council shall elect from the members of the Council an interim Regional Representative and may either request the Métis Nation Legislative Assembly to:

- (a) Direct the Chief Electoral Officer to issue a declaration of a by-election for the election of a candidate to fill the vacancy as soon as practicable; or
- (b) Declare that the by-election of the interim Regional Council be postponed until the next general election.

(Section 29 repealed & replaced Apr 14, 2018)

Public Notice

30. (1) A Regional Returning Officer shall, in accordance with the directions of the Chief Electoral Officer, give public notice concerning details of the election.

Contents of notice

- (2) The public notice must include the following:
- (a) the full name and contact information of each candidate for each office, as stated in the candidate=s nomination papers, in the order in which those names are to be placed on the ballot;
 - (b) the name of the Region;
 - (c) the location and hours of each voting opportunity in the Region.

OFFICE OF THE CHIEF ELECTORAL OFFICER

Establishment of office

31. (1) The Chief Elections Officer shall
- (a) establish an office in a place that is easily accessible to most of the voters; and
 - (b) keep the office open to the public and be available there during the election period.

Additional or shared offices

- (2) The Chief Electoral Officer may establish additional offices.

ESTABLISHMENT OF POLLING STATIONS

Polling stations for election day

32. (1) The Regional Returning Officer shall, in accordance with the directions of the Chief Electoral Officer, establish at least one polling station for each Region, at such place or places as best suit the convenience of voters for voting on election day and at the advance vote.

Basis of polling stations

- (2) The Regional Returning Officer shall organize the voters for the purpose of each polling station and shall
- (a) consider whether the groupings of voters previously established for the Region need to be changed;
 - (b) ensure that no polling station serves more than 550 voters, unless necessary; and
 - (c) take into account any geographic or other factors that might affect the convenience of voters.

Central polling place

- (3) If it is more convenient for the voters, a Regional Returning Officer may establish a central polling place consisting of two or more polling stations, instead of having several polling stations separately located in a single community.

Mobile polling stations

- (4) A Regional Returning Officer shall, when required under this Act and in accordance with the directions of the Chief Electoral Officer, establish a mobile polling station on the day of the advance vote for voters who are not able to attend a polling station.

Public notice

- (5) The Chief Electoral Officer shall, as early as possible in the election period, give public notice of the location and identification of each polling station.

Mobile poll

- (6) A Regional Returning Officer shall, in accordance with the directions of the Chief Electoral Officer, give notice to the candidates of the itinerary of any mobile poll.

Furnishing a polling station

33. (1) Every polling station shall be furnished with
- (a) a table with a hard smooth surface;

- (b) at least one voting compartment arranged so as to preserve the secrecy of the vote; and
- (c) a ballot box supplied by the Chief Electoral Officer and a sharpened pencil.

Registration station

- (2) A Regional Returning Officer shall, in each polling station, provide a place where voters may register.

ELECTION OFFICERS AT POLLING STATIONS

Election officers at a polling station

- 34. (1) The election officers at each polling station comprise
 - (a) a deputy returning officer;
 - (b) a poll clerk; and
 - (c) any registration clerk assisting in the registration of voters at the polling station.

Election officers at a central polling place

- (2) The election officers at a central polling place may also include a supervisory deputy returning officer and, if required, an officer to regulate the entry of people.

Public notice

- 35. The Chief Electoral Officer shall, no later than the 25th day before election day, give public notice of the name and address of each Regional Returning Officer and assistant regional returning officer in each Region.

ELECTION MATERIALS

Materials to be provided

- 36. The Regional Returning Officer shall, no later than the 3rd day before election day and, where appropriate, the 3rd day before the day of the advance vote, supply to each deputy returning officer in the Region the following materials:
 - (a) a sufficient number of ballots;
 - (b) a statement of the quantity and serial numbers of the ballots supplied;
 - (c) a sufficient number of copies of the directions to voters on how the vote shall take place, prepared by the Chief Electoral Officer;
 - (d) a copy of the directive of the Chief Electoral Officer relating to registration of voters and establishing the identity of voters;
 - (e) the supplies and accessories necessary for voters to mark their ballot;
 - (f) a sufficient number of templates supplied by the Chief Electoral Officer to assist voters who are visually disabled to vote without assistance;
 - (g) a sufficient number of copies of a list of voters who have already registered for use at each polling station;
 - (h) the oath and affirmation forms approved by the Chief Electoral Officer;
 - (i) the documentation required for the registration of voters on election day;
 - (j) a ballot box for each polling station;
 - (k) a polling record for each polling station; and

- (l) the materials necessary for the vote and for counting the votes, including the various envelopes in which to place the ballots.

DEATH OF CANDIDATE

Death of candidate

37. (1) Where a candidate dies after the close of nominations and before the close of the polling stations on election day, the Chief Electoral Officer shall
- (a) cancel the election for that office;
 - (b) fix a new day for a by-election for that office; and
 - (c) conduct the new by-election in the usual manner.

Ballots voided

- (2) Where an election is cancelled under this section, any ballots cast for the candidates for that office are void and shall be destroyed.

BALLOTS AND BALLOT BOXES

Form of ballot

38. (1) The ballot for election of a candidate must be in Form 4 of the Schedule.

Types of ballots at a general election

- (2) At a general election, there must be a ballot for the candidates for each of the following offices:
- President;
- (a) Vice-President;
 - (b) Secretary;
 - (c) Treasurer; and
 - (d) each Regional Representative.

Numbering

- (3) Each ballot shall be numbered consecutively, with each ballot number appearing on the ballot stub and the counterfoil.

Books of ballot papers

- (4) The ballot papers shall be bound in books containing 25 ballots.

Contents

- (5) Each ballot shall
- (a) clearly identify the office being elected;
 - (b) clearly identify each candidate; and
 - (c) list, in alphabetical order, the name of each candidate as he or she wishes it to appear on the ballot in accordance with the candidate's nomination papers.

Identical names

(6) Where two or more candidates have the same surname and first name, the Chief Electoral Officer shall use their other names to distinguish them.

Name of printer

(7) Each ballot shall state the year of the election and the name of its printer on its reverse side.

Declaration of printer

(8) The printer of the ballots shall deliver to the Chief Electoral Officer a declaration, in the approved form, setting out

- (a) the description of the ballot papers printed by the printer;
- (b) the number of ballot papers supplied to the Chief Electoral Officer; and
- (c) a confirmation that any excess ballots have been destroyed and that no ballots have been supplied to any other person.

Ballots

(9) The Chief Electoral Officer shall cause the ballots for each office to be printed in the proper form and in the required number, plus an extra 10 percent for contingencies.

Ballots boxes

39. 1) The Chief Electoral Officer shall
- (a) approve the specifications for the construction of ballot boxes;
 - (b) supply the required ballot boxes for each Region; and
 - (c) supply the required voting compartments for each polling station.

Voting compartments

(2) All voting compartments must be placed to ensure that each voter may be screened from observation and mark his or her ballot paper without interference or interruption.

Property of the Métis Nation

(3) The Métis Nation - Saskatchewan is the owner of the ballots and all other election materials provided for use at an election, subject to any materials on loan from another elections office.

Documentation

40. (1) The Chief Electoral Officer shall, as soon as possible after the close of nominations, send to each Regional Returning Officer
- (a) copies of this Act and instructions for the proper conduct of the election for use by the Regional Returning Officer and the election officers at the polling stations and at central polling places; and
 - (b) the supplies and accessories necessary for taking the vote, other than the ballots.

Material for deputy returning officer

(2) The Regional Returning Officer shall supply to each deputy returning officer in the Region the election materials, no later than the 3rd day before the day of the advance vote and the 3rd day before election day.

Safekeeping

(3) The deputy returning officer shall keep the election materials, including the ballots and polling record, in the sealed ballot box and shall take all reasonable precautions to prevent unauthorized access to them.

VOTING OPPORTUNITIES

Methods of voting

41. A voter may, where allowed under this Act, vote using one of the following methods:
- (a) voting in person at the office of the Regional Returning Officer;
 - (b) voting in person at a polling station on election day;
 - (c) voting in person at a polling station at an advance vote; or
 - (d) voting in person at a mobile poll.

Secrecy of the vote

42. (1) Every person present at a polling station or present for the counting of the vote shall preserve the secrecy of the vote and in particular shall not
- (a) interfere or attempt to interfere with a voter who is marking a ballot;
 - (b) attempt, during voting, to discover how a voter voted;
 - (c) communicate information on how a ballot was marked;
 - (d) cause, directly or indirectly, a voter to show the ballot once marked in a way that reveals for whom the voter voted; or
 - (e) attempt, during the counting of the vote, to obtain or communicate information on how a voter voted.

Prohibitions

- (2) No voter shall
- (a) openly declare at the polling station the name of the candidate for whom the voter intends to vote, except if the voter requires assistance to vote in accordance with this Act;
 - (b) openly declare how the voter voted; or
 - (c) show the ballot, when marked, to reveal for whom the voter has voted.

Procedure where offence committed

(3) A deputy returning officer shall inform any voter who contravenes subsection (2) that the voter is guilty of an offence, but shall allow the voter to vote in the usual way.

