

UNEDITED

# *The Saskatchewan Election Act*

*being*

Chapter 4 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 4

### An Act respecting Elections of Members of the Legislative Assembly

#### SHORT TITLE

##### Short title

1 This Act may be cited as *The Saskatchewan Election Act*.

R.S.S. 1953, c.4, s.1.

#### INTERPRETATION

##### Interpretation

2(1) In this Act:

##### “absentee voter”

1 “**absentee voter**” means a voter who, being absent on polling day from the constituency or polling division in which he is entitled to vote, may, as provided by section 84, cast his ballot in another constituency or polling division;

##### “advance poll”

2 “**advance poll**” means a special polling place established pursuant to section 38;

##### “Assembly” or “Legislative Assembly”

3 “**Assembly**” or “**Legislative Assembly**” means the Legislative Assembly of Saskatchewan;

##### “ballot” or “vote”

4 “**ballot**” or “**vote**” means the portion of a ballot paper which has been detached from the counterfoil, marked by a voter and deposited in the ballot box;

##### “ballot envelope”

5 “**ballot envelope**” means the special envelope supplied to contain the ballot of a voter who has been sworn, and on which is printed the oath in form 24;

##### “candidate at an election” and “candidate”

6 “**candidate at an election**” and “**candidate**” include a person elected to serve in the Assembly, and a person who is nominated, in accordance with section 43, as a candidate at an election or who, on or after the day of the issue of the writ for an election, or after the dissolution of the Assembly or the occurrence of a vacancy in consequence of which a writ for an election is issued, is declared by himself or by others with his consent to be a candidate;

##### “constituency”

7 “**constituency**” means a place or territorial area in Saskatchewan entitled to return a member to serve in the Assembly;

##### “corrupt practice”

8 “**corrupt practice**” includes bribery and any act declared to be corrupt practice by this or any other Act of the Legislature or recognized as such by the law and custom of Parliament;

##### “court”

9 “**court**” means the district court of the judicial district within which the constituency is wholly or mainly situated and “**judge**” means the judge of the said court;

“election”

10 “**election**” means an election of a member to serve in the Assembly;

“election court”

11 “**election court**” means a court constituted under *The Controverted Elections Act* for the trial of a petition;

“election officer”

12 “**election officer**” includes the returning officer, the election clerk and any deputy returning officers and poll clerks appointed for an election;

“election petition”

13 “**election petition**” means a petition presented pursuant to *The Controverted Elections Act*;

“elector” or “voter”

14 “**elector**” or “**voter**” means a person who is entitled to vote at an election under the provisions of this Act;

“form”

15 “**form**” means a form in the schedule to this Act;

“hospital” or “sanitorium”

16 “**hospital**” or “**sanitorium**” includes any public or private institution for the care of the sick or infirm, having ten or more beds, but does not include any institution under *The Mental Hygiene Act*;

“member”

17 “**member**” means a member of the Assembly;

“oath”

18 “**oath**” includes affirmation;

“official agent”

19 “**official agent**” means the agent appointed by a candidate under section 42;

“political affiliation”

20 “**political affiliation**”, with respect to a candidate, means affiliation with a political party;

“political party”

21 “**political party**” means a group of electors comprised in a political organization by which money is expended in support of a candidate;

“poll book”

22 “**poll book**” means the book containing the names of persons who have received ballots or have applied for ballots at an election of a member of the Assembly;

“polling day”

23 “**polling day**” means the day fixed by section 3 for voting at an election;

“polling division”

24 “**polling division**” means a portion of a constituency within which a poll is held;

“polling place”

25 “**polling place**” means a place where votes are recorded at an election;

“registration”, “registered”, etc.

26 “**registration**”, “**registered**” and all words of similar import, in so far as the same are applicable, include all proceedings had or taken in connection with lists of voters to be made by enumerators under this Act;



**“sworn voter”**

27 **“sworn voter”** means a voter required under the provisions of this Act to make and subscribe an oath before being entitled to receive a ballot and to vote;

**“voters’ list” or “list of voters”**

28 **“voters’ list”** or **“list of voters”** includes any list made and revised under the provisions of this Act of persons entitled to vote at an election;

**“writ”**

29 **“writ”** means the document addressed by the Clerk of the Executive Council to the returning officer requiring an election to be held.

(2) In constituencies where more members than one are to be returned, the provisions of this Act apply with the necessary modification.

(3) When in this Act a particular time of the day is referred to the same means mountain standard time.

(4) Subject to the special provisions contained in Part II with respect to the constituencies of Meadow Lake, Cumberland and Athabaska, the provisions of Part I apply to every election.

1951, c.3, s.2; R.S.S. 1953, c.4, s.2.

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## PART 1

### Provisions of General Application

#### PROCEEDINGS PRELIMINARY TO ELECTIONS

##### DATES FOR NOMINATION AND POLLING

**Fixing of polling day**

3 The Lieutenant Governor in Council shall fix the day on which voting at any election shall take place, which day shall be a Wednesday not less than thirty-four days nor more than forty-four days from the date of the writ of election.

1951, c.3, s.3; R.S.S. 1953, c.4, s.3.

**Writ of election**

4(1) Every writ shall be in form 1 and shall be dated and returnable on the days respectively fixed therefor by the Lieutenant Governor in Council.

(2) The respective days for the nomination and for the polling shall be stated in the writ.

(3) For a general election the writs for all constituencies shall bear the same date and shall state the same polling day.

1951, c.3, s.4; R.S.S. 1953, c.4, s.4.

**Nomination day**

5 The day for the nomination of candidates shall be the Monday which is the sixteenth day before polling day, except where that Monday is a holiday in which case the nomination of candidates shall take place on the following Tuesday.

1951, c.3, s.5; R.S.S. 1953, c.4, s.5.

## RETURNING OFFICERS

**Appointments of returning officer**

**6** A writ of election shall be addressed to an elector residing in the constituency for which the election is to take place, and a writ so directed shall be a sufficient appointment of such elector as returning officer.

1951, c.3, s.6; R.S.S. 1953, c.4, s.6.

**Refusal or incapacity to act**

**7** If the person to whom a writ is addressed dies or refuses to act or is absent or incapacitated or unable from any cause to act, the Lieutenant Governor in Council may appoint some other person to be returning officer.

1951, c.3, s.7; R.S.S. 1953, c.4, s.7.

**Where writ directed to person whose appointment is subsequently superseded**

**8** If a writ has been issued to a person whose appointment is afterwards superseded, or to a person in whose stead a returning officer has been appointed under the provisions of section 7, a new writ may be issued, or the new returning officer may act under the writ already issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers if he thinks fit in place of the persons, if any, appointed to such offices by the person previously named as returning officer.

1951, c.3, s.8; R.S.S. 1953, c.4, s.8.

**Persons excluded from being returning officer, etc.**

**9(1)** None of the persons hereinafter mentioned shall be appointed or shall act as returning officer, enumerator, deputy returning officer, election clerk or poll clerk:

- (a) members of the Executive Council;
- (b) members of the Parliament of Canada or of the Legislative Assembly;
- (c) ministers, priests or ecclesiastics under any form of profession of religious faith or worship;
- (d) judges of Dominion or provincial courts;
- (e) persons who have at any time been found guilty by a competent tribunal of corrupt practices or who have been convicted by a competent tribunal of any offence or dereliction of duty in violation of this Act or of any other Act heretofore in force in this province relating to elections;
- (f) persons convicted of an indictable offence;
- (g) persons disqualified from voting under this Act;

(2) Any such person who acts as returning officer, enumerator, deputy returning officer, election clerk or poll clerk is guilty of a violation of this Act and shall incur a fine of \$200.

(3) A contravention of this section does not affect the validity of the election.

1951, c.3, s.9; R.S.S. 1953, c.4, s.9.

## ELECTIONS

c. 4

**Persons not obliged to act**

**10** None of the persons hereinafter mentioned shall be obliged to act as returning officer, enumerator, deputy returning officer, election clerk or poll clerk:

- (a) physicians and surgeons;
- (b) persons sixty years of age or upwards;
- (c) persons who have within the five years immediately preceding the date of the writ served as returning officers at any election to the Legislative Assembly.

1951, c.3, s.10; R.S.S. 1953, c.4, s.10.

**Penalty for refusal to act**

**11** Every person not disqualified by this Act who refuses to perform the duty of returning officer after having received the writ of election shall incur a fine of \$200, unless, having a right to claim the exemption conferred by section 10, he has claimed exemption by letter setting forth the grounds of such exemption forwarded to the Clerk of the Executive Council within two days next after the receipt of the writ of election.

1951, c.3, s.11; R.S.S. 1953, c.4, s.11.

## ELECTION CLERKS

**Returning officer appoints an election clerk**

**12(1)** Before the nomination day the returning officer shall appoint an election clerk by commission under his hand (form 2).

(2) If the election clerk so appointed dies or refuses or neglects or is unable to perform his duties, at any time during the election, the returning officer may appoint another election clerk in his stead.

(3) The election clerk shall assist the returning officer in the performance of his duties and, if the returning officer dies or refuses or is unable to perform his duties or is disqualified and has not been replaced by another, shall act in his stead as returning officer.

1951, c.3, s.12; R.S.S. 1953, c.4, s.12.

**Oath of election clerk**

**13** The election clerk shall, before entering upon his duties, take and subscribe the oath (form 3).

1951, c.3, s.13; R.S.S. 1953, c.4, s.13.

**Penalty for refusing to act**

**14** A person appointed election clerk who refuses to accept office or who having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of election clerk shall incur a fine not exceeding \$40.

1951, c.3, s.14; R.S.S. 1953, c.4, s.14.

**Appointment and oath on writ**

**15** The appointment and oath of an election clerk shall be either endorsed on or attached to the writ.

1951, c.3, s.15; R.S.S. 1953, c.4, s.15.

**Duties and liabilities when acting as returning officer**

**16** An election clerk whose duty it becomes to act instead of a returning officer shall be subject to the same penalties as a returning officer for his neglect or refusal to perform the duties and to fulfill all the obligations of that office in like manner as if he had been appointed returning officer, and shall not be required to possess any other qualification or to take the oath (form 4).

1951, c.3, s.16; R.S.S. 1953, c.4, s.16.

## PROCEEDINGS ON RECEIPT OF THE WRIT

**Endorsement on writ**

**17** The returning officer shall forthwith on receiving the writ endorse thereon the date of its receipt and take and subscribe the oath of office (form 4) and he shall retain the writ in his possession until the day fixed for its return.

1951, c.3, s.17; R.S.S. 1953, c.4, s.17.

## FORMS, ETC

### PAPERS, FORMS, ETC. TO BE SENT TO RETURNING OFFICER

**Duty of Clerk of the Executive Council**

**18(1)** Before a general or other election, the Clerk live of the Executive Council shall have all necessary papers and forms printed and shall transmit by post or express to the returning officer of every constituency supplies, in the quantities indicated, as follows:

- (a) a sufficient number of copies of the notice as to secrecy of voting (form 5) to provide three copies for each deputy returning officer likely to be appointed in the constituency;
- (b) a sufficient number of copies of directions for the guidance of voters (form 6) to provide four copies for each deputy returning officer likely to be appointed in the constituency;
- (c) a sufficient number of blank poll books (form 7) to provide one for each polling place likely to be provided in the constituency;
- (d) a sufficient number of copies, each containing an alphabetical index, of this Act and of any Acts amending the same to supply one copy to himself and each deputy returning officer likely to be appointed in the constituency and twenty-five copies to each candidate likely to be nominated;
- (e) a sufficient number of voters' list forms (form 8) to meet the requirements of the enumerators likely to be appointed in the constituency;

- (f) a sufficient number of copies of the form for the appointment of enumerators (form 9) to provide for the appointment of all enumerators likely to be appointed in the constituency;
- (g) a sufficient number of copies of the oath of the enumerators (form 10) to provide for the swearing of all enumerators likely to be appointed;
- (h) a sufficient number of expense voucher forms to meet the requirements of the constituency;
- (i) as many copies of the nomination paper (form 16) and receipts for nomination paper (form 26) as are likely to be required;
- (j) a sufficient number of ballot papers (forms 11 and 12) to meet the requirements of the election;
- (k) a sufficient number of ballot envelopes to provide twenty for each polling place likely to be provided in the constituency, and to provide for contingencies;
- (l) a sufficient number of ballot boxes, made of durable material, and so constructed that a ballot can be deposited therein and cannot be withdrawn, and which can be locked and sealed with a metal seal prescribed by the Clerk of the Executive Council;
- (m) a sufficient number of the metal seals prescribed by the Clerk of the Executive Council for the locking and sealing of ballot boxes to meet the requirements of the election;
- (n) a sufficient number of copies of the instructions for returning officers, enumerators, deputy returning officers and agents to meet the requirements of the election;
- (o) a sufficient number of copies of the statement of the returning officer (form 34);
- (p) a sufficient number of stereotype or printer's blocks specially made for the purposes of the election and so designed that an impression made therefrom on the back of the ballot paper will be readily recognizable and will show the name of the constituency and the year of the election;
- (q) one copy of each of the following:
  - 1 the commission of the election clerk (form 2);
  - 2 the oath of the election clerk (form 3);
  - 3 the oath of the returning officer (form 4);
  - 4 the affidavit of the printer (form 13);
  - 5 the label mentioned in section 142;
  - 6 the affidavit of the returning officer (form 35);
- (r) such other forms, special envelopes, stationery and supplies as may be required for the purposes of the election.

**Poll book**

- (2) The poll book shall be in form 7, shall be printed containing at least three hundred ruled lines and shall contain, securely fastened thereto, the following blank forms:

- (a) commission of the deputy returning officer (form 19);
- (b) oath of the deputy returning officer (form 20);
- (c) commission of the poll clerk (form 21);
- (d) oath of the poll clerk (form 22);
- (e) oath of secrecy (form 23);
- (f) schedule for “Notes of objections” to ballot papers;
- (g) oath of incapacitated person (form 25);
- (h) oath of friend of blind voter (form 27);
- (i) oath of deputy returning officer after closing the poll (form 32);
- (j) oath of poll clerk after closing of poll (form 30);
- (k) a ballot paper account and poll statement (form 29).

1951, c.3, s.18; R.S.S. 1953, c.4, s.18.

## BALLOT PAPERS

### Ballot papers and printing thereof

**19(1)** The paper on which the ballots are printed shall be a white or coloured duplex wove and the weight of the paper shall not be less than that known to the trade as “substance number 24 (basis 17 X 22 - 48M)”.

(2) All ordinary ballot papers (form 11) and all ballot papers for absentee voters (form 12) shall, subject to subsection (5), be of the same description and as nearly alike as possible. The ballot papers shall be printed by the Queen’s Printer, with the exception of the names, political affiliations if any, addresses and occupations of the candidates.

(3) The ballot papers shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and the counterfoil and the stub. Each ballot paper shall be numbered on the back of the stub and the counterfoil, the same number being printed on the stub as on the counterfoil.

(4) The ordinary ballot papers shall have spaces at least one inch in depth for the insertion of the names, political affiliations if any, addresses and occupations of the candidates. There shall be a black line at least one-quarter inch wide separating such spaces and above the first space and below the last space. The black line above the first space shall extend to the upper edge and the black line below the last space shall extend to the lower edge of the ballot paper, and all black lines shall extend to the right hand edge of the paper and to the perforated line separating the ballot from the counterfoil. The counterfoil shall be at least one inch wide and the face of the counterfoil shall be completely black.

(5) The ballot papers for absentee voters shall be similar to the ordinary ballot papers described in subsection (4) except that there shall be only one space one and one-half inches in depth for the insertion by the voter of the name or political affiliation of the candidate or candidates, as the case may require.

(6) The Queen’s Printer shall deliver the ballot papers banded, but not stitched together, to the Clerk of the Executive Council.

(7) The returning officer shall cause the names of the candidates, together with their respective political affiliations if any and their respective addresses and occupations, to be printed on the ordinary ballot papers received by him in a quantity sufficient to provide for all the voters in the constituency.

(8) The names, political affiliations, addresses and occupations of the respective candidates shall be printed as set out in the nomination papers, alphabetically arranged according to the respective surnames and with the surnames first; provided that the names may be arranged otherwise than alphabetically where the candidates all agree, within one hour after the time appointed for the close of the nominations, to their names being arranged otherwise than alphabetically, and in such case the returning officer shall have the names arranged on the ballot papers as so agreed upon.

(9) The political affiliation, if any, of each candidate shall be set forth in abbreviated form in brackets after his name, and for that purpose the following abbreviations:

- (a) C.C.F. for Co-operative Commonwealth Federation;
- (b) Ind. for Independent;
- (c) Lab. for Labour;
- (d) Lab. Prog. for Labour Progressive;
- (e) Lib. for Liberal;
- (f) Prog. Con. for Progressive Conservative;
- (g) Soc. Cred. for Social Credit;
- (h) such abbreviations as may be designated by the Clerk of the Executive Council with respect to other political affiliation;

shall be used:

Provided that a candidate may, in his nomination paper, request that his political affiliation appear on the ballot paper in unabbreviated form and in such case the political affiliation shall be so set forth in brackets after his name.

(10) The returning officer shall deliver to the printer a sufficient number of the stereotype or printer's blocks mentioned in clause (p) of subsection (1) of section 18, and every ballot paper shall bear on the back thereof an impression of the stereotype block so placed that when the ballot is folded by a voter the impression can be seen without the ballot being opened.

(11) The name and address of the printer who so completes the printing of the ballot papers shall be printed on the back of the ballot paper in six-point type.

(12) The ordinary ballot papers shall be bound or stitched together on the left side in numbers of 25, 50 or 100 as may, in the opinion of the returning officer, be most suitable for supplying the polling divisions proportionately to the number of voters in each.

(13) The ballot papers for absentee voters shall be stitched together in books of ten ballot papers each.

(14) If a ballot paper is spoiled by him the printer shall nevertheless bind or stitch it in its proper place and write on the front thereof the words "Spoiled by Printer".

(15) The printer who so completes the ballot papers shall deliver to the returning officer an affidavit (form 13) along with the ballot papers and the stereotype blocks supplied to the printer by the returning officer.

1951, c.3, s.19; R.S.S. 1953, c.4, s.19.

## PREPARATION OF VOTERS' LISTS

### Subdivision of constituency into polling divisions

**20** Immediately upon the receipt by the returning officer of the writ of election he shall subdivide the constituency divisions into as many polling divisions as he deems necessary for the convenience of voters, and every part of the constituency shall be included within the boundaries of one or other of the polling divisions.

1951, c.3, s.20; R.S.S. 1953, c.4, s.20.

### Enumerators

**21(1)** The returning officer shall also, immediately upon receipt of the writ, in writing over his signature (form 9) appoint competent and reliable persons to be enumerators, each of whom may be appointed enumerator for one or more of the polling divisions of the constituency.

(2) The returning officer shall see that every polling division is included in one or other of such appointments.

(3) If any person appointed an enumerator under this section fails, neglects or refuses to act, the returning officer shall appoint another in his stead.

(4) Every enumerator shall before acting take the oath of office (form 10).

(5) The returning officer shall inform the enumerators, at the time of appointment, of the date of the writ and the day fixed for polling, and shall, before polling day, inform each enumerator of the name of the deputy returning officer to whom the voters' list is to be given.

1951, c.3, s.21; R.S.S. 1953, c.4, s.21.

### Supplies for enumerators

**22** The returning officer shall supply each enumerator with a sufficient number of the following forms and material supplied by the Clerk of the Executive Council:

- (a) one copy of enumerator's instructions;
- (b) voters' list forms (form 8), front sheets and back sheets;
- (c) two copies of enumerator's expense voucher containing schedule of fees for enumerators;
- (d) a large envelope addressed to the returning officer and with postage stamps affixed, for transmission of the voters' list.

1951, c.3, s.22; R.S.S. 1953, c.4, s.22.



## ELECTIONS

**List of voters by enumerator**

**23(1)** An enumerator having taken the oath of office shall immediately complete a list, for the polling division or each of the polling divisions for which he has been appointed, of the persons qualified to be registered as voters in such polling division, arranging the names alphabetically according to surnames and setting forth the occupation, post office address and the location of the residence of each person.

(2) The names of all persons on each list shall be typewritten or printed in block letters.

(3) Each enumerator shall, beginning on the line immediately following the last name on each list made by him, complete a certificate in the form of certificate first set forth in form 8 and shall date and sign the certificate and state the place where he will sit for revision.

(4) Each enumerator shall, immediately upon completing a list and within ten days after the date of the writ of election, deliver or mail the list to the returning officer.

1951, c.3, s.23; R.S.S. 1953, c.4, s.23.

**Copies of list and delivery and posting thereof**

**24** The returning officer shall, upon receipt of a voters' list from an enumerator cause sufficient copies of the list to be made and shall:

- (a) deliver five copies of the list to each candidate on or before nomination day;
- (b) deliver one copy of the list to the enumerator who compiled it;
- (c) within seven days after nomination day post two copies of the list, in the polling division to which it relates, at the places mentioned in clauses (c) and (d) of subsection (2) of section 39, and shall attach to each copy a notice setting out the times during which and the place at which the enumerator will sit for revision of the list as required by section 25.

1951, c.3, s.25; R.S.S. 1953, c.4, s.24.

**Enumerator to attend at place of revision**

**25** The enumerator shall attend at the place indicated in the notice of revision mentioned in clause (c) of section 24 between the hours of two o'clock and ten o'clock in the afternoons of the Friday and Saturday immediately preceding polling day, for the purpose of hearing applications for revision of the list.

1951, c.3, s.25; R.S.S. 1953, c.4, s.25.

**Correction of list by enumerator**

**26(1)** If an enumerator, at any time after the posting up of the voters' list by the returning officer and before the hour of ten o'clock in the afternoon of the Saturday immediately preceding polling day, is fully satisfied, from representations made to him by any credible person, that the name of a qualified voter has been omitted from the voters' list for the polling division to which such voter belongs, he shall add such name to the copy of the list in his possession and shall attest such addition by his initials.

(2) If an enumerator in like manner is fully satisfied that there is on the list the name of a person who is not qualified as a voter in such polling division, he may draw erasing lines through such name and write his own initials opposite thereto in the column for remarks.

(3) If an enumerator finds the occupation, addition or residence of a voter to be inaccurately stated in the list or if he finds a mistake in the spelling of a name therein, he may make the necessary correction and affix his initials thereto.

1951, c.3, s.26; R.S.S. 1953, c.4, s.26.

#### **Certification of list**

**27(1)** An enumerator, having revised and corrected the copy of the voters' list compiled by him as provided in section 26, shall write at the foot of such copy and close to the last name thereon, at the close of the revision period, a certificate in the form of the second certificate contained in form 8.

(2) The enumerator shall deliver such revised list so certified to the deputy returning officer for the polling division to which it relates before the poll opens on polling day, and such list shall constitute the official voters' list for that polling division.

1951, c.3, s.27; R.S.S. 1953, c.4, s.27.

#### **Penalty**

**28** Every enumerator who knowingly omits from the list a name which should be included therein or includes in the list a name which should not be included therein shall incur a fine not exceeding \$10 in respect of each name so omitted or included.

1951, c.3, s.28; R.S.S. 1953, c.4, s.28.

### **QUALIFICATIONS FOR REGISTRATION AND VOTING**

#### **Persons disqualified**

**29** The following persons are hereby disqualified to be registered as voters and shall not vote:

- (a) the judges of the Court of Appeal, the Court of Queen's Bench and the district courts;
- (b) every person, wholly or partly of Indian blood and ordinarily resident on an Indian reservation, who is entitled to receive any annuity or other benefit under any treaty with the Crown in right of Canada, except where such person or such person's spouse served in the naval, military or air forces of Canada in the war of 1914-1918 or the war of 1939-1945;
- (c) persons disqualified from voting under the provisions of this or any other Act relating to corrupt practices;
- (d) a person who on the day of the issue of the writ to the returning officer requiring an election to be held or who at any time after the issue of the writ and prior to the day of polling or who on polling day is a prisoner in jail or prison undergoing punishment for a criminal offence or who on polling day is a patient in a mental hospital or school for mental defectives;

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## c. 4

- (e) every returning officer, except as provided in sections 119 and 137.

1951, c.3, s.29; R.S.S. 1953, c.4, s.29.

**Persons qualified**

**30(1)** Except as provided by section 29, the persons entitled to vote shall be those mentioned in subsection (2).

- (2) Every person shall be qualified to be registered as a voter, and to vote, who:
- (a) on the day on which the writ was issued was a British subject;
  - (b) is of the full age of eighteen years or will attain the full age of eighteen years on or before polling day;
  - (c) had, on the day on which the writ was issued resided in Saskatchewan for at least six months immediately preceding that day; and
  - (d) was, on the day on which the writ was issued, ordinarily resident in the constituency in which he or she seeks to vote.
- (3) Each person shall be entitled to be registered on the list of voters for the polling division in which he or she resided on the day on which the writ was issued; and on no other.

1951, c.3, s.30; R.S.S. 1953, c.4, s.30.