Identifying sign

(4) No person shall use, wear or display or cause to be used, worn or displayed any flag, ribbon, label, badge or similar object in a polling station as campaign material or political propaganda, except as authorized by the Chief Electoral Officer.

Identification of a voter

- (5) No person shall mark a ballot in a way that may identify the voter.

Protection of secrecy

- (6) No person may be forced to reveal the candidate for whom the person has voted.

VOTING IN THE OFFICE OF THE REGIONAL RETURNING OFFICER

Voting in office of Regional Returning Officer

43. (1) A voter may vote in the office of the Regional Returning Officer in accordance with this section.

Application of other provisions

- (2) Subject to this section, the provisions of this Act respecting polls and voting on election day apply to voting in the office of a Regional Returning Officer with such modifications as the circumstances require or as the Chief Electoral Officer may direct.

Registration in the office

- (3) A voter may vote in the office of the Regional Returning Officer, even if the voter has not yet registered, by registering as a voter in the same manner as on election day.

Time for voting in office of returning officer

- (4) A person may vote at the office of the Regional Returning Officer only during the hours of 10:00 am to 2:00 pm and 4:00 pm and 6:00 pm, commencing the 15th day before election day, and ending the 8th day before election day, but not including a Sunday.

Recording votes

- (5) The Regional Returning Officer shall, in accordance with the instructions of the Chief Electoral Officer,
- (a) keep a record of voters who have voted in the office of the Regional Returning Officer and notify the deputy returning officers of the voters who have so voted;
 - (b) seal the ballots and all the election materials inside the ballot box in the approved manner;
 - (c) secure the ballot box and ballot papers during the period in which persons may vote at the office of the Regional Returning Officer until the time for the counting of votes on election day;
 - (d) count the votes in the office of the Regional Returning Officer at the close of the polls on election day; and
 - (e) secure the ballot papers and other material associated with the voting after the counting of the votes.

SCHEDULE AND PROCEEDINGS AT THE ADVANCE VOTE

Holding an advance vote

44. (1) An advance vote must be held in each Region on the 7th day before election day, at such polling stations as the Chief Electoral Officer considers necessary.

Schedule

- (2) The polling station for an advance vote must be open from 12:00 noon to 7:00 p.m.

Voting by election officers

45. All election officers shall endeavour to vote before election day.

Voting procedure

46. (1) The voting procedures applicable to voting at a polling station on election day apply to the procedure at an advance vote, with such modifications as the circumstances require.

Polling record

- (2) The poll clerk at the advance vote shall, under the direction of the deputy returning officer, keep a polling record in duplicate of the advance vote in the form established by the Chief Electoral Officer, that includes
 - (a) the names and addresses of the voters who voted at the advance vote in the order in which they voted; and
 - (b) such information, beside the name of each voter, as would be required for an ordinary polling station.

Procedure at close of advance vote

47. (1) After the close of the advance poll, the deputy returning officer shall
 - (a) count the number of voters who voted at the polling station and record the total on the polling record;
 - (b) place the spoiled ballots in the envelope provided for this purpose, note on the outside of the envelope the number of spoiled ballots it contains and seal the envelope;
 - (c) count the number of unused ballots that are not detached from the books of ballots, and record the total on the polling record;
 - (d) place the unused ballots and the stubs of all used ballots into the special envelope provided for this purpose, note on the outside of the envelope the number of unused ballots it contains and seal the envelope;
 - (e) count the number of used ballots from the ballot book and record the total on the polling record;
 - (f) check the number of ballots supplied by the returning officer against the number of spoiled ballots, unused ballots and ballots deposited in the ballot box;
 - (g) send a copy of the polling record to the Regional Returning Officer;
 - (h) put the used ballots and the originals of the polling record and statement of the poll in the special envelope provided for this purpose, note on the outside of the envelope the number of used ballots it contains and seal the envelope; and
 - (i) put all the materials in the ballot box and seal it.

Seals

- (2) The deputy returning officer must use the seals and envelopes provided by the Chief Electoral Officer.

Custody of the ballot box

- (3) In the interval between the close of the advance vote at the advance polling station and the counting of the votes on election day, the deputy returning officer shall ensure that the sealed ballot box is kept safely, in accordance with the directions of the Chief Elections Officer.

Transmission of register

- (4) A deputy returning officer shall send a copy of the advance polling record to the Regional Returning Officer's office as soon as possible after the close of the advance vote.

MOBILE POLL

Request for mobile poll

48. (1) A Regional Returning Officer shall give public notice that voters may call the Regional Returning Officer to request a visit by a mobile poll, if the voter is shut in and unable to vote either at the office of the Regional Returning Officer or the polling station.

Deadline

- (2) A request for a mobile poll must be made before 5:00 pm on the 12th day before election day.

Having a mobile poll

- (3) A mobile poll must be conducted in a Region on the day of the advance vote, if the Chief Electoral Officer considers that there is sufficient need for it.

Itinerary

- (4) Subject to subsection (4), the Regional Returning Officer shall determine
 - (a) the appropriate schedule for any mobile poll; and
 - (b) the places where and the hours during which the mobile poll will be available to voters.

Penal or correctional institutions

- (5) The Chief Electoral Officer shall determine
 - (a) the appropriate schedule for any mobile poll for registered voters who are confined in a penal or correctional institution; and
 - (b) the places where and the hours during which the mobile poll will be available to those voters.

Application of Act

49. (1) Unless the Chief Electoral Officer instructs otherwise, the provisions of this Act respecting the conduct of voting at a polling station apply to a mobile poll with such modifications as the circumstances require.

Close of poll

- (2) At the close of the mobile poll, the deputy returning officer of the mobile poll shall send the sealed ballot box and the polling record to the Regional Returning Officer.

RECORDING EARLY VOTERS

First list of names of early voters

50. (1) The Regional Returning Officer shall, on the 8th day before election day, compile a list of the names of all voters who have already voted and distribute that list to all deputy returning officers in the Region for use at the advance vote and mobile poll.

Second list of names of early voters

- (2) The Regional Returning Officer shall, on the 7th day before election day, update the list referred to in subsection (1) with the names of all voters who have voted at the advance poll and mobile poll and distribute that list to
- (a) the Chief Electoral Officer;
 - (b) all deputy returning officers in the Region; and
 - (c) all candidates for the office of an Executive Member and all candidates for the office Regional Representative for that Region.

ROLE OF THE CANDIDATES AND THEIR REPRESENTATIVES AT A POLLING STATION

Presence of candidates

51. (1) A candidate or his or her authorized representative may be present at all operations relating to the poll, and may remain for the counting of the ballots.

Proof of authorization

- (2) Each candidate's representative shall, on first arrival at the polling station,
- (a) give the deputy returning officer a copy of the authorization signed by the candidate; and
 - (b) take an oath or affirmation, in the approved form, to keep secret the name of the candidate for whom any ballot may be marked at the polling station.

Single representative

- (3) A candidate may have a different representative at a polling station at different times but may not have a representative with him or her or have more than one representative present at any given time.

OPERATION OF POLLING STATIONS

Hours of the polling station

52. (1) On election day, the polling stations shall be open from 9 a.m. to 7 p.m.

Extension of time

- (2) A Regional Returning Officer may, if instructed by the Chief Electoral Officer, extend the time of closing of that polling station if
- (a) the opening of a polling station has been delayed beyond the time provided for in subsection (1) or its operation has been halted during election day because of an accident, riot, weather conditions or another similar factor; and
 - (b) a significant number of voters would not be able to vote without the extension.

Maximum extension

- (3) An extension cannot result in the polling station being open for a total period exceeding 11 hours.

Public notice

- (4) The Regional Returning Officer shall, as soon as possible, notify the public of the extension in the approved manner.

Delay counting

- (5) Where the time of closing of a polling station is extended, the procedure for counting the ballots at all other polling stations in the Region shall be similarly delayed.

Presence of voters at closing of poll

53. (1) If, at the time fixed for the closing of the polling station, there are still voters within the polling station or at its entrance, the polling station must remain open for the period of time required to enable these voters to cast their votes, but a person who was not present at the time fixed for the closing of the polling station may not vote.

Presence of candidates

- (2) If a candidate, or an authorized representative of the candidate, is present at the polling station at least 15 minutes before the hour fixed for opening the poll, they are entitled, without causing any delay in the opening of the poll,
 - (a) to have the ballot papers for the polling station counted in their presence before the opening of the poll; and
 - (b) to inspect the ballot papers and all other papers, forms and documents relating to the poll.

Initialling ballots

54. (1) The deputy returning officer shall, before opening the polling station, and in full view of all present,
 - (a) carefully count the ballots for use at that poll;
 - (b) uniformly initial the back of the ballots in the space provided for this purpose; and
 - (c) allow the candidates or their authorized representatives present to inspect the ballots and all other documents relating to the poll.

Detaching ballots

- (2) The deputy returning officer shall not, while initialling the ballots, detach them from the books in which they are bound or stapled.