## RULES AS TO RESIDENCE OF VOTERS

**Rules as to place of residence**

**31** For the purposes of registration of voters under this Act residence shall be governed by the following rules:

- 1 The residence of a person shall be the place in which his habitation is fixed and to which when absent therefrom he has the intention of returning;
- 2 A person shall not lose his residence by reason of temporary absence from home;
- 3 If a person leaves this province with the intention of making his residence elsewhere he shall lose his residence in Saskatchewan;
- 4 The place where a person's family resides shall be deemed to be his place of residence unless he takes up or continues his abode at some other place with the intention of remaining there, in which case he shall be deemed to be resident at such other place;
- 5 The residence of a single person shall be where such person usually sleeps;
- 6 A change of residence can be made only by actual removal with the intention to remain permanently in another place;
- 7 There can be only one residence;
- 8 No person while he remains in Saskatchewan shall be deemed to have lost his residence until he has acquired another.

1951, c.3, s.31; 1952, c.8, s.2; R.S.S. 1953, c.4, s.31.

## POLLING PLACES

**Polling places in each polling division**

**32(1)** The returning officer upon receiving the writ shall fix and provide a polling place for each polling division in the most central or most convenient place for the voters:

Provided that, when the greater convenience of the voters would be suited thereby, the polling place for a polling division not included within a city, town or village but adjacent thereto may instead of being fixed and provided in such polling division be fixed and provided in the city, town or village which it so adjoins;

Provided further that, if local conditions require a division of the territory included within an established polling division, the returning officer may divide the territory into two or more polling subdivisions; and the list of voters for such established polling division shall be divided by the returning officer according to such new subdivisions, and the returning officer shall certify the new lists and shall, at least forty-eight hours before polling day, give to each candidate notice of such new lists, and the new lists so certified shall be used by the deputy returning officers at the election.

(2) The returning officer may take and use as a polling place any school house the property of a duly organized school district, if such school house is convenient for the purpose.

(3) The building in which the poll is held shall not be a place where intoxicating liquor is sold and there shall be free access to the poll for every voter.

1951, c.3, s.32; R.S.S. 1953, c.4, s.32.

**Additional polling place where more than prescribed number of voters**

**33** If the list of voters for a polling division contains over three hundred names the returning officer shall provide one or more separate and additional polling places in the same building, or in separate buildings as near to one another as possible, for the polling of the votes in such polling division and shall so arrange that not more than two hundred and, when practicable, not fewer than one hundred and fifty qualified voters' names shall be on the list for each polling place.

1951, c.3, s.33; R.S.S. 1953, c.4, s.33.

**Separate lists prepared in such case**

**34(1)** The returning officer in such cases shall prepare or cause to be prepared from the list of voters for the polling division a separate list for each polling place arranged in alphabetical order according to the initial letter of the surname of each voter.

**Polling places designated by initial letters**

(2) Each separate polling place shall be designated by the initial letters of the surnames of the voters on the list letters who are to vote in such polling place in the following manner, that is to say: from A to L and from M to Z or as the case may be.

**Voting**

(3) Every voter on the list of voters, the initial letter of whose surname is included within the letters of the alphabet designating a polling place, shall vote in the polling place so designated.

**Deputy returning officer for each such polling place**

(4) The returning officer shall appoint a deputy returning officer for each such polling place and shall deliver to such deputy in due time a list certified by him to be a correct list of all voters on the list of voters whose surnames commence with the letters of the alphabet by which such polling place is designated.

1951, c.3, s.34; R.S.S. 1953, c.4, s.34.

**Polling places designated by initial letters**

**35** Every polling place shall be furnished with compartments in which the voters may mark their ballot papers screened from observation, and it shall be the duty of the returning officer and the deputy returning officer respectively to see that a sufficient number of compartments is provided at each polling place.

1951, c.3, s.35; R.S.S. 1953, c.4, s.35.

## POLLS FOR PATIENTS IN SANATORIA OR HOSPITALS

**Voting in certain sanatoria and hospitals**

**36(1)** The returning officer in each constituency in which any sanatorium or hospital is situated shall make all necessary arrangements for the establishment of a polling place or places in such sanatorium or hospital.

(2) If for any reason a patient in any sanatorium or hospital, who is entitled to vote, is unable to attend at a polling place established under subsection (1) and requests that he be permitted to vote at any other place in such sanatorium or hospital, the deputy returning officer or his poll clerk shall make provision for the taking of the ballot box and all other election material to the place designated by such patient, and, subject to section 92, for the voting of such patient by secret ballot and shall give such patient any assistance which may be necessary in accordance with sections 91 and 92.

(3) Notwithstanding section 77, where the returning officer is satisfied that all of the persons entitled to vote at a polling place established under subsection (1) can conveniently cast their ballots within a period of four hours, the returning officer may prescribe that the polling place shall be open for voting between the hours of eight o'clock in the forenoon and twelve o'clock noon, mountain standard time, or between the hours of two o'clock and six o'clock in the afternoon, mountain standard time, whichever he may deem expedient.

1951, c.3, s.36; 1952, c.8, s.3; R.S.S. 1953, c.4, s.36.

## ADDITIONAL POLLS FOR ABSENTEE VOTERS

**Establishment by returning officer**

**37(1)** If the returning officer has reason to believe that there will be a larger number of absentee voters seeking to vote in a polling division than can be conveniently accommodated in the polling place or places provided for that polling division pursuant to sections 32 and 33, he may establish one or more separate and additional polling places at or near the polling place or places ordinarily provided for that polling division.

(2) Where an additional polling place is established pursuant to subsection (1) an absentee voter shall not be permitted to vote at the polling place or places ordinarily provided for that polling division.

1952, c.8, s.4; R.S.S. 1953, c.4, s.37.

### ADVANCE POLLING PLACES

#### Establishment of advance polling places

**38(1)** For the purpose of enabling every person qualified to vote in any of the constituencies mentioned in form 14, who has reason to believe that he will be necessarily absent from his ordinary place of residence on polling day, to cast his vote in the constituency in which he is qualified to vote, the returning officer shall establish an advance polling place or places for the constituency at the place or places mentioned in form 14; and, subject to subsection (3), the returning officer of a constituency mentioned in form 14 may, if he deems it advisable to do so establish an additional advance polling place for the constituency at such place as he deems most convenient for the voters.

(2) Subject to subsection (3), the returning officer of a constituency not mentioned in form 14 may, if he deems it advisable to do so for the purpose of enabling every person qualified to vote in that constituency, who has reason to believe that he will be necessarily absent from his ordinary place of residence on polling day, to cast his ballot in that constituency, establish an advance polling place or places as the returning officer deems most convenient for the voters.

(3) No more than two advance polling places shall be established in any constituency.

1951, c.3, s.37; R.S.S. 1953, c.4, s.38.

### PROCLAMATION OF RETURNING OFFICER

#### Proclamation

**39(1)** The returning officer shall publish by proclamation (form 15) under his hand, in the English language:

- (a) the time and place fixed for the nomination of candidates pursuant to section 45;
- (b) the day on which the poll is to be held in case a poll is granted;
- (c) the numbers, names and fully described boundaries of the polling divisions of the constituency and the places at which the several polls will be held;
- (d) where there is in the constituency a sanatorium or hospital, the hours, if any, prescribed by the returning officer pursuant to subsection (3) of section 36 as the hours during which the polling place or places in such sanatorium or hospital will be open;
- (e) the place or places at which additional polls will be established for absentee voters pursuant to section 37;

- (f) the place or places at which the advance poll, if any, will be held and the days and hours when the poll at such place or places will be open as provided by section 102;
  - (g) the day and time when and the place where he will add up the numbers of votes cast by the unsworn voters for the several candidates, which day shall be the seventh day after polling day;
  - (h) the day and time when and the place where he will open the ballot envelopes, count the number of votes cast by the sworn voters for the several candidates, which day shall be the seventh day after polling day;
- (2) The proclamation shall be posted up not less than eight days before nomination day as fixed by section 5;
- (a) at every post office in the constituency;
  - (b) at all places where the regular meetings of city, town, village and rural municipal councils are held within the constituency;
  - (c) on or near the main outside entrance of every polling place in the constituency, in such a manner that it can be conveniently seen without entering such place; and
  - (d) at one other conspicuous place within each polling division, except where one of the places mentioned in clause (a) or (b) is within the polling division.

1951, c.3, s.38; 1952, c.8, s.5; R.S.S. 1953, c.4, s.39.

#### Unforeseen days

- 40(1)** Where from any cause it is found impossible to leave the required delay between posting up the proclamation and the nomination day, or where the returning officer is unable to hold the nomination on the day fixed for that purpose, he may by proclamation under his hand fix for the nomination another day which shall be the nearest Monday practicable after allowing the required delay between the posting up of the proclamation and the nomination day.
- (2) Such proclamation shall be in the like form and shall be posted up in the like manner as provided in section 39.
- (3) The polling day shall be the sixteenth day after the nomination day.
- (4) The returning officer shall make a report of the cause which occasioned the postponement of the election and shall forward the same along with his return to the Clerk of the Executive Council.

1951, c.3, s.39; R.S.S. 1953, c.4, s.40.

## QUALIFICATION OF CANDIDATE

#### Who may be candidates

- 41** Any person of the full age of eighteen years who is a British subject resident in Saskatchewan and not disqualified by *The Legislative Assembly Act* or by any other Act shall be qualified to be a candidate.

1951, c.3, s.40; R.S.S. 1953, c.4, s.41.



## OFFICIAL AGENT

### Appointment

42(1) Every candidate shall before his nomination appoint an official agent.

(2) In the event of the death of incapacity of an official agent the candidate shall forthwith appoint another official agent in his place and give notice to the returning officer of the name and address of the person appointed, which name and address shall be forthwith published by the returning officer.

1951, c.3, s.41; R.S.S. 1953, c.4, s.42.

## NOMINATION

### PROCEDURE BY RETURNING OFFICER

#### Time and manner of nomination

43(1) At any time after the date of the writ and before two o'clock in the afternoon of the day fixed for the nomination, any four or more voters may nominate a candidate by signing before a person authorized to administer oaths within the province, or before the returning officer, and causing to be filed with the returning officer, a nomination paper (form 16).

(2) The nomination paper shall state an address within Saskatchewan at which legal process and notices or other documents issued or to be served either under this Act or under *The Controverted Elections Act* may be served upon the candidate; and the leaving of a copy of such process, notice or other document at such address shall be deemed equivalent for all purposes to personal service thereof upon the candidate.

(3) The nomination paper shall state the name and address of the candidate's official agent.

1951, c.3, s.42; R.S.S. 1953, c.4, s.43.

#### Nomination paper and deposits

44(1) A nomination paper shall be invalid and shall not be acted upon by the returning officer unless:

(a) it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the constituency and such absence is stated in the nomination paper; and

(b) a sum of \$100 is deposited in the hands of the returning officer at the time the nomination paper is filed with him.

(2) The returning officer shall, the requirements of subsection (1) having been complied with, give his receipt (form 26) for the nomination paper, which receipt shall in every case be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment of the deposit.

(3) The sum of money mentioned in subsection (1) shall be tendered:

(a) in Bank of Canada notes; or



(b) in a cheque for such amount drawn upon and accepted by a chartered bank doing business in Canada; or

(c) partly in one and partly in the other;

and the returning officer shall not be obliged to accept such tender if any part of it consists of descriptions of money other than those herein specified.

(4) The sum deposited shall be returned to the candidate in the event of his being elected or of his obtaining in the final count at least one-half the number of votes polled in favour of the candidate elected.

(5) If a candidate dies after being nominated and before the close of the poll the deposit shall be returned to his personal representative.

(6) An unsuccessful candidate who has not obtained the number of votes required by subsection (4) shall forfeit the deposit, in which case it shall be transmitted by the returning officer to the Clerk of the Executive Council and by him deposited to the credit of the consolidated fund.

1951, c.3, s.43; R.S.S. 1953, c.4, s.44.

## NOMINATION PROCEEDINGS

### Place and time of nomination

**45** The place for the nomination of candidates shall be nomination some central place within the constituency convenient for the majority of the electors, and the time appointed for the nomination of candidates shall be from twelve o'clock noon until two o'clock in the afternoon of the day fixed for that purpose.

1951, c.3, s.44; R.S.S. 1953, c.4, s.45.

### Procedure

**46** Every returning officer shall on the day of nomination be present at the place fixed therefor. All the voters shall be entitled to free access to such place and the returning officer shall, at the hour of twelve o'clock noon, read or cause to be read publicly the writ of election and shall forthwith announce in an audible voice the nominations which he has received and from time to time until two o'clock in the afternoon of the same day shall announce any further nominations received.

1951, c.3, s.45; R.S.S. 1953, c.4, s.46.

### Closing nominations

**47** At the hour of two o'clock in the afternoon the returning officer shall declare the nominations closed and shall announce in an audible voice the names of the several candidates.