Time to initial ballots

- (3) The deputy returning officer may complete the initialling of the ballots after the polling station is open and must do so in any event before the ballots are given to the voters.

Inspection of ballot box

55. (1) The deputy returning officer shall, at the time fixed for opening the polling station and in full view of all present, open the ballot box and establish that it is empty.

Closing the ballot box

- (2) The ballot box must then be closed and sealed in accordance with the directions of the Chief Electoral Officer and, in full view of all present, placed on a table, where it must remain until the closing of the poll.

POLLING RECORD

Contents of polling record

56. The Chief Electoral Officer shall prepare a polling record containing the following:
 - (a) the name of the Region;
 - (b) the name or identifying number of the polling station;
 - (c) blank spaces at the end of the polling record to list voters who register at the poll;
 - (d) a place for the number of the proof of registration opposite the name of the voter;
 - (e) a consecutive number for each voter; and
 - (f) a place for the poll clerk to record any occurrence or information required by the Act or the directions of the Chief Electoral Officer.

Poll clerk duties

57. The poll clerk shall record in the polling record the following information in accordance with the directions of the Chief Electoral Officer:
 - (a) the name of each voter who was required to show proof of identity or to take an oath or affirmation and whether the voter took the oath or affirmation or not and whether the voter voted or not;
 - (b) the number of the proof of registration and the name of each voter when the voter casts the ballot;
 - (c) the name and postal or civic address of any person who objected to a voter;
 - (d) any case where a replacement ballot was issued to a voter;
 - (e) the name of each voter who received assistance from the deputy returning officer to vote and, opposite to the voter's name, the fact that the assistance was provided by the deputy returning officer;
 - (f) the name of each voter who received assistance from a relative or friend to vote and, opposite to the voter's name, the name of the person who provided the assistance and the relationship with the voter, if any;
 - (g) the name of any voter who voted outside the polling station; and
 - (h) any occurrence which the deputy returning officer directs the poll clerk to record pursuant to the directions of the Chief Electoral Officer.

VOTING PROCEDURE AT A POLLING STATION

Opening the polling station

58. (1) A deputy returning officer shall, immediately after the ballot box is sealed, call on voters to cast their ballots.

Free access

(2) A deputy returning officer shall admit the voters into the polling station and see that they are not disturbed.

One voter at a time

(3) A deputy returning officer may, if it seems advisable, direct that only one voter for each voting compartment be allowed to enter the premises of the polling station at a time.

Orderly circulation

(4) In a central polling place, the election officer responsible for regulating the entry of persons assumes the duties under this section and may take appropriate measures to ensure the orderly circulation of persons present in the central polling place.

Proof of registration

59. (1) A person who wishes to receive a ballot and vote must, before voting, provide his or proof of registration as a voter.

Refusal

(2) Subject to subsection (3), a person who refuses to provide proof of registration as a voter shall not be allowed to receive a ballot and vote.

Lack of proof of registration

(3) A voter who has registered to vote but who forgets to bring the proof of registration to the poll, may receive a ballot and vote if the voter

- (a) provides documentary evidence of the voter's name, current address and signature for inspection by the election officer, which entitles him or her to vote in accordance with subsections 12(2) and (3); and
- (b) signs and swears, or affirms, a declaration, in the approved form, that the voter is entitled to vote and has previously registered.

Delivery of ballot

(4) The deputy returning officer shall ensure that each voter entitled to receive a ballot and to vote at the polling station is handed a properly initialled ballot in such a way that the initials are visible after the ballot is marked and folded.

BALLOT PROCEDURES

Instructions to voter

60. (1) The deputy returning officer shall instruct the voter on how to properly mark and handle the ballot.

Proper marks

(2) The proper way to mark a ballot is to make an "X", or another sign that clearly indicates which candidate the voter has chosen, in the circular space on the ballot adjacent to the candidate's name, using the pencil provided or any other pen or pencil.

Marking a ballot

61. (1) Each voter shall, after receiving a ballot,
- (a) proceed directly to the voting compartment;
 - (b) mark the ballot in the proper way;
 - (c) fold the ballot as instructed by the deputy returning officer so that the initials on the back of the folded ballot and the serial number on the back of the stub are visible without unfolding the ballot; and
 - (d) return the ballot to the deputy returning officer.

Handling of marked ballot

- (2) The deputy returning officer shall, upon receiving the ballot from the voter,
- (a) without unfolding the ballot, verify that it is the same one that was handed to the voter by examining the initials and serial number on the back of the ballot;
 - (b) remove and destroy the counterfoil in full view of the voter and all others present; and
 - (c) return the ballot to the voter who deposits it in the ballot box or, if the voter so requests, deposit the ballot in the ballot box for the voter.

Recording voter

- (3) The poll clerk shall record, in the polling record, the name of the voter who has voted.

Deposit in ballot box

- (4) The voter, or the deputy returning officer if the voter is unwilling or able to do so, shall deposit the marked ballot in the ballot box in the approved manner.

Speed

- (5) The voter shall vote quickly and leave the polling station as soon as the voter's ballot is deposited in the ballot box.

Spoiled ballot

62. (1) Any voter who, having received a ballot, inadvertently marks or damages it, shall return it to the deputy returning officer who shall cancel the ballot by defacing it, deposit the spoiled ballot in the envelope provided for this purpose and deliver another ballot to the voter.

Misprinted ballots

- (2) The deputy returning officer shall treat any misprinted ballot as a spoiled ballot.

SPECIAL ASSISTANCE TO VOTERS

Assistance by deputy returning officer

63. (1) If a voter requests assistance in marking the voter's ballot, the deputy returning officer shall, in the presence of the poll clerk, assist the voter by any means likely to enable the voter to vote.

Assistance by friend or relative

- (2) A friend or relative may accompany a voter requiring assistance into the voting compartment to assist the voter in voting.

Assisting only once

(3) No person, other than an election officer, shall assist more than one voter in marking a ballot.

Promise before assistance

(4) Any friend or relative who wishes to assist a voter in marking a ballot shall first solemnly promise that they

- (a) shall mark the ballot as instructed by the voter;
- (b) shall keep the choice of the voter secret;
- (c) shall not influence the voter in choosing a candidate; and
- (d) have not assisted, during the current election, another person to vote.

Record of assistance

(5) The poll clerk shall, in addition to the other requirements of this Act, record the fact that the voter received assistance and enter the name of the friend or relative of the voter in the remarks column of the polling record opposite the entry for the voter.

Disabled voter

64. (1) Any voter with a physical disability who has difficulty entering the polling station may request the deputy returning officer to allow the voter to vote at the nearest possible place outside the polling station to which the voter has access.

Taking vote outside polling station

(2) The deputy returning officer shall, for the purpose of subsection (1),

- (a) temporarily halt all operations in the polling station;
- (b) with the poll clerk, bring the ballot box and a ballot to the voter outside the polling station; and
- (c) take whatever steps are necessary to ensure the secrecy of the vote.

Resumption of operations

(3) When the voter's ballot is deposited in the ballot box, the deputy returning officer shall bring the ballot box back into the polling station and resume operations in the polling station.

MAINTAINING PEACE AND ORDER AT POLLING STATION

Maintaining peace and order

65. (1) The Regional Returning Officer, during an election, and the deputy returning officer, during the hours that the polls are open, shall take reasonable measures to maintain peace and order.

Assistance

(2) A deputy returning officer may request the assistance of peace officers or other persons to maintain peace and order at a polling station or central polling place.

Peace officers

(3) The Chief Electoral Officer may arrange in advance for peace officers to be ready to maintain peace and order throughout election day.

CHALLENGE AT POLL

Taking of information

66. (1) Where a person alleges that someone has committed or is attempting to commit the offence of impersonation or voting without the right to do so, the deputy returning officer shall take the information of the allegation from the person under oath or affirmation, in the approved form.

Power to detain

- (2) The deputy returning officer may ask a peace officer to detain or order the detention of any person against whom an allegation under subsection (1) is made and who has not yet left the polling station, until the deputy returning officer has finished taking the information under subsection (1).

Eviction

- (3) The deputy returning officer, or a peace officer, may
- (a) evict from the polling station any person believed to have committed an offence under this Act; and
 - (b) remove or have removed anything that in the opinion of the deputy returning officer has been used in the commission of the offence.

PROCEDURE AT CLOSE OF POLL ON ELECTION DAY

Procedure

67. (1) After the close of the poll on election day, the deputy returning officer shall
- (a) count the number of voters who voted at the polling station on election day and on the day of the advance vote and record the total on the statement of the poll;
 - (b) count the spoiled ballots, if any, and record the total on the statement of the poll;
 - (c) place the spoiled ballots in the envelope provided for this purpose, note on the outside of the envelope the number of spoiled ballots it contains and seal the envelope;
 - (d) count the number of unused ballots that are not detached from the books of ballots, and record the total on the statement of the poll;
 - (e) place the unused ballots and the stubs of all used ballots into the special envelope provided for this purpose, note on the outside of the envelope the number of unused ballots it contains and seal the envelope;
 - (f) open the ballot box and empty its contents onto a table;
 - (g) examine each ballot to determine whether it is valid and allow those present an opportunity to examine them;
 - (h) count the number of votes given to each candidate and record the total for each candidate on the statement of the poll;
 - (i) count the number of rejected ballots and record the total on the statement of the poll;
 - (j) place the ballots cast for each candidate into the special envelope provided for this purpose, note on the outside of the envelope the number of ballots it contains and any objections and seal the envelope;

- (k) place the rejected ballots into the special envelope provided for this purpose, note on the outside of the envelope the number of rejected ballots it contains and seal the envelope;
- (l) check the number of voters against the number of ballots in the ballot box; and
- (m) check ballots supplied by the returning officer against the number of spoiled ballots, unused ballots and ballots deposited in the ballot box.

Seals

- (2) The deputy returning officer must use the seals and envelopes provided by the Chief Electoral Officer.

Counterfoil problem

- (3) Where, in the course of counting the votes, any ballot is found with the counterfoil still attached to the ballot, the deputy returning officer shall, while carefully concealing the number on the counterfoil from all persons present and without examining it, remove and destroy the counterfoil.

PART IV ELECTION RESULTS

Counting the Votes

Time of counting

68. (1) On election day, immediately after the close of the polls in the Region, the counting of the votes shall take place in the office of the Regional Returning Officer and in every polling station.

Distribution of ballot boxes

- (2) The following sealed ballot boxes are to be opened and the ballots inside them merged and then counted at the office of the Regional Returning Officer:
- (a) the ballot boxes from the voting in the office of the Regional Returning Officer;
 - (b) the ballot boxes from the mobile poll conducted in a penal and correctional institutions; and
 - (c) the ballot boxes from all other mobile polls.

Other ballot boxes

- (3) The ballot boxes from the advance vote are to be opened and counted in the polling station at the close of the poll on election day.

Duties at office of the Regional Returning Officer

- (4) The duties of the deputy returning officer and poll clerk in respect of the counting of the votes at a polling station are to be performed by the Regional Returning Officer and the assistant regional returning officer respectively when counting the votes at the office of the Regional Returning Officer.

Who may be present

69. (1) Subject to subsection (2), no person other than the following may be present in the room where the votes are to be counted:
- (a) an election officer;
 - (b) a candidate or an authorized representative of the candidate;
 - (c) any peace officers at the polling station; and
 - (d) legal counsel for the Chief Electoral Officer.

Procedure for counting the votes

- (2) The deputy returning officer shall, in the presence of the poll clerk and the candidates or their authorized representatives or, if the candidates or their representatives are not present, in the presence of at least two voters, make the count in accordance with the directions of the Chief Electoral Officer.

Rejection of ballots

- (3) When counting the ballots, the deputy returning officer shall reject any ballot that was
- (a) not supplied by the Chief Electoral Officer;
 - (b) not marked in favour of a candidate;
 - (c) marked in a way that does not clearly indicate the voter's intent;
 - (d) marked in favour of a person who is not a candidate;

- (e) marked for more than one candidate;
- (f) marked in a place other than the circular space provided, unless the mark clearly indicates the voter's intention; or
- (g) marked in a way that identifies the voter.

Minor problems

- (4) No ballot shall be rejected pursuant to subsection (1) for the sole reason that the deputy returning officer
- (a) placed a note, number or mark on it; or
 - (b) did not remove the counterfoil when the voter voted.

Openness

- (5) The deputy returning officer shall give a full opportunity to those present to look at, but not to touch, each ballot paper.

Effect of failure to initial

70. (1) Where, in the course of counting the votes, a deputy returning officer discovers that the back of any ballot paper was not initialled by the deputy returning officer, the deputy returning officer shall, in the presence of the poll clerk and the candidates or their representatives, affix his or her initials to the ballot paper and count the ballot paper as if it had been initialled in the first place, if the deputy returning officer is satisfied that
- (a) the ballot paper was supplied by the deputy returning officer;
 - (b) an omission was in fact made; and
 - (c) every ballot paper supplied to the deputy returning officer by the Regional Returning Officer is accounted for.

Liability of deputy returning officer

- (2) Nothing in subsection (1) relieves a deputy returning officer from any penalty to which the deputy returning officer may have become liable by reason of the failure of the deputy returning officer to initial the back of any ballot paper before handing it to a voter.

Objections

71. (1) Where a candidate or representative objects to the validity of a ballot, the deputy returning officer shall record the objection in the statement of the poll and on the back of the ballot and render a decision on the questions raised by the objection.

Decision final

- (2) The decision of a deputy returning officer on an objection under subsection (1) is final, and may only be reversed by a recount or by an application to void an election.

Objections recorded

- (3) The deputy returning officer shall
- (a) record each objection in the polling record setting out the name of the objector, the grounds of the objection and an identifying number;

- (b) inscribe the number of the objection on the back of the ballot; and
- (c) initial the ballot.

Statement of the poll

72. (1) The deputy returning officer shall prepare a statement of the poll that sets out
- (a) the total number of valid votes cast;
 - (b) the number of votes in favour of each candidate;
 - (c) the number of rejected and spoiled ballots; and
 - (d) such other information as may be required by the Chief Electoral Officer.

Copies of statement of poll

- (2) The deputy returning officer shall make copies of the statement of the poll, in the approved form, and distribute them as follows:
- (a) one copy to remain with the polling record;
 - (b) one copy to be kept by the deputy returning officer;
 - (c) one copy to be sent to both the Regional Returning Officer and the Chief Electoral Officer; and
 - (d) one copy for each candidate.

Handling of ballots

73. (1) After completing the statement of the poll, the deputy returning officer shall, using envelopes supplied by the Chief Electoral Officer,
- (a) place all the valid ballots in separate envelopes for each candidate;
 - (b) place all the rejected and spoiled ballots in another envelope; and
 - (c) place all the unused ballots in another envelope.

Sealing envelopes

- (2) The deputy returning officer shall seal each envelope and note the contents on outside of each envelope.

Signing the seals

- (3) The deputy returning officer and the poll clerk shall each sign the seals on all the envelopes containing ballots. Any other person present may also sign the seals.

Placement in large envelope

- (4) The deputy returning officer shall place the following in a large envelope supplied by the Chief Electoral Officer:
- (a) the separate envelopes containing the various categories of ballots;
 - (b) the envelope containing the other documents used at the poll;
 - (c) the polling record;
 - (d) the statement of the poll; and
 - (e) a record of the ballots.

Closing and delivery of ballot box

- (5) The deputy returning officer shall

- (a) place the large envelope in the ballot box and seal it, pursuant to the instructions of the Chief Electoral Officer; and
- (b) send the ballot box immediately to the Regional Returning Officer.

UNOFFICIAL RESULTS

Informal notification of results

74. (1) The deputy returning officer shall telephone the information from the statement of the poll to the Regional Returning Officer as soon as possible after the counting of the votes.

Recording regional information

- (2) The Regional Returning Officer shall record the information telephoned from each deputy returning officer and fax that information to the Chief Electoral Officer.

Public disclosure of unofficial results

- (3) On the evening of election day the Chief Electoral Officer may release the content of the information received under this section to the public, but that information is to be considered unofficial until it is verified in accordance with this Act.

VERIFICATION OF VOTES BY REGIONAL RETURNING OFFICER

Verifying statements of poll

75. (1) Within five days after the close of the polls, the Regional Returning Officer shall verify the votes in favour of each candidate from the various statements of the poll for the Region.

Adjournment of verification of votes

- (2) The Regional Returning Officer may adjourn the verification of the votes where the statement of the poll for a polling station is not received or the number of votes cast at the polling station for the several candidates cannot be ascertained.

Limit

- (3) The aggregate of all adjournments shall not exceed two weeks.

Lack of statement of poll

- (4) Where a statement of the poll or copies of the poll cannot be obtained, the Chief Electoral Officer shall
- (a) ascertain, by the best available evidence, the total number of votes given to each candidate at the several polling stations;
 - (b) summon any deputy returning officer, poll clerk or other person with evidence in the matter to appear before the Chief Electoral Officer at a day and hour to be named by the Chief Electoral Officer, and to bring all necessary papers and documents;
 - (c) give notice of the date and hour of the intended proceedings to the candidates; and
 - (d) examine on oath the deputy returning officer, poll clerk or other person, respecting the matter in question.

Declaration of apparent winner

(5) Where a ballot box or statement of the poll has been lost or has not been returned, the Regional Returning Officer shall declare the name of the candidate who appears to have obtained the largest number of votes, and shall report to the Chief Electoral Officer

- (a) the reasons for the lack of any statement of the poll; and
- (b) the method by which the Regional Returning Officer ascertained the number of votes cast for each candidate.

OFFICIAL ELECTION RESULTS

Regional election report

76. (1) The Regional Returning Officer shall, in a regional election report in the approved form, certify the number of votes cast in favour of each candidate for the office of an Executive Member and the office of the Regional Representative, according to the verified statements of the poll in that Region.

Deadline

(2) The regional election report must be completed as soon as the verification of all the votes is completed, unless, there is a judicial recount or, in exceptional circumstances, the Chief Electoral Officer authorizes otherwise.