1951, c.3, s.46; R.S.S. 1953, c.4, s.47.

### Procedure when only one candidate nominated

**48** If at the close of the nominations for the vacancy only one candidate remains in nomination, the returning officer shall then and there:

(a) declare the said candidate duly elected;

(b) give to such candidate, or if he is absent then to any of his agents, a certificate that such candidate has been duly elected;

(c) forward to the Clerk of the Executive Council the writ of election together with a certificate in writing declaring such candidate duly elected and all ballot boxes, poll books and other books, forms, seals, materials and things which have been sent to him to be used in the election and which have not been used.

1951, c.3, s.47; R.S.S. 1953, c.4, s.48.

**Procedure when more than one candidate nominated**

**49(1)** If at the close of the nominations more than one candidate for the vacancy remains in nomination, the returning officer shall announce the day upon which a poll will be held and shall deliver to every candidate or to any person authorized in writing by the candidate or by any of his nominators to act in his behalf a list of the candidates nominated.

**Publication of names and addresses of official agents**

(2) The returning officer shall announce the names and addresses of the official agents of the candidates at the place and on the day of nomination, and on or immediately after the said day shall publish such names and addresses in a newspaper published within the constituency or if no newspaper is published therein then in the newspaper published nearest thereto.

1951, c.3, s.48; R.S.S. 1953, c.4, s.49.

**Candidate may withdraw his nomination**

**50(1)** A candidate nominated may withdraw at any time after his nomination and before the close of the poll by filing with the returning officer a declaration in writing (form 18) signed by him.

(2) Votes cast for a candidate who has so withdrawn shall be null and void.

(3) If after a withdrawal there remains only one candidate for the vacancy the returning officer shall forthwith declare the said candidate duly elected and shall proceed as directed in section 48:

Provided that if a candidate withdraws after his nomination he shall forfeit the money deposited by him and the returning officer shall transmit the same to the Clerk of the Executive Council as provided in subsection (6) of section 44.

1951, c.3, s.49; R.S.S. 1953, c.4, s.50.

## DEATH OF A CANDIDATE

**Procedure**

**51(1)** If a candidate dies after being nominated and before the close of the poll the returning officer shall fix new days for the nomination of candidates and for polling. The nomination day shall be the soonest Monday practicable after allowing the required delay between the posting up of the proclamation and the nomination day.

(2) The returning officer shall along with his return make a report to the Clerk of the Executive Council of the cause which occasioned the postponement of the election.

1951, c.3, s.50; R.S.S. 1953, c.4, s.51.

## ELECTION NOTICE

**Posting of notice**

**52** If a poll is required the returning officer shall within seven days after the close of the nominations cause to be posted up, at all places where the proclamation (form 15) was posted up, a notice (form 17) of the holding of such poll indicating the names, political affiliations if any, addresses and occupations of the candidates nominated, in the order in which they are to be printed on the ballot papers.

1951, c.3, s.51; R.S.S. 1953, c.4, s.52.

## AGENTS OF CANDIDATES

**Appointment of agents**

**53** Each candidate may in writing appoint two agents to represent him at each polling place.

1951, c.3, s.52; R.S.S. 1953, c.4, s.53.

**Persons disqualified from acting as agents**

**54(1)** No person who by section 29 is disqualified and incompetent to vote, or who within eight years has been found guilty by a competent tribunal of corrupt practices, shall act as agent for a candidate at an election.

(2) A person who violates subsection (1) shall incur a fine of not less than \$50 nor more than \$200.

1951, c.3, s.53; R.S.S. 1953, c.4, s.54.

**Delivery of appointment**

**55** Forthwith upon being admitted to the polling place each agent shall deliver his written appointment to the deputy returning officer.

1951, c.3, s.54; R.S.S. 1953, c.4, s.55.

**Agent's right of representation**

**56** An agent bearing a written appointment from a candidate shall always be entitled to represent him in preference to and to the exclusion of any elector who might otherwise claim the right of representation.

1951, c.3, s.55; R.S.S. 1953, c.4, s.56.

**Candidate may undertake duties of agent**

**57** A candidate may himself undertake the duties which any agent of his, except his official agent, might have undertaken if appointed, or may assist his agent in the performance of such duties and may be present at any place at which his agent may in pursuance of this Act attend except at the marking of a ballot under section 92.

1951, c.3, s.56; R.S.S. 1953, c.4, s.57.

**Provisions requiring presence of agents**

**58** In this Act expressions requiring or authorizing an act or thing to be done in the presence of agents of the candidates shall be deemed to refer to the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done; and where an act or thing is required or authorized to be done in the presence of agents of the candidates, the non-attendance of any agent shall not invalidate the act or thing done.

1951, c.3, s.57; R.S.S. 1953, c.4, s.58.

**PROCEEDINGS PRELIMINARY TO THE POLL****DEPUTY RETURNING OFFICERS****Appointment of deputy returning officers**

**59(1)** The returning officer by a commission under his hand (form 19) shall appoint a deputy returning officer for every polling place.

(2) No person shall be so appointed who is not a voter in the constituency wherein the polling place for which he is appointed is situated.

1951, c.3, s.58; R.S.S. 1953, c.4, s.59.

**Oath of office**

**60** Every deputy returning officer before acting shall take and subscribe the oath (form 20).

1951, c.3, s.59; R.S.S. 1953, c.4, s.60.

**Penalty for refusing to perform duties of office**

**61** A person appointed deputy returning officer who refuses to accept office or who after accepting it refuses or neglects to take and subscribe the oath or perform the duties of a deputy returning officer shall incur a fine not exceeding \$100.

1951, c.3, s.60; R.S.S. 1953, c.4, s.61.

**Death or absence of deputy returning officer**

**62** In case of the death, illness or absence of a deputy returning officer or of his refusal or neglect to act the returning officer may, in the manner provided in section 59, appoint another deputy returning officer in his stead, whose appointment and oath shall be endorsed on or attached to the poll book.

1951, c.3, s.61; R.S.S. 1953, c.4, s.62.

**POLL CLERKS****Appointment of poll clerks**

**63(1)** The deputy returning officer shall by a commission under his hand (form 21) appoint a poll clerk to assist him in taking the poll; and the poll clerk before acting shall take and subscribe the oath (form 22).

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**Penalty**

(2) A person appointed poll clerk who refuses to accept office or who after accepting it refuses or neglects to take and subscribe the oath or to perform the duties of a poll clerk shall incur a fine not exceeding \$40.

1951, c.3, s.62; R.S.S. 1953, c.4, s.63.

**Poll clerk aids deputy returning officer**

**64** The poll clerk shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders.

1951, c.3, s.63; R.S.S. 1953, c.4, s.64.

**Acts as deputy returning officer in certain cases**

**65** If a deputy returning officer refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them and if no other deputy returning officer appointed by the returning officer appears at the polling place, the poll clerk, under the same penalties as are by section 61 imposed in like cases on a deputy returning officer, shall act as deputy returning officer and shall perform all the duties and be subject to all the obligations of that office without taking the oath of deputy returning officer.

1951, c.3, s.64; R.S.S. 1953, c.4, s.65.

**In which case he may appoint another poll clerk**

**66** Where a poll clerk acts as deputy returning officer he may appoint by a commission under his hand (form 21) another person as poll clerk to assist him in the performance of the duties of his office and may administer to him the oath (form 22). Such commission and the oath shall be endorsed on or attached to the poll book.

1951, c.3, s.65; R.S.S. 1953, c.4, s.66.

**Deputy returning officer may appoint another poll clerk in certain cases**

**67** If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them, the deputy returning officer may appoint another person as poll clerk and the commission and the oath shall be endorsed on or attached to the poll book.

1951, c.3, s.66; R.S.S. 1953, c.4, s.67.

## CONSTABLES

**Constable at polling place**

**68** The deputy returning officer may appoint a constable to preserve order at the polling place.

1951, c.3, s.67; R.S.S. 1953, c.4, s.68.

## MATERIALS TO BE FURNISHED TO DEPUTY RETURNING OFFICERS

**Duty of returning officer**

**69** At least two days before the polling day the returning officer shall deliver or cause to be delivered to each deputy returning officer the following:

- (a) one copy of instructions for deputy returning officers;
- (b) at least four copies of instructions for agents of candidates;
- (c) three copies of the notice as to secrecy of voting (form 5);
- (d) four copies of directions for the guidance of voters (form 6);
- (e) one blank poll book (form 7);
- (f) one copy, containing an alphabetical index of this Act and of any Acts amending the same;
- (g) a sufficient number of ordinary ballot papers to supply the voters on the voters' list for his polling place;
- (h) one book containing ten absentee ballot papers and as many additional books of absentee ballot papers as may reasonably be expected to be necessary to provide one ballot paper for each absentee voter likely to present himself to vote;
- (i) a certificate of the number of ballot papers supplied;
- (j) twenty ballot envelopes and as many additional ballot envelopes as may reasonably be expected to be necessary to provide one for each voter likely to be sworn at the polling place;
- (k) one ballot box;
- (l) at least five of the metal seals prescribed by the Clerk of the Executive Council for the locking and sealing of ballot boxes;
- (m) a sufficient number of expense voucher forms to meet the requirements of the polling division;
- (n) the necessary black lead pencils to be used by voters in marking their ballot papers;
- (o) such other envelopes and supplies as the returning officer deems necessary.

1951, c.3, s.68; R.S.S. 1953, c.4, s.69.

#### DUTIES OF DEPUTY RETURNING OFFICERS BEFORE OPENING OF POLL

##### Counting ballots before opening of poll

**70(1)** The deputy returning officer shall attend at the polling place at least thirty minutes before the hour fixed for opening the poll.

(2) During such thirty minutes agents and voters entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence before the opening of the poll and may inspect the ballot papers and all other papers, forms and documents relating to the poll.

1951, c.3, s.69; R.S.S. 1953, c.4, s.70.

##### Posting of notice as to secrecy and directions for voters

**71** Every deputy returning officer shall on polling day, before or at the opening of the poll, post up or cause to be for voters posted up:

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(a) one copy of the notice as to secrecy of voting (form 5) in a conspicuous place outside the polling place and one copy of such notice in a conspicuous place within the polling place;

(b) one copy of the directions for the guidance of voters (form 6) in a conspicuous place outside the polling place and one copy of such directions in each compartment within the polling place;

and shall see that such copies remain so posted up from the opening of the poll until it is closed.

1951, c.3, s.70; R.S.S. 1953, c.4, s.71.

**Black lead pencils**

**72** The deputy returning officer shall provide a black lead pencil in each compartment of the polling place for the use of the voters in marking their ballot papers.

1951, c.3, s.71; R.S.S. 1953, c.4, s.72.

**Examination and sealing of ballot box**

**73** The deputy returning officer shall immediately before opening the poll show the ballot box to the persons then present in the polling place so that they may see that it is empty. He shall then lock and seal the box with one of the metal seals prescribed by the Clerk of the Executive Council; and shall then place and keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present and shall keep the box so locked and sealed.

1951, c.3, s.72; R.S.S. 1953, c.4, s.73.

## OATH OF SECRECY

**Person required to take oath**

**74** Every deputy returning officer and every clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall before entering on his duties take the oath of secrecy (form 23).

1951, c.3, s.73; R.S.S. 1953, c.4, s.74.

## EMPLOYEES ENTITLED TO TIME FOR VOTING

**Duty of employers**

**75(1)** Every employee who is an elector shall, while the polls are open on polling day, have three consecutive hours for the purpose of casting his vote; and if the hours of his employment do not allow for such three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours. Such consecutive hours or such additional time for voting as may be necessary to provide the said consecutive hours shall be granted at the convenience of the employer.

(2) No employer shall make any deductions from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work during such consecutive hours.

(3) Any employer who, directly or indirectly, refuses or, by intimidation, undue influence or in any other way, interferes with the granting to any elector in his employ, of the said consecutive hours for voting or such additional time for voting as may be necessary to provide the said consecutive hours, or who violates subsection (2), shall incur a fine of not less than \$100 nor more than \$500.

1951, c.3, s.74; R.S.S. 1953, c.4, s.75.

## WHERE VOTERS TO VOTE

### In polling division where name on list

**76(1)** Except as herein otherwise provided, each voter shall vote at the polling place of the polling division upon the list of voters for which his name is entered as such voter, and at no other.

(2) A person who votes in contravention of subsection (1) shall incur a fine not exceeding \$200.

1951, c.3, s.75; 1952, c.8, s.7; R.S.S. 1953, c.4, s.76.

## THE POLL

### Hours of voting

**77** Except where special hours are prescribed under subsection (3) of section 36, the poll shall be opened at every polling place at eight o'clock in the forenoon, mountain standard time, and shall be kept open until six o'clock in the afternoon, mountain standard time, of the same day and the votes shall be given by ballot.