Sending report

(3) The Regional Returning Officer shall immediately send a copy of the regional election report to the Chief Electoral Officer and to each candidate in the Region.

Report sent prematurely or containing errors

(4) The Chief Electoral Officer may return to the Regional Returning Officer a regional election report that was sent prematurely or that contains errors and, in such a case, the Regional Returning Officer shall diligently remedy any defect as directed by the Chief Electoral Officer.

Provincial election report

77. (1) The Chief Electoral Officer shall, in a provincial election report in the approved form, certify the number of votes cast in favour of each candidate for the office of Executive Member, according to the consolidated regional election reports from all Regions.

Registration of elected candidate

(2) The Chief Electoral Officer shall register the name of each elected candidate in a register in the approved form kept for this purpose.

Declaration of elected candidate

78. (1) The Regional Returning Officer shall publicly declare as elected the candidate for Regional Representative who obtained the greatest number of votes in the regional election report for his or her Region.

Declaration of elected candidate

(2) The Chief Electoral Officer shall publicly declare as elected the candidate for each of the offices of Executive Member who obtained the greatest number of votes in the provincial election report.

Delay for recount

(3) If a judicial recount is required, the Chief Electoral Officer shall delay declaring the results for the office that is subject to the recount, until the Chief Electoral Officer has received the certified results of the recount from the judge.

JUDICIAL RECOUNT

Application for recount

79. (1) If the difference between the number of votes in favour of the candidate who received the most votes and any other candidate for the same office is nil or less than 2% of the total number of votes cast for the office, the Chief Electoral Officer shall, without delay, apply to the court for a recount.

Notice

(2) The Chief Electoral Officer shall give written notice of the recount to the affected candidates.

Application for recount by voter

80. (1) Any voter may apply to the court for a recount, before the end of the 8th day after the day of publication of the regional or provincial election report, as the case may be.

Grounds for application

(2) A voter may only make an application for a judicial recount because an election officer

- (a) improperly rejected ballot papers;
- (b) made an incorrect statement of the number of votes cast for any candidate;
- (c) improperly counted or added up the votes.

Application

(3) An application for a judicial recount must be made in accordance with the Rules of the Saskatchewan Court of Queen Bench and the practice and procedure of the court for an originating application.

Court costs

(4) The court may award costs and make any other order it considers advisable against any person who applies for a recount, if the application is scandalous, frivolous or vexatious, or is otherwise an abuse of the process of the Court.

No appeal

(5) There is no appeal from the decision of the court on an application for a recount.

Candidate with highest number of votes

81. (1) If the judge certifies that one candidate for an office obtained a higher number of votes than any other candidate for the same office, the Chief Electoral Officer shall declare that candidate elected in the election report.

New election

- (2) If the judge certifies a tie in the number of votes for an office, the Chief Electoral Officer shall order that a new election be held.

Applicable rules

- (3) An election that takes place pursuant to a recount shall be held in accordance with the provisions applicable to a by-election.

VOIDING AN ELECTION

Making the application

82. (1) An application to void an election may be made in accordance with the Rules of the Saskatchewan Court of Queen Bench and the practice and procedure of the court for an originating application.

After recount

- (2) An application to void an election may only be made after any application for a judicial recount is decided.

Purpose

- (3) The application may be made on the grounds that
 - (a) an election was invalid;
 - (b) a candidate does not have the right to sit in the Provincial Métis Council as a member; or
 - (c) a person is guilty of an offence under this Act that affected the result of the election.

Time for bringing the application

- (4) The application must be filed with the Clerk of the Saskatchewan Court of Queens Bench no later than 30 days after the later of
 - (a) the day of publication of the regional or provincial election report, as the case may be; and
 - (b) the day a court renders its decision on any application for a recount.

Exception

- (5) The limitation specified in subsection (4) does not apply to the Chief Electoral Officer, who may file the application no later than 90 days after the publication notice of the election result.

Service of application

- (6) A copy of the application shall be served, within 20 days after it is filed, on
 - (a) the respondent;
 - (b) the Regional Returning Officer and Chief Electoral Officer, unless they are the applicant; and
 - (c) the Provincial Métis Council.

Court costs

(7) The court may award costs and make any other order it considers advisable against any person who applies for voiding an election, if the application is scandalous, frivolous or vexatious, or is otherwise an abuse of the process of the Court.

No appeal

(8) There is no appeal from the decision of the court on an application to void an election.

Effect of non-compliance

83. (1) No election shall be declared invalid for any of the following reasons, if it appears to the court that is considering the question that the election was otherwise conducted in accordance with this Act and that the non-compliance did not affect the result of the election:

- (a) non-compliance with this Act relating to limitations of time, the taking of the poll or the counting of the votes;
- (b) a lack of qualifications in the persons signing the nomination papers;
- (c) an error in the name, or omission of, or error in the address of any candidate on the nomination papers; or
- (d) an insufficiency in any posting or publication of a notice or other document, or a mistake in the use of the forms under this Act.

Member not entitled to sit

(2) Where the court determines that a person was not lawfully elected that person is not entitled to sit or vote in the Provincial Métis Council.

Other candidate entitled to sit

(3) Where the court determines that some other person was elected or is entitled to the office, that other person is entitled to take his or her seat in the Provincial Métis Council.

MANAGEMENT OF ELECTION MATERIAL

Safekeeping of ballot boxes

84. (1) A Regional Returning Officer, on receipt of each ballot box, shall
- (a) take every precaution for its safekeeping and for preventing any person other than the Regional Returning Officer or a deputy returning officer from having access to a ballot box;
 - (b) examine the special seal affixed to each ballot box by a deputy returning officer;
 - (c) affix a new approved seal if the seal is not in good order; and
 - (d) record the condition of the special seal required to be affixed by the deputy returning officer to the ballot box in the appropriate column of the record book of the Regional Returning Officer.

Collection of boxes and other material

(2) After the close of the polls, each deputy returning officer shall send to the Regional Returning Officer or the Chief Electoral Officer, in accordance with the directions of the Chief Electoral Officer, all election material for which the deputy returning officer was responsible.

Destruction or loss of ballot boxes

(3) Where any ballot box was destroyed, lost or for any other reason was not returned within the times fixed by this Act, other than destruction authorized under this Act, the Regional Returning Officer shall ascertain the cause of the disappearance of the ballot box and report it in writing to the Chief Electoral Officer.

Remission of election material

(4) An election officer who is replaced, relieved of his or her duties or refuses or is unable to act, shall immediately send to his or her successor, or to any other person directed by the Chief Electoral Officer, all election material that the election officer obtained or prepared in the course of his or her duties.

Managing election material

85. (1) The Regional Returning Officer shall manage and then send to the Chief Electoral Officer, for storage or destruction, all election material as directed by the Chief Electoral Officer.

Preservation of election material

(2) The Chief Electoral Officer shall ensure that all election material are maintained in accordance with accepted archival standards.

Destruction

(3) The ballots, ballot envelopes and unsigned election material may be destroyed 12 months after the date of publication of the notice of the election result, unless they are required for a future use, an archival purpose or an application or proceeding under this Act.

Preservation of documents

86. The Chief Electoral Officer shall ensure that

- (a) a register is kept of all approved forms and any instructions, guidelines or directions he or she issues respecting any matter; and
- (b) all declaration of elections, election reports, certificates and declarations in respect of elections are preserved for archival purposes.

Public records

87. (1) The following are public documents and may be inspected at the Office of the Chief Electoral Officer by any person on request during business hours:

- (a) all reports or statements respecting an election;
- (b) all instructions, guidelines and directions issued by the Chief Electoral Officer under this Act;
- (c) all decisions or rulings by the Chief Electoral Officer on points arising under this Act, and
- (d) all correspondence with election officers or others in relation to any election.

Request for access to documents

(2) Any person may request the Chief Electoral Officer to provide access to any documents kept by the Chief Electoral Officer pursuant to this Act that are not public records.

Granting access

- (3) The Chief Electoral Officer shall provide access for the person requesting a document referred to in subsection (2) to consult the document, unless the Chief Electoral Officer considers that
- (a) the request is unjustified; or
 - (b) the requested document contains information that should not or must not be disclosed for the same reasons as are applicable to records of a public body under the Privacy Act (Saskatchewan).

Copies

- (4) Any person may make copies of documents referred to in subsection (1) and is entitled to certified copies of those papers on payment for the preparation of those certified copies at the approved rate for each page.

Evidence

- (5) Any copies of documents purporting to be certified by the Chief Electoral Officer are admissible in evidence without further proof.

Removal of campaign material

88. Each candidate shall ensure that all his or her campaign material is removed from public display within 10 days after election day.

CONTRIBUTIONS AND EXPENSES

Contributions

89. (1) A person may make a contribution to another person for the purpose of supporting that person as a candidate at a forthcoming election.

No limit

- (2) There is no limit to the amount of a contribution that may be made.

Election expenses

90. (1) A person who becomes a candidate may incur election expenses.

No limit

- (2) There is no limit to the amount of election expenses that may be incurred.