1951, c.3, s.76; 1951, c.8, s.7; R.S.S. 1953, c.4, s.77.

### Persons entitled to be in polling place

**78** The following persons and no other shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes, namely:

- (a) the deputy remaining officer;
- (b) the poll clerk;
- (c) the constable or constables;
- (d) the interpreter or interpreters, if any;
- (e) the candidates and their agents not exceeding two in number for each candidate, and in the absence of agents two electors to represent each candidate on the request of such electors.

1951, c.3, s.77; R.S.S. 1953, c.4, s.78.

### Information to be given by voters

**79(1)** Each voter, upon entering the polling place, shall declare his name, occupation, post office address and the location of his residence, if required to do so by the deputy returning officer or any agent present.



(2) Every voter whose name does not appear on the voters' list shall, in addition to the information required by subsection (1), declare the name of the constituency in which he was ordinarily resident on the day on which the writ was issued.

1951, c.3, s.78; R.S.S. 1953, c.4, s.79.

**Poll book record of voters**

**80(1)** The poll clerk shall record the names of all voters in the poll book and fill in all the appropriate blank spaces opposite the voters' name before the voter is handed a ballot paper.

(2) As soon as the ballot has been deposited in the ballot box the poll clerk shall enter the word "voted" in the appropriate column of the poll book opposite the voters' name.

1951, c.3, s.79; R.S.S. 1953, c.4, s.80.

**Oath of voter whose name on list**

**81(1)** Every person whose name is on the voters' list shall be entitled to vote without being sworn unless such person is required to be sworn pursuant to subsection (2) of this section or to section 83.

(2) A candidate or his agent may request the deputy returning officer to administer the oath (form 24) to any person seeking to vote, whose name is on the voters' list, and in case of such request the deputy returning officer shall administer the oath.

(3) A deputy returning officer who fails to administer the oath as required by subsection (2) shall incur a fine not exceeding \$200.

1951, c.3, s.80; R.S.S. 1953, c.4, s.81.

**Oath of voter whose name not on list**

**82** Every person whose name does not appear on the voters' list and who claims he is entitled to vote at the polling place in which he presents himself to vote shall before voting take and subscribe the oath (form 24) and thereupon the deputy returning officer shall cause such person's name to be added to the voters' list.

1951, c.3, s.81; R.S.S. 1953, c.4, s.82.

**Oath of voter to be required by deputy in certain cases**

**83(1)** If the deputy returning officer has reason to believe that a person offering to vote:

- (a) is not qualified to be on the voters' list; or
- (b) tenders his vote under a false name or designation; or
- (c) personates or represents himself falsely as being on the voters' list; or
- (d) has already voted; or
- (e) has participated in or committed any corrupt practice; the deputy returning officer shall administer the oath (form 24) to the voter whether he has been requested to do so or not.

(2) A deputy returning officer who acts in contravention of subsection (1) shall incur a fine not exceeding \$200.

1951, c.3, s.82; R.S.S. 1953, c.4, s.83.

**Power of absentee voter to vote**

**84(1)** A voter who is absent on polling day from the constituency in which he is entitled to vote may vote for a candidate in the said constituency by casting his ballot in the constituency where he is on the polling day:

Provided that this subsection does not apply in the case of a by-election or a deferred election.

(2) A voter who is absent on polling day from the polling division in which he is entitled to vote may cast his ballot in another polling division in the same constituency:

Provided that if the polling division in which he is entitled to vote is in a city or town he shall not be entitled to cast his ballot in another polling division within the city or town unless he is a deputy returning officer, a poll clerk or an agent of a candidate and is employed in a polling division other than the polling division in which he is entitled to vote.

(3) A patient in a sanatorium or hospital situated in the constituency in which he is entitled to vote may cast his ballot at the polling place established under subsection (1) of section 36 or may cast his ballot pursuant to subsection (2) of section 36.

(4) Every person entitled to vote as provided by this section shall before voting take and subscribe the oath (form 24).

1951, c.3, s.83; 1952, c.8, s.8; R.S.S. 1953, c.4, s.84.

**Oath of returning officer before voting**

**85** If the deputy returning officer is for any reason required to be sworn before voting, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath (form 24).

1951, c.3, s.84; R.S.S. 1953, c.4, s.85.

**Voters refusing to be sworn**

**86(1)** A person who refuses to take the oath when required to do so shall not be given a ballot paper and shall not vote.

(2) A deputy returning officer who furnishes a ballot paper to a person who refuses to take the oath when required to do so or who receives a ballot paper from such person shall incur a fine not exceeding \$200 and shall be liable to imprisonment for a term not exceeding six months.

1951, c.3, s.85; R.S.S. 1953, c.4, s.86.

**Voting by voter not sworn**

**87** Every person whose name is on the voters' list, and who has not been required to be sworn under section 81 or 83 shall receive from the deputy returning officer an ordinary ballot paper (form 11) on the back of which the deputy returning officer has previously put his initials so placed, as indicated in form 11, that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book.

1951, c.3, s.86; R.S.S. 1953, c.4, s.87.

**Mode of marking, folding and depositing ballot paper of unsworn voter**

**88** Upon receiving an ordinary ballot paper, a voter who has not been required to be sworn shall forthwith proceed into the room or compartment provided for the purpose and, with the black lead pencil provided, mark his ballot paper by placing a cross on any part of the space containing the name of the candidate for whom he intends to vote, thus X. He shall then fold the ballot paper across twice right to left without overlapping the counterfoil, the first fold causing one-third of the ballot to be folded inwards and the second fold bringing the folded edge to the edge of the counterfoil so as to conceal the names of the candidates and the mark upon the face of the paper, but so as to expose the initials of the deputy returning officer, and leaving the room or compartment shall, without delay and without showing the front to anyone or displaying the ballot paper so as to make known to any person the name of the candidate for or against whom he has marked his vote, deliver such ballot paper so folded to the deputy returning officer who shall without unfolding the same or in any way disclosing the names of the candidates or the mark made by such elector ascertain by examination of the initials and numbers appearing thereon that it is the same ballot paper as that delivered to the elector and if the same he shall at once, in full view of the voter and all others present, remove and destroy the counterfoil and deposit the ballot in the ballot box.

1951, c.3, s.87; R.S.S. 1953, c.4, s.88.

**Voter to vote and leave as soon as possible**

**89** The voter shall vote without undue delay and shall leave the polling place forthwith after his ballot has been deposited in the ballot box.

1951, c.3, s.88; R.S.S. 1953, c.4, s.89.

**Voting by voter who is sworn Oath on face of envelope**

**90** Where a voter is required to be sworn:

**Oath on face of envelope**

1 The poll clerk shall complete the form of oath (form 24) on the face of a ballot envelope, from the information supplied by the voter;

**Record in poll book**

2 The poll clerk shall record the name of the voter in the poll book and fill in the appropriate spaces opposite the voter's name;

**Voter to be sworn**

3 The voter shall take and subscribe the said oath. If the voter refuses to take and subscribe the oath, the poll clerk shall make a notation to that effect in the poll book and the voter shall not be given a ballot and shall not vote;

**Voter from within constituency**

4 A voter from within the constituency who seeks to vote constituency and is required to be sworn shall be given an ordinary ballot paper (form 11), initialed and numbered in the manner mentioned in section 87, and he shall proceed in accordance with section 88, and the deputy returning officer upon receiving the ballot paper from the voter shall proceed in accordance with paragraph 6 of this section;

**Voter from another constituency**

5 A voter who seeks to vote under the authority of subconstituency section (1) of section 84 shall be given a special absentee ballot paper (form 12), initialed and numbered in the manner mentioned in section 87, and he shall forthwith proceed into the room or compartment provided for the purpose and, with the black lead pencil provided, mark his ballot paper by writing in the space provided the name or names or the political affiliation of the candidate or candidates, as the case may require, for whom he intends to vote, and the manner in which he designates the candidate or candidates shall be immaterial if the intention of the voter is clearly indicated. The voter shall then deal with his ballot paper in same manner as is provided by section 88 with respect to an ordinary ballot paper, and upon receiving the ballot paper, and upon receiving the ballot paper the deputy returning officer shall proceed in accordance with paragraph 6 of this section;

**Examination and disposal of ballot paper by deputy returning officer**

6 The deputy returning officer shall:

- (a) without unfolding the ballot paper or in any way disclosing the writing by the voter thereon, ascertain by examination of the initials and numbers appearing thereon that it is the same ballot paper as that given to the voter;
- (b) if it is the same ballot paper, at once, in full view of the voter and all others present, remove and destroy the counterfoil, place the ballot in the ballot envelope bearing the oath taken and subscribed by the voter, seal the envelope and deposit it in the ballot box;

**Voter to vote and leave as soon as possible**

7 The voter shall vote without undue delay and shall leave the polling place forthwith after his ballot envelope has been deposited in the ballot box.

1951, c.3, s.89; R.S.S. 1953, c.4, s.90.

**Instructions to voter upon request**

91 A deputy returning officer shall upon request of a voter instruct him how to mark and fold his ballot paper but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 92.

1951, c.3, s.90; R.S.S. 1953, c.4, s.91.

**Voter unable to mark his ballot paper**

92(1) A deputy returning officer, on the application of a voter who is unable to read or is incapacitated, by any physical cause other than blindness, from voting in the manner prescribed by this Act, shall require the voter making such application to make oath in form 25 and shall thereafter assist him by marking his ballot paper in the manner directed by him in the presence of the poll clerk and of the agents of the candidates or of the electors representing the candidates in the polling place and no other person, and place such ballot in the ballot box.

(2) A deputy returning officer shall either deal with a blind voter in the manner provided in subsection (1) for cases of incapacity other than blindness or, at the request of a blind voter who has made oath in form 25 and is accompanied by a friend, shall permit the friend to accompany the blind voter into the room or compartment provided for the purpose and to mark the voter's ballot for him.

(3) A friend who is permitted to mark the ballot paper of a blind voter shall first be required to make oath in form 27 that he will keep secret the name or names of the candidate or candidates for whom the ballot paper of the blind voter is marked by him; and no person shall in any election act as the friend of more than one blind voter for the purpose of this section.

(4) The poll clerk shall enter in the column for remarks in the poll book opposite the voter's name the reason why the ballot paper was marked for such voter and whether it was marked by the deputy returning officer or a friend and, if by a friend, the name of the friend, and he shall record the taking of the oaths by entering the word "sworn" after the name of the voter and the friend.

1951, c.3, s.91; R.S.S. 1953, c.4, s.92.

**Interpreter for voter who cannot speak English**

**93(1)** Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate any oath as well as any lawful question necessarily put to the voter and his answers. The interpreter shall take the oath following:

I swear (*or affirm*) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election. So help me God.

(2) If an interpreter cannot be found or does not present himself at the polling place the voter shall not be allowed to vote.

1951, c.3, s.92; R.S.S. 1953, c.4, s.93.

**Exclusion from balloting compartment**

**94** While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see for whom the voter marks his ballot paper.

1951, c.3, s.93; R.S.S. 1953, c.4, s.94.

**Voter not to take his ballot paper from polling place, etc.**

**95** A person who has received a ballot paper shall not take it out of the polling place and a person who receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer, or who returns his ballot paper declining to vote, shall forfeit his right to vote, and the deputy returning officer shall make an entry in the poll book in the column for remarks, to the effect that such person received a ballot paper but took it out of the polling place or returned it declining to vote. In the latter case the deputy returning officer shall immediately write the word "declined" upon the ballot paper and shall preserve it to be returned to the returning officer.

1951, c.3, s.94; R.S.S. 1953, c.4, s.95.

**Voter who alleges he has been personated**

**96(1)** If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote, after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

(2) The name of the voter shall be entered on the poll book and a note shall be made of his having voted on a second ballot paper, of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates.

1951, c.3, s.95; R.S.S. 1953, c.4, s.96.

**Ballot paper accidentally spoiled**

**97** A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the deputy returning officer, be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word “cancelled” upon the first mentioned ballot paper and preserve it to be returned to the returning officer.

1951, c.3, s.96; R.S.S. 1953, c.4, s.97.

**What deemed tender of a vote and voting**

**98** A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted.

1951, c.3, s.97; R.S.S. 1953, c.4, s.98.

**What deemed tender a vote and voting**

**99** If at the hour for closing the poll there are any electors in or awaiting admission to the polling place, who are qualified to vote and have not been able to do so since their arrival at the polling place, the poll shall be kept open a sufficient time to enable them to vote, but no elector who is not actually in or awaiting admission to the polling place at the hour for closing the poll shall be permitted to vote.

1951, c.3, s.98; R.S.S. 1953, c.4, s.99.