ADVERTISING

Requirement to identify candidate and others

91. All campaign material must identify the candidate for whom it is made in accordance with guidelines of the Chief Electoral Officer.

**PART V
ADMINISTRATION**

CHIEF ELECTORAL OFFICER

Appointment of Chief Electoral Officer

92. (1) The Chief Electoral Officer is appointed by resolution of the Legislative Assembly to hold office during good behaviour, and may be removed only for cause by resolution of the General Assembly.

Term of office

(2) The term of office for the Chief Electoral Officer is seven years.

General election in 2007

(3) repealed July 29, 2016

Oath of office

(4) Chief Electoral Officer shall, before taking office, take an oath or affirmation of office.

Status of Chief Electoral Officer

(5) The Chief Electoral Officer is an independent officer of the Métis Nation - Saskatchewan.

Duties of the Chief Electoral Officer

93. (1) In order to fulfill the purposes of this Act, the Chief Electoral Officer shall

- (a) formulate policies regarding the conduct of elections;
- (b) exercise general direction and supervision over the administrative conduct of an election and enforce, on the part of all candidates and election officers, fairness and impartiality;
- (c) prepare guidelines with respect to the electoral process for candidates, election officers and other interested groups or persons;
- (d) establish any forms that may be required under this Act;
- (e) provide direction to and manage the staff of the Office of the Chief Electoral Officer;
- (f) issue instructions or directions to election officers;
- (g) coordinate the election process with bodies responsible for other elections elsewhere in Canada; and
- (h) perform any other functions related to the purpose of this Act or otherwise provided for under this Act.

Administrative powers

(2) In order to carry out the duties of office, the Chief Electoral Officer may

- (a) prepare interpretation bulletins on the interpretation of this Act;
- (b) issue any form required by this Act and establish any forms, not otherwise provided for, that may be necessary for the proper administration of this Act;
- (c) modify any forms;
- (d) meet with the Provincial Métis Council, Legislative Assembly and General Assembly and appropriate committees of those bodies to discuss matters related to this Act;

- (e) conduct public hearings with respect to any issue related to the electoral process;
- (f) intervene, with leave, in any proceedings before a court in which a provision of this Act is in dispute;
- (g) implement, either alone or in co-operation with other bodies, public education and information programs intended to make the electoral process better known to the public, particularly to persons or groups likely to experience difficulties in exercising their democratic rights;
- (h) make such agreements as necessary to perform his or her duties and to improve the Saskatchewan Métis electoral system;
- (i) cooperate with other jurisdictions and levels of government, and with organizations administering elections within Saskatchewan, to share information and resources, to learn together, to pool and train staff and to deliver better election services to Métis; and
- (j) exercise all other powers assigned to the Chief Electoral Officer by this Act.

Delegation

(3) The Chief Electoral Officer may delegate, in writing, generally or specifically, any of his or her powers or duties.

Powers to adapt this Act

94. (1) The Chief Electoral Officer may adapt any provision of this Act to achieve the purposes of this Act where it appears to the Chief Electoral Officer during an election period that, because of any mistake, emergency, disaster or unusual or unforeseen circumstance, the Act does not accord with the urgent needs of the situation.

Exception

(2) Despite subsection (1), the Chief Electoral Officer has no power to extend the nomination period.

Directives

95. The Chief Electoral Officer may issue directions

- (a) prescribing forms;
- (b) respecting fees, allowances, expenses and remuneration payable under this Act; and
- (c) on any matter that is to be subject to directions or approval by the Chief Electoral Officer under this Act.

Agreements

96. The Chief Electoral Officer, may enter into agreements with the government of Canada, a province or another territory, a municipal government, a Métis government or another electoral body respecting the conduct of elections.

Deputy Chief Electoral Officer

97. (1) The Chief Electoral Officer may appoint a Deputy Chief Electoral Officer to perform the powers duties and functions of the Chief Electoral Officer if

- (a) the Chief Electoral Officer is temporarily unable to act because of illness or for another reason;

or

- (b) the Office of the Chief Electoral Officer is vacant and the Legislative Assembly is not sitting.

Term of Deputy Chief Electoral Officer

- (2) The Deputy Chief Electoral Officer holds office for a term specified in the appointment by the Chief Electoral Officer.

STAFF OF THE OFFICE OF THE CHIEF ELECTORAL OFFICER

Staff

- 98. The Chief Electoral Officer may appoint such staff as is necessary for the proper conduct of elections.

Contracting services

- 99. The Chief Electoral Officer may, hire and determine the remuneration of additional staff on a temporary basis to assist the Chief Electoral Officer and, for specific work, may contract for the services of counsel and experts.

CHIEF ELECTORAL OFFICER'S REPORT

Election report

- 100. (1) The Chief Electoral Officer shall submit a report to the General Assembly, no later than
 - (a) 280 days after election day, in the case of a general election; and
 - (b) 140 days after election day in the case of a by-election.

Contents of report

- (2) The report shall include
 - (a) a report on the conduct of the election, including
 - (i) the number of votes cast for each candidate at each polling station,
 - (ii) the number of rejected ballots, and
 - (iii) the final number of registered voters;
 - (b) a summary of any matter that, in the opinion of the Chief Electoral Officer, should be brought to the attention of the Legislative Assembly;
 - (c) a summary of any complaints made in respect of the election and their disposition;
 - (d) a report on any instance where the Chief Electoral Officer exercised the power to adapt this Act during an election period or extended the voting period;
 - (e) a list of all Regional Returning Officers and assistant regional returning officers with their names and addresses and their Regions;
 - (f) the costs incurred in conducting the election; and
 - (g) recommendations to improve this Act and the election process.

REGIONAL RETURNING OFFICERS

Appointment

- 101. (1) The Chief Electoral Officer shall appoint a Regional Returning Officer for each Region.

Term of office

(2) Each Regional Returning Officer shall hold office for a term ending one year after the election day following their appointment.

General election in 2007

(3) repealed July 29, 2016

Reappointment

(4) A Regional Returning Officer may be re-appointed by the Chief Electoral Officer.

Resignation

102. (1) Any resignation of a Regional Returning Officer shall not take effect earlier than the day it is accepted by the Chief Electoral Officer.

Dismissal of Regional Returning Officer

(2) The Chief Electoral Officer may remove any Regional Returning Officer from office on the grounds that the Regional Returning Officer, for any reason,

- (a) has not performed, or is unable to perform, the Regional Returning Officer's duties in a satisfactory manner;
- (b) has resigned his or her position as Regional Returning Officer;
- (c) has not followed the directions or the instructions of the Chief Electoral Officer;
- (d) has not been impartial, whether or not in the course of the Regional Returning Officer's functions;
- (e) is no longer eligible to be a Regional Returning Officer; or
- (f) at any time after being appointed, engages in politically partisan conduct in respect of the Métis Nation - Saskatchewan or works for or on behalf of or against a candidate, whether or not in the course of the Regional Returning Officer's functions.

Vacancy

(3) The Chief Electoral Officer shall appoint a new Regional Returning Officer for a Region in which the office of Regional Returning Officer becomes vacant

- (a) without delay, where a by-election occurs in that Region;
- (b) without delay, where the Provincial Métis Council is dissolved; and
- (c) in any other case, within 60 days after the vacancy.

Duties of office

103. (1) Each Regional Returning Officer shall, subject to the direction of the Chief Electoral Officer,

- (a) take whatever reasonable measures are necessary for the proper and timely conduct of an election;
- (b) ensure that deputy returning officers and poll clerks are properly trained in accordance with guidelines of the Chief Electoral Officer;
- (c) take whatever reasonable measures are necessary to ensure that voter participation in the election is facilitated; and

- (d) perform such other duties as may be assigned to a Regional Returning Officer by the Chief Electoral Officer or otherwise under this Act.

Delegation

(2) A Regional Returning Officer may delegate to the assistant regional returning officer the Regional Returning Officer's duties and powers under this Act, in accordance with the instructions of the Chief Electoral Officer.

Delegation in writing

(3) The Regional Returning Officer's delegation shall be in writing and shall be dated and signed by the Regional Returning Officer.

ASSISTANT REGIONAL RETURNING OFFICER

Appointment of assistant regional returning officer

104. (1) Each Regional Returning Officer shall, without delay after being appointed, appoint in writing an assistant regional returning officer.

Term of office

(2) An assistant regional returning officer holds office at pleasure of the Regional Returning Officer.

Duties

(3) An assistant regional returning officer shall perform such duties as the Regional Returning Officer may assign.

Dismissal

105. (1) A Regional Returning Officer who intends to revoke the appointment of an assistant regional returning officer shall do so in writing and state the reasons for the revocation.

Resignation

(2) An assistant regional returning officer may resign by informing the Regional Returning Officer or, when the position of Regional Returning Officer is vacant, the Chief Electoral Officer.

Notification of Chief Electoral Officer

(3) The Regional Returning Officer shall notify the Chief Electoral Officer where the appointment of an assistant regional returning officer is revoked, or where the assistant regional returning officer resigns or dies.