**Statement by deputy returning officer of voter sworn**

**100(1)** The deputy returning officer shall complete a statement (form 28) containing the name, address and voters sworn occupation of every voter sworn on election day, together with the reason, set opposite each name, for the swearing of such voter.

(2) The statement shall be signed by the deputy returning officer, the poll clerk and such of the candidates or their agents as may be present and signify their desire to sign it.

(3) The deputy returning officer shall forthwith after the close of the poll mail one copy of the statement to each candidate in the constituency.

1951, c.3, s.99; R.S.S. 1953, c.4, s.100.

## ADVANCE POLL

**Conduct of poll**

**101** Except as hereinafter provided, the poll to be held at every advance polling place established pursuant to section 38 shall be conducted in the same manner as is provided by this Act for the conduct of other polls in an election.

1951, c.3, s.100; R.S.S. 1953, c.4, s.101.

**Hours of polling**

**102** Every advance poll shall be open during the following hours in the afternoon of the Friday, Saturday and Monday last preceding polling day:

Friday, from seven o'clock to ten o'clock, mountain standard time;

Saturday, from three o'clock to ten o'clock, mountain standard time;

Monday, from seven o'clock to ten o'clock, mountain standard time.

1951, c.3, s.101; R.S.S. 1953, c.4, s.102.

**Oath by voter**

**103** Every person applying to vote at an advance poll shall, before being permitted to do so, be required by the deputy returning officer in charge of the poll to take and subscribe, before either the deputy returning officer or poll clerk, the oath (form 24) on a ballot envelope; and having done so and if it appears from the facts sworn to that he is qualified to vote at that advance poll he shall be given an ordinary ballot paper.

1951, c.3, s.102; 1952, c.8, s.9; R.S.S. 1953, c.4, s.103.

**Sealing ballot box**

**104** At the close of the poll on Friday and Saturday the deputy returning officer, and each candidate or agent present who desires to do so, shall affix their respective seals to the ballot box in such manner that the box cannot be opened and that no ballots can be deposited therein without breaking the seals.

1951, c.3, s.103; R.S.S. 1953, c.4, s.104.

**Signatures on poll book**

**105** At the close of the poll on Friday and Saturday the deputy returning officer, and each candidate or agent present who desires to do so, shall sign their names on the first line below the name of the last voter entered in the poll book each day.

1951, c.3, s.104; R.S.S. 1953, c.4, s.105.

**Copy of poll book entries given to agents**

**106** At the close of the poll on the last day the deputy returning officer shall furnish to one agent of each candidate a copy, signed by him, of the entries made in the poll book.

1951, c.3, s.105; R.S.S. 1953, c.4, s.106.

**Procedure at close of poll on last day**

**107** Immediately after the close of the poll on the last day, in the presence and in full view of the persons entitled under section 78 to be present, the deputy returning officer shall, in the following order:

- 1 proceed in accordance with paragraphs 1, 2, 3 and 5 of section 109;
- 2 open the ballot box, count the number of ballot envelopes therein, enter the number on the ballot paper account and poll statement, place the ballot envelopes in a special envelope or envelopes supplied for that purpose, indicate on each such special envelope the number of ballot envelopes contained therein and seal each special envelope; he shall not open any ballot envelope;



- 3 proceed in accordance with paragraphs 13, 14, 15 and 16 of section 109;
- 4 place the poll book, the special envelopes containing respectively the unused ballot papers, the stubs of used ballot papers, the spoiled, cancelled and declined ballot papers and the ballot envelopes, and all other documents which served at the election except the special envelope containing the original ballot paper account and poll statement, in a large envelope supplied for that purpose, seal with his seal and sign the envelope, permit each candidate or agent who desires to do so to sign his name or initials and affix his seal across the flap of the envelope, and place the envelope in the ballot box;
- 5 place in the ballot box the special envelope containing the original ballot paper account and poll statement;
- 6 lock and seal the ballot box with one of the metal seals prescribed by the Clerk of the Executive Council and affix his own seal, and permit each candidate or agent who desires to do so to affix his seal, in such manner that the box cannot be opened and nothing can be deposited therein without breaking the seals.

1951, c.3, s.106; R.S.S. 1953, c.4, s.107.

#### **Custody and delivery and ballot box**

**108** The deputy returning officer shall keep the ballot box in his possession, and prevent any other person from having access thereto, until he delivers the ballot box to the returning officer as required by section 113.

1951, c.3, s.107; R.S.S. 1953, c.4, s.108.

### **PROCEEDINGS AFTER CLOSE OF POLL ON POLLING DAY**

#### **Duties of deputy returning officer**

**109** Immediately after the close of the poll, in the presence and in full view of the persons entitled under section 78 to be present, the deputy returning officer shall, in the following order:

- 1 count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the last name recorded, thus:

“The number of voters who voted at this election in this polling place is .....,”

and shall sign his name thereto;

- 2 provide one agent of each candidate with a form of ballot paper account and poll statement (form 29) in order that each candidate may have from his agent in each poll a statement corresponding with the ballot paper account and poll statement which the deputy returning officer shall make in duplicate;

- 3 count the number of unused ordinary ballot papers (form 11) undetached from the books of ordinary ballot papers, place them together with the stubs of used ordinary ballot papers in the special envelope supplied for that purpose, indicate thereon the number of such unused ballot papers enclosed, seal the envelope and enter the number of unused ballot papers on the ballot paper account and poll statement;

- 4 count the unused special absentee ballot papers (form 12) and proceed as in paragraph 3;



5 count the number of spoiled, cancel and declined ballot papers and proceed as in paragraph 3;

6 announce in an audible voice the number of electors who, according to the poll book record, voted under each of the following categories:

- (a) registered on the voters' list and not sworn;
- (b) resident within the constituency and sworn;
- (c) resident in some other constituency and sworn;

7 Check the total number of persons who have voted in the categories mentioned in paragraph 6 and see that it is the same as the total number of persons appearing in the poll book as having voted;

8 open the ballot box and separate the ballot envelopes containing the ballot papers of sworn voters and divide them into two groups, as follows:

- (a) those cast by voters resident within the constituency; and
- (b) those cast by voters resident outside the constituency;

and place each group in the special envelope supplied for that purpose, indicate the number of ballot envelopes in each group upon the special envelope containing the same and on the ballot paper account and poll statement and seal the two special envelopes;

9 count the number of votes, cast by the voters who were not required to be sworn, in favour of each candidate, giving full opportunity to those present to examine each ballot;

10 make a note in the poll book of every objection taken to a ballot by a candidate or his agent or a voter present, number each objection, place a corresponding number on the back of the ballot and initial the same, and decide the objection subject to review on recount;

11 place all rejected ballots in a special envelope supplied for that purpose, indicate the number of ballots contained therein on the outside of the envelope and on the ballot paper account and poll statement and seal the envelope;

12 place all the ballots cast for each candidate in separate envelopes supplied for that purpose, indicate the number of ballots cast for each candidate on the envelope containing the same and on the ballot paper account and poll statement and seal the envelope;

13 when he is satisfied as to the accuracy of the ballot paper account and poll statement, sign each copy thereof, see that the poll clerk signs the same and permit each candidate or agent to sign if he so desires;

14 place the original ballot paper account and poll statement in the special envelope supplied for that purpose and keep the second copy as his own record;

15 permit each candidate or agent who desires so to do to sign his name or initials and affix his seal across the flap of any of the special envelopes mentioned in this section;

16 administer the oath (form 30) to the poll clerk who shall take and subscribe the same;

17 place the poll book, the voters' list, the special envelopes mentioned in this section except those mentioned in paragraph 18, and all other documents which served at the election, in a large envelope supplied for that purpose, seal with his seal and sign the envelope, permit each candidate or agent who desires to do so to sign his name or initials and affix his seal across the flap of the envelope, and place the envelope in the ballot box;

18 place in the ballot box the special envelopes containing respectively the ballot envelopes of sworn voters from outside the constituency and the original ballot paper account and poll statement;

19 lock and seal the ballot box with one of the metal seals prescribed by the Clerk of the Executive Council and affix his own seal, and permit each candidate or agent who desires to do so to affix his seal, in such manner that the box cannot be opened and nothing can be deposited therein without breaking the seals.

1951, c.3, s.108; R.S.S. 1953, c.4, s.109.

#### **What votes rejected**

**110** In counting the votes the deputy returning officer shall reject all ballots (herein called "rejected ballots"):

- (a) which have not been supplied by him; or
- (b) by which votes have been given for more or fewer candidates than are to be elected; or
- (c) on which anything is written or marked by the voter by which he can be identified:

Provided that if an elector, with an honest intention to vote in favour of one of the candidates whose name is upon a ballot and without any apparent intention of identification, has marked his ballot with some mark other than a cross mark (X) clearly indicating an intent to mark in favour of a name, it shall be deemed a sufficient vote for the candidate in whose favour the same is so marked, but not if the cross mark (X) is used elsewhere on the same ballot.

1951, c.3, s.109; R.S.S. 1953, c.4, s.110.

#### **Counterfoils remaining attached**

**111** If in the course of counting the votes any ballot is found with the counterfoil still attached thereto, the deputy returning officer shall, carefully concealing the number thereon from all persons present and without examining it himself, remove and destroy the counterfoil. He shall not reject the ballot merely by reason of his former failure to remove the counterfoil. Nothing in this section relieves the deputy returning officer from any penalty to which he may be liable by reason of his failure to remove and destroy the counterfoil at the time of the casting of the vote to which it relates.

1951, c.3, s.110; R.S.S. 1953, c.4, s.111.

**Ballots not initialed by deputy returning officer**

**112** If in the course of counting the votes the deputy returning officer discovers that he has omitted to affix his initials on the back of any ballot, as required by section 87, he shall, in the presence of the poll clerk and the agents of the candidates, affix his initials to such ballot, and shall count the ballot as if it had been initialed by him in the first place, provided that he is satisfied that the ballot is one that has been supplied by him and that such omission has really been made, also that every ballot paper supplied to him by the returning officer has been accounted for, as required by section 109. Nothing in this section relieves the deputy returning officer from any penalty to which he may be liable by reason of his failure to affix his initials on the back of the ballot paper before handing it to the voter.

1951, c.3, s.111; R.S.S. 1953, c.4, s.112.

**Delivery of ballot boxes to returning officer**

**113(1)** The deputy returning officer shall within two days after polling day:

- (a) personally deliver the ballot box to the returning officer or, if so instructed by the returning officer, to a person appointed by the returning officer to receive it; or
- (b) if so instructed by the returning officer, forward the ballot box to him by registered mail.

(2) The deputy returning officer shall take a receipt in form 31 from any person to whom he has handed over the ballot box for delivery to the returning officer.

(3) Forthwith thereafter the deputy returning officer shall take and subscribe the oath (form 32) and shall personally deliver or transmit it by registered mail to the returning officer.

(4) A person appointed by the returning officer to receive the ballot box from any deputy returning officer and who has made delivery of the same to the returning officer shall take and subscribe before the returning officer the oath (form 33).

1951, c.3, s.112; R.S.S. 1953, c.4, s.113.

**Duty of returning officer on receipt of boxes**

**114** The returning officer, upon the receipt by him of a ballot box, shall take every precaution for its safe keeping and for preventing any person other than himself and the election clerk from having access to it; the returning officer shall examine the metal seal affixed to the box by the deputy returning officer and if such seal is not in good order the returning officer shall affix his own metal seal prescribed by the Clerk of the Executive Council; and the returning officer shall record the condition of the metal seal required to be affixed by the deputy returning officer, in the column for remarks in the returning officer's statement (form 34).

1951, c.3, s.113; R.S.S. 1953, c.4, s.114.

### PRELIMINARY COUNT BY RETURNING OFFICER

#### Duties of returning officer

**115** The returning officer, at the time and place appointed by his proclamation for adding up the numbers of votes cast by unsworn voters and after having received all the ballot boxes, shall, in the presence of the election clerk and of such candidates or their representatives as are present, open the ballot boxes and proceed as follows:

1 remove therefrom and open the special envelopes containing the ballot envelopes of sworn voters from outside the constituency and, without opening any ballot envelope, sort the ballot envelopes into groups according to the constituencies in which such voters swore that they were qualified to vote, make a list for each constituency affected showing the name, address and occupation of each sworn voter therefrom and the number of the polling division, or the location of such voter's residence, as set forth in the affidavit on his ballot envelope place each group of ballot envelopes in a special envelope supplied for that purpose, seal the envelopes and address each envelope to the returning officer for the constituency to which the absentee voters' ballot envelopes enclosed therein relate;

2 remove therefrom and open the special envelopes containing the original ballot paper account and poll statements of the various polls, enter the results appearing therein in the appropriate columns of the returning officer's statement (form 34) and retain the latter statement in his possession until the same can be completed upon the final count being made in accordance with section 118;

3 afford each candidate or his agent an opportunity to inspect the poll books and voters' lists used at the various polls;

4 replace all documents, other than the absentee voters' ballot envelopes mentioned in paragraph 1, in the proper ballot boxes, lock and seal each ballot box with one of the metal seals prescribed by the Clerk of the Executive Council, affix his own seal, and permit each candidate or agent who desires to do so to affix his seal, in such manner that the box cannot be opened and nothing can be deposited therein without breaking the seals, and take every precaution for the safe keeping of the ballot boxes until the time for the making of the final count under section 118.