Absence or inability of Regional Returning Officer

(4) Where the office of Regional Returning Officer is vacant, or the Regional Returning Officer is absent or unable to act, the assistant regional returning officer shall inform the Chief Electoral Officer and shall perform the duties of the Regional Returning Officer on an interim basis.

Other assistant regional returning officers

(5) At the request of the Regional Returning Officer, the Chief Electoral Officer may

- (a) authorize the Regional Returning Officer to appoint an assistant regional returning officer for a specific community or area in the Region; and
- (b) authorize the establishment of an office for that assistant regional returning officer.

Limitation of authorization

(6) An assistant regional returning officer appointed for a community or area may exercise powers and shall perform the duties of office only for that area.

Authorization of other functions

(7) The Chief Electoral Officer may authorize an assistant regional returning officer or an additional assistant regional returning officer to perform the functions of a deputy returning officer at an advance vote or a mobile poll.

OTHER ELECTION OFFICERS

Appointment of deputy returning officer

106. The Regional Returning Officer shall, as soon as possible after the issuance of the declaration of election, appoint a deputy returning officer, poll clerk and registration clerk for each polling station.

QUALIFICATIONS OF ELECTION OFFICERS

Eligibility

107. (1) Unless authorized otherwise by the Chief Electoral Officer to be eligible for appointment as an election officer, other than a registration clerk, a person must be entitled to vote for an Executive Member.
(amended July 29, 2016)

Disqualification

- (2) No person is be eligible to be an election officer if they
- (a) are a candidate or work on behalf of a candidate;
 - (b) are a member of the Provincial Métis Council, or were a member during the previous session;
 - (c) holds elected office pursuant to the Elections Act, 1996 (Saskatchewan); the Local Government Election Act (Saskatchewan) or the Canada Elections Act;
 - (d) is a judge of any court, other than a citizenship court;
 - (e) is not a resident of Saskatchewan;
 - (f) committed an offence in relation to elections within the previous 10 years; or
 - (g) committed an indictable offence within the previous five years.

Family members of candidates

(3) No parent, brother, sister or other member of the family of a candidate is eligible to be an election officer.

Family members of Regional Returning Officers

- (4) No parent, brother, sister or other member of the family of the Regional Returning Officer is eligible to be an assistant regional Returning Officer.

Form of appointments

108. All appointments under this Act must be in the approved form.

GENERAL DUTIES OF OFFICE

Duty of impartiality

109. (1) Election officers and the staff of the Office of the Chief Electoral Officer shall act impartially and shall not, in the performance of functions under this Act, in any way favour a particular candidate.

Training

- (2) Deputy returning officers and poll clerks must satisfactorily complete any elections training required by the Chief Electoral Officer.

Holding a single office

110. (1) The Regional Returning Officer and assistant regional returning officer shall not hold any other office under this Act.

Prohibited activities

- (2) No election officer shall, while in office,
- (a) accept or hold any office or employment or participate in an activity that is inconsistent with the person's duties under this Act;
 - (b) assist or make a contribution to a candidate; or
 - (c) incur an election expense for or on behalf of a candidate.

Specific tasks

- (3) No Regional Returning Officer or assistant regional returning officer shall act as deputy returning officer or poll clerk at a polling station.

ADMINISTRATIVE MATTERS

Remuneration of Chief Electoral Officer and staff

111. (1) The Chief Electoral Officer shall be paid such remuneration as the Legislative Assembly determines and the staff of the Office of the Chief Electoral Officer shall be paid such remuneration as the Chief Electoral Officer determines.

General election in 2007

- (2) repealed July 29, 2016.

Expenses

- (3) The Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer shall be reimbursed for reasonable living and travel expenses while performing their functions.

NOTICES

Manner of giving notice

112. When an election officer is authorized or required to give a public notice by this Act and no special method of notification is indicated, the notice may be by advertisement, placard, handbill or otherwise as the election officer considers will best achieve the purpose.

Electronic transmission of election documents

113. The Chief Electoral Officer may
- (a) authorize the transmission of election documents by facsimile or other means of electronic transmission; and
 - (b) establish a presence on the Internet to provide the public with information relevant to elections.

OATHS AND AFFIRMATIONS

Oath of office

114. (1) Before taking office, all election officers shall take the oath or affirmation of office in the approved form.

Transmission of oaths

- (2) The Regional Returning Officer shall, without delay, send to the Chief Electoral Officer the original written copy of
- (a) the Regional Returning Officer's own oath or affirmation; and
 - (b) the appointment and oath or affirmation of the assistant regional returning officer and every other election officer in the Region.

Prohibition of fees

- (3) All oaths, affirmations or affidavits administered under this Act should be administered without charge.

FINALITY OF DECISIONS

Decisions final

115. (1) Every order or decision of the Chief Electoral Officer is final and is not subject to appeal to the Legislative Assembly or the General Assembly.

Amendment and revocation

- (2) The Chief Electoral Officer may amend or revoke an order or decision made by the Chief Electoral Officer at any time.

PART VI ENFORCEMENT

COMPLAINTS AND INVESTIGATIONS

Complaints Officer

116. (1) The Métis Nation Legislative Assembly shall appoint a Complaints Officer to enforce compliance with this Act. (amended September 8, 2008)

Term of office

(2) The Complaints Officer holds office for a term specified in his or her appointment, not exceeding five years.

General election in 2007

(3) repealed July 29, 2016.

Status of Complaints Officer

(4) The Complaints Officer is an independent officer of the Métis Nation - Saskatchewan and is not to be considered an election officer for the purposes of this Act.

Making a complaint

117. (1) Any person who believes that an offence under this Act has been, is being or may be committed may make a complaint to the Complaints Officer.

Limitation period

(2) A complaint may be made during an election, but no complaint may be made more than 90 days after election day.

Investigations

118. (1) Any person may request the Complaints Officer to investigate an alleged offence under this Act.

Review of complaint

(2) The Complaints Officer shall review a complaint made under this Act, and shall investigate the complaint, or any possible offence that otherwise comes to the attention of the Complaints Officer, to the extent that he or she considers warranted in the circumstances.

Complaint justified

(3) If after investigation the Complaints Officer considers that the complaint is justified, the Complaints Officer shall refer the complaint to the Adjudicator for a hearing and may make an order in accordance with section 119.

Services of counsel and experts

(4) For the purposes of an investigation, the Complaints Officer may engage the services of legal counsel, investigators, experts or other persons.

Order to cease activity or take action

119. (1) The Complaints Officer may make an order requiring a Métis citizen to
- (a) cease an activity, where it appears to the Complaints Officer that the activity is in contravention of this Act; or
 - (b) take action, where it appears to the Complaints Officer that such action is required by this Act.

Grounds for order

- (2) An order may be made under subsection (1) without a hearing by the Adjudicator if, in the opinion of the Complaints Officer,
- (a) there exist urgent circumstances that justify making the order without first holding a hearing; and
 - (b) the length of time needed for the holding of a hearing would be prejudicial to the effectiveness of the order.

Temporary order

- (3) An order made under subsection (1) expires no later than the 5th day after it is made but, where a hearing is commenced by the Adjudicator before the expiry of the order, the Complaints Officer may extend the order for the duration of the hearing, with or without variation.

ADJUDICATION

Appointment of Adjudicator

120. (1) The Métis Nation Legislative Assembly shall appoint an Adjudicator to hear any complaint referred by the Complaints Officer. (amended September 8, 2008)

Term of office

- (2) The Adjudicator holds office for a term not exceeding five years.

General election in 2007

- (3) repealed July 29, 2016.

Status of Adjudicator

- (4) The Adjudicator is an independent officer of the Métis Nation - Saskatchewan and is not to be considered an election officer for the purposes of this Act.

Functions

121. (1) The Adjudicator shall hear all complaints referred by the Complaints Officer and shall, in the conduct of his or her functions, act fairly, independently and impartially.

Powers

- (2) The Adjudicator may
- (a) make rules respecting procedure and the conduct of the hearing of complaints;
 - (b) conduct hearings into any complaint under this Act;
 - (c) determine whether a person is guilty of committing an offence under this Act;
 - (d) determine any other matter related to a complaint; and

- (e) make an order in the nature of an order described in subsection 119(1) and confirm, vary or reverse any order made by the Complaints Officer under section 119.

Decision final

(3) A decision of the Adjudicator is final and cannot be appealed to the Provincial Métis Counsel or the Legislative Assembly. (Amended July 29, 2016)

OTHER MATTERS

Prohibited activities

122. No Complaints Officer or Adjudicator shall, while in office,
- (a) accept or hold any office or employment or participate in an activity that is inconsistent with the person's duties under this Act;
 - (b) assist or make a contribution to a candidate; or
 - (c) incur an election expense for or on behalf of a candidate.

Enforcement protocol

123. A protocol among the Chief Electoral Officer, the Complaints Officer and the Adjudicator may be arranged respecting the enforcement of this Act.

PUBLICATION OF OFFENCES

Public information

124. The Chief Electoral Officer shall take reasonable measures to inform the public, especially candidates, what actions constitute offences under this Act.