1951, c.3, s.114; R.S.S. 1953, c.4, s.115.

#### Mailing of ballot envelopes to other constituencies and report respecting same

**116(1)** The returning officer shall, within twenty hours after opening the ballot boxes as directed in section 115, dispatch by registered mail to the returning officers to whom they are addressed the special envelopes containing the absentee voters' ballot envelopes for their respective constituencies, and shall also forthwith forward by registered mail to each of such returning officers, in a separate envelope supplied for that purpose, the list of sworn voters from his constituency prepared in accordance with paragraph 1 of section 115.

(2) Forthwith thereafter the returning officer shall forward to the Clerk of the Executive Council a report in writing (form 36) setting forth the number of such absentee voters' ballot envelopes received by him from the deputy returning officers of the various polls in his constituency and the names and addresses of the returning officers of other constituencies to whom he forwarded such ballot envelopes and the number of ballot envelopes forwarded to each.

1951, c.3, s.115; R.S.S. 1953, c.4, s.116.

**Duty of returning officer on receipt of ballot envelopes and lists of sworn voters from other constituencies**

**117(1)** Upon receipt by a returning officer of absentee voters' ballot envelopes forwarded to him in accordance with subsection (1) of section 116, the returning officer shall take every precaution for their safe keeping and for preventing any person other than himself and the election clerk from having access to them and shall place them in a parcel and seal such parcel with his own seal in such a way that it cannot be opened without his seal being broken and shall preserve such parcel until the time for the making of the final count under section 118.

(2) Upon receipt by a returning officer of lists of sworn voters forwarded to him in accordance with subsection (1) of section 116, the returning officer shall preserve the lists until the time for the making of the final count under section 118 and any candidate in the constituency or his agent may at all reasonable times inspect such lists.

1951, c.3, s.116; R.S.S. 1953, c.4, s.117.

## FINAL COUNT BY RETURNING OFFICER

**Counting votes of sworn voters, final addition and declaration of result**

**118** The returning officer, at the time and place appointed by his proclamation for counting the votes cast by voters and making the final addition, shall, in the presence of the election clerk and of such candidates or their representatives as are present, proceed as follows:

1 open the parcel containing the absentee voters' ballot envelopes received from other returning officers and, with respect to each ballot envelope and before opening the same, examine the oath taken and subscribed thereon, examine the poll book, the voters' list and other election documents used at the polling place at which the voter alleged in his oath he was qualified to vote and if, from such examination and any representations made to him by the candidates or their representatives, he is satisfied that the voter was entitled to vote in the constituency and that no person has in fact voted as such voter at the said polling place, he shall open the ballot envelope, remove therefrom the folded ballot and, without unfolding the ballot, deposit it in a special ballot box supplied for that purpose. If not so satisfied he shall not open the ballot envelope but shall write in ink on the back thereof the words "unopened, subject to review on recount";

2 place all such unopened ballot envelopes in a special envelope supplied for that purpose, indicate thereon the number of unopened ballot envelopes contained therein, sign his name thereto and seal the special envelope;

3 open the special ballot box and count the ballots cast for each candidate in the manner provided for the counting of ordinary ballots by a deputy returning officer at the close of the poll and enter the results in the appropriate columns of the returning officer's statement (form 34);

4 in counting the ballots mentioned in paragraph 3 the returning officer shall have regard to the provisions of paragraph 5 of section 90 respecting the marking of absentee ballot papers and the manner in which a voter who casts his ballot in another constituency designates the candidate or candidates for whom he intends to vote;

- 5 make a note of every objection taken to a ballot by a candidate or his agent or a voter present on the back of the ballot and initial the same, and decide the objection subject to review on recount;
- 6 place all rejected ballots in a special envelope supplied for that purpose, indicate thereon the number of ballots contained therein and seal the envelope;
- 7 place all the counted ballots in a special envelope supplied for that purpose, indicate thereon the number of ballots contained therein and seal the envelope;
- 8 place all ballot envelopes that have been opened, and from which the ballots have been removed, in a special envelope supplied for that purpose, indicate thereon the number of opened ballot envelopes contained therein and seal the envelope;
- 9 place the special envelopes mentioned in paragraphs 2, 6, 7 and 8 in the special ballot box and lock and seal the box with one of the metal seals prescribed by the Clerk of the Executive Council and affix his own seal, and permit each candidate or agent who desires to do so to affix his seal, in such manner that the box cannot be opened and nothing can be deposited therein without breaking the seals;
- 10 open the ballot boxes from all polling places within his constituency, remove therefrom and open the special envelopes containing the ballot envelopes of sworn voters within the constituency and, using another special ballot box supplied for the purpose, proceed in accordance with paragraphs 1, 2, 3, 5, 6, 7, 8 and 9;
- 11 lock and seal each of the ballot boxes from the polling places with one of the metal seals prescribed by the Clerk of the Executive Council and affix his own seal in such manner that the box cannot be opened without breaking his seal;
- 12 make the final addition of the votes given for each candidate and forthwith declare elected the candidate having the largest number of votes.

1951, c.3, s.117; R.S.S. 1953, c.4, s.118.

**Casting vote by returning officer**

**119** Where on the addition of votes by the returning officer an equality of votes is found to exist between any two or more candidates and an additional vote would entitle any of them to be declared elected, the returning officer shall give the additional or casting vote; but except as provided in this section and in subsection (3) of section 137 the returning officer shall not vote at an election.

1951, c.3, s.118; R.S.S. 1953, c.4, s.119.

**Returning officer to retain ballot boxes and documents for ten days**

**120** The returning officer shall retain all ballot boxes and all documents and other material used in the election in his possession for ten days after the day on which the final addition is made and a candidate declared elected, and take every precaution for their safe keeping.

1951, c.3, s.119; R.S.S. 1953, c.4, s.120.

PROCEEDINGS IN CASE OF LOSS OR IN JURY OF BALLOT BOXES OR  
ELECTION DOCUMENTS

**Adjournment of proceedings where ballot boxes not duly delivered**

**121** If the ballot boxes are not all returned on the day fixed for adding up the votes cast by unsworn voters, the returning officer shall adjourn the proceedings to the second day after the day originally fixed.

1951, c.3, s.120; R.S.S. 1953, c.4, s.121.

**Where default made by deputy returning officer in returning documents**

**122** If a deputy returning officer has not enclosed in the ballot box the ballot paper account and poll statement as required by this Act, or if for any other cause the returning officer, at the day and hour appointed by him for adding up the votes cast by unsworn voters, cannot ascertain the number of votes given for each candidate, he may adjourn the proceedings to the second day following.

1951, c.3, s.121; R.S.S. 1953, c.4, s.122.

**Disappearance of ballot boxes**

**123** If a ballot box has been destroyed or lost or for any other reason is not forthcoming by the time fixed for adding up the votes cast by unsworn voters, the returning officer shall procure from the deputy returning officer whose box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate or copies thereof, the whole to be certified by oath.

1951, c.3, s.122; R.S.S. 1953, c.4, s.123.

**Where statements, etc., cannot be found**

**124** If a statement or certificate or a copy thereof cannot be procured, the returning officer shall ascertain by such evidence as he is able to obtain the total number of votes given for each candidate at the several polling places and may summon any deputy returning officer, poll clerk or other person to appear before him with all necessary papers and documents, at a time and place to be named by him, of which time and place and of the intended proceedings the candidate shall have notice; and the returning officer may examine on oath such deputy returning officer, poll clerk or other person respecting the matter in question.

1951, c.3, s.123; R.S.S. 1953, c.4, s.124.

**When deputy returning officer has neglected to deliver statement of result**

**125** In case of an adjournment by reason of a deputy returning officer not having placed in the ballot box the ballot paper account and poll statement, the returning officer shall in the meantime use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of the deputy returning officer and shall have the powers conferred by section 124.

1951, c.3, s.124; R.S.S. 1953, c.4, s.124.



**Special report by returning officer**

**126** The returning officer shall return the candidate having the largest number of votes, and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of any ballot box or the want of any statement as aforesaid and the mode by which he ascertained the number of votes given for each candidate.

1951, c.3, s.125; R.S.S. 1953, c.4, s.126.

**RECOUNT****Application for recount, security for costs, notice, etc.**

**127(1)** If within eight days after the day on which the returning officer has made the final addition of the votes for the purpose of declaring a candidate elected it is, upon the application of a candidate or a voter, made to appear by affidavit to the judge that:

- (a) any ballot envelopes of qualified voters were unopened by the returning officer; or
- (b) any deputy returning officer or the returning officer in counting the votes has improperly counted any ballot, or improperly rejected any ballot, or made an incorrect statement of the number of ballots cast for a candidate; or
- (c) the returning officer has improperly added up the votes;

and, subject to subsection (2), if the applicant deposits within the said time with the clerk of the court the sum of \$100 in legal tender as security for the costs, in connection with the recount or addition, of the candidate declared elected, the judge may appoint a time and place to recount or add up the votes cast at the election.

(2) Where the applicant alleges in his affidavit that the majority in favour of the candidate declared elected, according to the returning officer's final addition, is less than fifty votes, and is also less than the total number of unopened ballot envelopes, rejected ballots and ballots objected to and alleged by the applicant to have been improperly counted, no deposit as security for costs shall be required.

(3) The applicant shall, before making an application under subsection (1), give to the returning officer a notice in writing of his intended application. Such notice may be served personally or forwarded by registered mail.

(4) The time appointed by the judge for the recount or addition shall not be less than fourteen days from the date of the judge's appointment.

(5) The applicant shall give at least seven days' notice in writing of the time and place appointed, to the returning officer, the election clerk, each candidate and each person whose ballot envelope was unopened by the returning officer at the time of the final count. Such notice shall be served by personal service or by registered mail; and a notice served by registered mail shall be deemed to have been served on the day of the date of the receipt from the postmaster for the envelope containing the notice.

1951, c.3, s.126; R.S.S. 1953, c.4, s.127.



**Returning officer not to make return until receipt of certificate from judge**

**128** Upon receiving the notice mentioned in subsection (5) of section 127 a returning officer shall delay making his return to the Clerk of the Executive Council until he receives from judge a certificate from the judge of the result of the recount or addition, and upon receipt of the certificate shall proceed to make his return.

1951, c.3, s.127; R.S.S. 1953, c.4, s.128.

**Presence of clerk of court**

**129** The judge may require the clerk of the court to be present at the time and place appointed.

1951, c.3, s.128; R.S.S. 1953, c.4, s.129.

**Other persons to be present with documents**

**130(1)** The returning officer and his election clerk shall attend at the time and place appointed with the returning officer's statement and the envelopes containing the ballot papers, the original ballot paper account and poll statements and the poll books.

(2) The ballot papers and original statements and other documents shall continue in the custody of the returning officer who shall be responsible for them subject to any directions which the judge may give with respect thereto.

1951, c.3, s.129; R.S.S. 1953, c.4, s.130.

**Who present at recount**

**131(1)** The returning officer and the election clerk shall be present at the recount or addition of the votes and each candidate shall be entitled to be represented by not more than two agents and may himself be present.

(2) Where a candidate is not represented, any two electors who declare their desire to attend on his behalf shall be entitled to attend.

(3) Each person whose ballot envelope was unopened at the time of the final count by the returning officer and who was served with notice of the recount or addition shall be entitled to attend and give evidence with respect to his qualification as a voter.

(4) Unless with the sanction of the judge no other person shall be present.

1951, c.3, s.130; R.S.S. 1953, c.4, s.131.

**Procedure by judge**

**132(1)** At the time and place appointed and in the presence of the said persons, the judge shall make the addition from the ballot paper account and poll statements and the returning officer's statement or shall recount all the votes and ballot papers, and shall in the case of a recount open all the sealed envelopes containing:

- (a) the ballots which have been counted;
- (b) the rejected ballots;
- (c) the cancelled ballot papers;
- (d) the declined ballot papers;
- (e) the unused ballot papers;

(f) the unopened ballot envelopes.

(2) In the case of a recount the judge may receive evidence viva voce or by affidavit respecting the qualification as a voter of any person whose ballot envelope has not been opened and shall make a finding with respect thereto, and shall deal with the ballot envelope and the ballot contained therein as nearly as may be in accordance with the provisions of section 118.