OFFENCES RELATED TO VOTING

Voter offences

125. (1) A person is guilty of an offence if he or she
- (a) registers, votes or attempts to vote at an election knowing that he or she is not entitled to vote in the election;
 - (b) votes or attempts to vote more than once in an election;
 - (c) applies under this Act to be registered in the name of some other person, whether the name belongs to a person living or dead or is fictitious;
 - (d) applies for a ballot paper in the name of some other person, whether the name belongs to a person living or dead or is fictitious;
 - (e) induces or procures another person to vote at an election knowing that the other person is not entitled to vote at the election; or
 - (f) knowingly makes a false statement when attempting to register to vote.

Offence relating to votes

- (2) A person is guilty of an offence if he or she contravenes or fails to comply with the provisions of this Act and that causes
- (a) a vote to be received which should not have been cast; or

- (b) a vote properly cast not to be received.

Ballot offences

- (3) A person is guilty of an offence if he or she
 - (a) forges a ballot paper or puts a forged ballot paper into circulation;
 - (b) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer signed on the ballot;
 - (c) without authority under this Act, supplies a ballot paper to any person;
 - (d) not being a person entitled under this Act to be in possession of a ballot paper, has, without authority, any ballot paper in his or her possession;
 - (e) fraudulently puts or causes to be put into a ballot box a ballot paper or any other paper;
 - (f) fraudulently takes a ballot paper out of the polling station or other polling place;
 - (g) without authority under this Act, destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers;
 - (h) without authority under this Act, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
 - (i) being authorized by the Chief Electoral Officer to print the ballot papers for an election, fraudulently prints more ballot papers than he or she is authorized to print;
 - (j) constructs or has in his or her possession a ballot box containing a compartment, appliance, device or mechanism by which a ballot paper may be secretly placed or manipulated;
 - (k) supplies or causes to be supplied to an election officer, or uses for the purposes of an election, a ballot box containing a compartment, appliance, device or mechanism by which a ballot paper may be secretly placed or manipulated; or
 - (l) makes a written record of the printed serial number appearing on the counterfoil of a ballot paper.

OFFENCES FOR IMPROPERLY INFLUENCING VOTERS

Inducement of voters

126. (1) Any person who, personally or through another person, during an election, directly or indirectly offers, procures, provides or promises to procure or provide money, office, employment, food, drink, gifts or other valuable consideration to induce a person to vote or refrain from voting is guilty of an offence.

Receipt of money or other valuable consideration

- (2) Any person who accepts or receives money, office, employment, food, drink, gifts or other valuable consideration to vote or refrain from voting is guilty of an offence.

Exemptions

- (3) This section does not apply to
- (a) a meal or non-alcoholic refreshments provided at a meeting of voters assembled for the purpose of promoting the election of a candidate;
 - (b) a meal or non-alcoholic refreshments provided to a candidate or the representative of a candidate at a polling station; or
 - (c) the provision of transportation to or from a polling station or other place of voting.

Undue influence

127. (1) A person is guilty of an offence if, by intimidation, duress or any pretence or contrivance, he or she
- (a) compels, induces or prevails upon a person to vote or refrain from voting at an election; or
 - (b) represents to a person that the ballot or the manner of voting at an election is not secret.
- (2) No person shall disturb the peace and good order at a polling station. (amended July 29, 2016)
- (3)
- (a) Any person who places or displays campaign material in or on any premises used as a polling station is guilty of an offence; and, (amended July 29, 2016)
 - (b) Any person who uses, wears or displays or causes to be used, worn or displayed any flag, ribbon, label, badge, or similar object in a polling station as campaign material is guilty of an offence. (amended July 29, 2016)

OFFENCES RELATED TO INFORMATION

Failure to protect secrecy of vote

128. Any person who contravenes or fails to observe any provision of this Act respecting the secrecy of the vote is guilty of an offence.

Prohibition on telecommunication devices

129. (1) No person, other than an election officer, shall use any telecommunications device, including a mobile telephone or text messaging device, in a polling station.

Cameras and recorders

- (2) No person shall use any device to record images or sound in a polling station, except for use by the news media before the polling station is open for voting with the approval of the Chief Electoral Officer.

False statement of withdrawal

130. Any person who, before or during an election publishes a false statement of the withdrawal of a candidate, for the purpose of promoting the election of another candidate, is guilty of an offence.

OFFENCES INVOLVING CANDIDATES

Offence

131. (1) Any person who signs his or her nomination papers consenting to be a candidate at an election knowing that he or she is ineligible to be a candidate in the election is guilty of an offence.

Single candidacy

- (2) Any person who is a candidate for more than one office at the same time is guilty of an offence.

OFFENCES INVOLVING ELECTION OFFICERS

Delay

132. (1) Any election officer who wilfully fails to promptly perform his or her functions respecting the holding of an election is guilty of an offence.

Liability of election officers

(2) Despite anything in this Act, any election officer who contravenes or refuses to comply with this Act is guilty of an offence, unless the election officer establishes that

- (a) the election officer was acting in good faith in contravening, failing or refusing to comply;
- (b) the contravention, failure or refusal was reasonable; and
- (c) the election officer did not intend to affect the result of the election.

Offence

(3) Any person who, in any manner, makes a count of the votes other than at the time and in the manner provided by this Act is guilty of an offence.

Improper advice

(4) Any deputy returning officer or poll clerk who, in administering an oath or affirmation, incorrectly asserts that a fact or circumstance is a qualification or disqualification under this Act is guilty of an offence.

PUNISHMENT

Ineligibility to hold office

133. Any person who is found guilty of committing an offence under this Act by a court or the Adjudicator is ineligible to hold any elected or appointed office in the Métis Nation - Saskatchewan for a period of 10 years from the date the offence was committed.

REPEAL

Former elections rules

134. The former Elections Act and all rules and regulations respecting elections for the Métis Provincial Council - Saskatchewan are repealed.

COMING INTO FORCE

Commencement

135. This Act comes into force on the day it is ratified by the General Assembly of the Métis Nation - Saskatchewan.

SCHEDULE

FORM 1

VOTER REGISTRATION FORM

for Saskatchewan Métis Voters

[unique number]

Voter's Oath / Affirmation

I, the undersigned, solemnly swear / affirm that I am eligible to vote in the general election to be held on Election Day for the Provincial Métis Council of the Métis Nation - Saskatchewan and in particular that:

- ✓ I am or will be 16 years of age or older, as of [election day];
- ✓ I am a resident of Saskatchewan;
- ✓ I am a resident of Region number _____;
- ✓ I identify myself as a Métis, as distinct from other Aboriginal peoples;
- ✓ I am not registered as a member of a First Nation or other group of Aboriginal peoples;
- ✓ I am of Historic Métis Nation ancestry;
- ✓ I honestly believe that I am accepted, or will be accepted, by the Métis Nation; and
- ✓ I consent to having my name and personal information used for the purposes of Métis elections and citizenship.

Voter's Information

First Name: _____
 Middle name / initial: _____
 Last Name: _____
 Other commonly used name: _____

Address: _____ Postal Code: _____
 Tel: _____
 Date of Birth: Day: _____ Month: _____ Year: _____
 Male: _____ Female: _____
 Métis Local (if applicable): _____

Oath / Affirmation

Voter's signature: _____

Sworn / Affirmed before me at _____, in the Province of Saskatchewan, this _____ day of _____ 200_____ .

A commissioner for taking oaths, etc.

WARNING – Knowingly making a false oath / affirmation is a serious criminal offence and may result in prosecution and conviction for perjury under the Criminal Code. Every one who commits perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

For Official Use Only: Confirmation of Voter Identity

Type of Identification Presented

- Driver's Licence
- Birth Certificate
- Canadian Citizenship Card
- Passport
- Health Card
- Other

- Names Confirmed
- Address Confirmed
- Date of Birth Confirmed

Name of Election Officer: _____

FORM 2

PROVINCIAL / REGIONAL ELECTION REPORT

As the Regional Returning / Chief Electoral Officer for the Region / Province of

_____.

I certify that the candidate who received the largest number of votes cast at the election held on _____, and who has been duly elected [by acclamation] is:

_____.

(State name, civic address, of successful candidate, as on the nomination papers)

Date: _____.

Regional Returning / Chief Electoral Officer: _____

Record of Receipt of Return: Date: _____.

Chief Electoral Officer:

FORM 3

DECLARATION OF WITNESS ON NOMINATION PAPERS

I solemnly declare that

- (a) I witnessed _____ sign the nomination papers for _____;
- (b) I personally know this person;
- (c) this person signed the nomination papers in my presence;
- (d) [in the case of a witness for a person nominating the prospective candidate], I believe this person is entitled to be a voter; AND
- (e) I make this declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath or affirmation.

Declared before me at _____ this _____ day of _____, 20____

Signature of Deponent:

Full name: _____
(Print)

Signature of Witness: _____

Full name: _____
(Print)

BALLOT

Candidates for Office of
[Name of Office]
[and Region if applicable]

Candidate A

Candidate B

Candidate C

Candidate D

Candidate E

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