1951, c.3, s.131; R.S.S. 1953, c.4, s.132.

**Recount proceeded with continuously**

**133(1)** The judge shall as far as practicable proceed continuously, allowing only time for refreshment and excluding, except in so far as he and the persons present otherwise agree, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon.

(2) During such excluded time and time for refreshment the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents.

1951, c.3, s.132; R.S.S. 1953, c.4, s.133.

**Rules to govern judge in proceedings**

**134** The judge shall in the case of a recount proceed in the manner provided for the counting of ballots at the close of the poll by a deputy returning officer and at the final count by a returning officer, and shall verify and correct the ballot paper account and poll statements and the returning officer's statement.

1951, c.3, s.133; R.S.S. 1953, c.4, s.134.

**Sealing up ballots at close of recount**

**135(1)** Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes and upon the completion of an addition he shall seal up the original statements in their respective envelopes.

(2) The judge shall at the request of either party number the disputed ballots on the back and enclose them in a separate envelope.

1951, c.3, s.134; R.S.S. 1953, c.4, s.135.

**Reviewing decision of returning officer when ballot box or documents missing**

**136(1)** The judge shall, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when he made his decision or where the proper statements or papers were not found therein.

(2) For the purpose of arriving at the facts the judge shall have all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer.

1951, c.3, s.135; R.S.S. 1953, c.4, s.136.

**When judge sends in certificate**

**137(1)** The judge shall delay sending his certificate to certificate the returning officer for two days after the completion of the recount or addition, in order to allow for an appeal as hereinafter provided.

(2) If no notice of appeal is given to the judge within two days after the completion of the recount or addition he shall forthwith certify the result to the returning officer who shall then forthwith declare to be elected the candidate having the largest number of votes.

(3) In case of an equality of votes the returning officer shall give the casting vote.

1951, c.3, s.136; R.S.S. 1953, c.4, s.137.

#### **Costs**

**138(1)** Where, prior to the recount or addition of the votes by the judge, the majority in favour of the candidate declared elected, according to the returning officer's final addition, was less than fifty votes and was also less than the total number of unopened ballot envelopes, rejected ballots and ballots objected to and alleged by the applicant to have been improperly counted, the costs of the recount or addition of the votes, other than the costs of the applicant and the candidates, shall be paid by the returning officer and shall be included by him in his election expense account, and the applicant and each candidate shall pay his own costs.

(2) In other cases the costs of the recount or addition shall be in the discretion of the judge, who may order by whom, to whom and in what manner the same shall be paid.

(3) The judge shall tax the costs and shall, as nearly as may be, follow the tariff of costs with respect to proceedings in the district court.

1951, c.3, s.137; R.S.S. 1953, c.4, s.138.

#### **Payment of costs**

**139** Costs directed to be paid by the applicant shall be paid to the party entitled thereto from the moneys, if any, deposited as security for costs. If the deposit is insufficient or where no deposit has been made, execution may issue out of the district court upon the judge's order for the balance or the full amount of such costs, as the case may require.

1951, c.3, s.138; R.S.S. 1953, c.4, s.139.

### **APPEAL FROM JUDGE'S DECISION**

#### **Appeal from decision of judge of recount**

**140(1)** A party desiring to appeal from the decision of the judge may do so on giving, within two days after the completion of the recount or addition, notice in writing to the opposite party and to the judge of his intention to appeal and may by the notice limit the appeal to specified ballots.

(2) If the appeal is limited, the judge shall seal up the ballots which are the subject of appeal in a separate packet and shall forward them, together with the notice and a certificate showing his findings, by registered post to the registrar of the Court of Queen's Bench, but if the appeal is not limited the judge shall forward all the ballot papers and other papers to the said registrar. In either case the judge shall await the result of the appeal before sending his certificate to the returning officer. The judge shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the registrar.

- (3) On receipt of the ballot papers and notice the registrar shall forthwith obtain an appointment from a judge of the Court of Queen's Bench for hearing the appeal and shall notify the parties or their solicitors of the time appointed.
- (4) The time appointed for hearing the appeal shall not be more than ten days from the date of the appointment.
- (5) At the time appointed the judge of the Court of Queen's Bench shall recount the ballot papers or such of them as are the subject of appeal, or shall review the addition by the judge, and shall forthwith certify his decision to the judge of the district court whose duty it shall be to conform to the decision and to certify the result without delay to the returning officer.
- (6) The judge of the Court of Queen's Bench may direct by and to whom the costs of the appeal shall be paid.

1951, c.3, s.139; R.S.S. 1953, c.4, s.140.

### ELECTION RETURN

#### When return made

- 141(1)** The returning officer shall, upon the expiry of ten days next after the final addition by him of the number of votes given for each candidate, or, where there has been a recount or addition by the judge, immediately after the receipt of the certificate of the result, transmit a return (form 34) to the Clerk of the Executive Council that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof.
- (2) The returning officer shall accompany his return with a report of the proceedings in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers received by him.

1951, c.3, s.140; R.S.S. 1953, c.4, s.141.

#### Returning officer transmits to Clerk of the Executive Council the ballot papers, etc.

- 142(1)** The returning officer shall with his return transmit to the Clerk of the Executive Council enclosed in a box or other covering, sealed with the seal of the returning officer:
  - (a) the writ;
  - (b) the stereotype or printer's blocks furnished to him by the Clerk of the Executive Council;
  - (c) all the envelopes containing ballot papers in his possession;
  - (d) declarations of inability to read or mark;
  - (e) poll books;
  - (f) all ballot boxes; and
  - (g) all other documents sent to him by the deputy returning officers.
- (2) The returning officer shall endorse on the package:
  - (a) a description of its contents;
  - (b) the date of the election to which they relate; and

- (c) the name of the constituency for which the election was held; and shall affix to the outside of the package a label showing distinctly the constituency to which the contents relate and the date of the election.
- (3) The package shall be sent by express or by registered post.
- (4) An affidavit (form 35) shall be made by the returning officer forthwith after transmitting his return and shall be immediately transmitted by him to the Clerk of the Executive Council by registered post.

1951, c.3, s.141; R.S.S. 1953, c.4, s.142.

### FAILURE TO MAKE RETURN

**Application to compel returning officer to add up votes, make return, etc.**

**143(1)** If a returning officer wilfully delays, neglects or refuses:

- (a) to add up the votes; or
- (b) to declare to be elected the candidate having the largest number of votes; or
- (c) to give his casting vote where he is by law required to do so; or
- (d) to make the return, as required by this Act, of the candidate having the largest number of votes;

the person aggrieved, or any voter who voted at the election, may apply to a judge of the Court of Queen's Bench for a mandamus commanding the returning officer to perform the duty which he is shown to have omitted.

- (2) The notice shall be served upon the returning officer and upon any person who was a candidate at the election.
- (3) In other respects the provisions of *The Queen's Bench Act* and the rules made thereunder shall apply to the application.
- (4) Nothing in this section affects or impairs any other right or remedy of the person aggrieved.

1951, c.3, s.142; R.S.S. 1953, c.4, s.143.

### PUBLICATION OF RETURN

**Notice in *Gazette***

**144** The Clerk of the Executive Council shall, on receiving the return of a member elected to the Assembly, publish in the next ordinary issue of *The Saskatchewan Gazette* a notice of the receipt of the return, the date of the receipt and the name of the candidate elected.

1951, c.3, s.143; R.S.S. 1953, c.4, s.144.

## IRREGULARITIES IN CONDUCT OF ELECTION

**Elections not void in certain cases**

**145** No election shall be declared invalid by reason of:

- (a) any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll; or
- (b) a failure to hold a poll at any place appointed for holding a poll; or
- (c) non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes or as to limitations of time; or
- (d) any mistake in the use of the forms contained in the schedule hereto;

if it is shown to the satisfaction of the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that such irregularity, failure, non-compliance or mistake did not affect the result of the election.

1951, c.3, s.144; R.S.S. 1953, c.4, s.145.

## OATHS AND AFFIDAVITS

**Oaths who to administer**

**146** Each returning officer and each election clerk may administer any oath or affidavit required by this Act with respect to any election, and each deputy returning officer and poll clerk may administer any oath or affidavit required by this Act with respect to any election except such as is required to be administered to the returning officer, and each enumerator may administer any oath or affidavit required by this Act with respect to the making and revising of lists of voters; and such person shall administer the oath gratuitously.

1951, c.3, s.145; R.S.S. 1953, c.4, s.146.

**Who may take oaths**

**147** Except where otherwise provided, any oath or affidavit for the purposes of this Act may be sworn before a justice of the peace, a commissioner for oaths or a notary public.

1951, c.3, s.146; R.S.S. 1953, c.4, s.147.

## CUSTODY OF ELECTION PAPERS

**How long retained and when destroyed**

**148(1)** The Clerk of the Executive Council shall, subject to the provisions of this Act, retain in his possession the documents transmitted to him by a returning officer under section 142 for at least one year, and, if the election is contested, then for one year after the termination of the contestation and shall then destroy them by fire.

(2) If notice of the presentation of a petition is received by him, or if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "not to be destroyed".

1951, c.3, s.147; R.S.S. 1953, c.4, s.148.

## INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC

**Inspection of documents other than ballot papers**

**149(1)** All documents other than ballot papers, forwarded by a returning officer pursuant to this Act to the papers Clerk of the Executive Council, shall be open to public inspection at such time and under such regulations as may be prescribed by the Clerk of the Executive Council with the approval of the Speaker of the Assembly.

(2) The Clerk of the Executive Council shall supply copies of or extracts from the documents which are open to inspection to any person demanding the same, on payment at the rate of ten cents for each one hundred words. In computing the number of words a figure shall be counted as a word.

1951, c.3, s.148; R.S.S. 1953, c.4, s.149.

**Inspection of ballot papers**

**150(1)** No person shall be allowed to inspect a ballot paper in the custody of the Clerk of the Executive Council except under an order of a judge of the Court of Queen' Bench.

(2) Such order may be made on the judge being satisfied, by affidavit or other evidence on oath, that the inspection or production of the ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or return.

(3) The order may be made subject to such conditions as the judge may think proper.

(4) Subject to the provisions of the order, the inspection shall take place under the immediate supervision of the registrar of the Court of Queen's Bench at his office in the court house at Regina, and he shall be present during the inspection. So long as the ballot papers are in the custody of the registrar and not under inspection they shall be kept in a secure place under lock and key.

1951, c.3, s.149; R.S.S. 1953, c.4, s.150.

**Evidence as to documents, ballot papers, etc.**

**151** Where an order is made by a judge of the Court of Queen's Bench for the production by the Clerk of Executive Council of a document in his possession relating to an election, the production of it by the clerk or his agent in the manner directed by the order shall be evidence that the document relates to the election. An endorsement appearing on an envelope containing ballot papers so produced shall be evidence that the contents are what they are stated to be by the endorsement.

1951, c.3, s.150; R.S.S. 1953, c.4, s.151.

## PRESERVATION OF THE PEACE

**Returning officers conservators of the peace**

**152** Returning officers and deputy returning officers, conservators from the time they take the oath of office until the day after the close of the election, shall be conservators of the peace, and shall be invested with all the powers appertaining to justices of the peace.

1951, c.3, s.151; R.S.S. 1953, c.4, s.152.

**Constables and justices of the peace**

**153** A returning officer or a deputy returning officer may require the assistance of justices of the peace, constables and other persons to aid him in maintaining peace and good order at the election, and may also swear in as many special constables as he may deem necessary.

1951, c.3, s.152; R.S.S. 1953, c.4, s.153.

**Special constables sworn in certain cases**

**154** On a requisition in writing made by a candidate or by his agent or by two or more voters in a returning officer or deputy returning officer shall swear in as many special constables as may be necessary.

1951, c.3, s.154; R.S.S. 1953, c.4, s.154.

**Arrest and imprisonment on verbal order**

**155** A returning officer or deputy returning officer may arrest, or by verbal order cause to be arrested and placed in the custody of a constable or other person, any person disturbing the peace and good order at an election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll, as the case may be.

1951, c.3, s.155; R.S.S. 1953, c.4, s.155.

**Delivery up of weapons on nomination and polling days**

**156** A returning officer or deputy returning officer may, during the nomination day and polling day, require any person within half a mile of the place of nomination or of a polling place to deliver to him any firearm, sword or offensive weapon in the hands or personal possession of such person.

1951, c.3, s.155; R.S.S. 1953, c.4, s.156.

**Armed persons not to come within one mile of nomination or polling place**

**157** No person other than the returning officer, the election clerk, the deputy returning officer, the poll clerk and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the nomination or poll and the preservation of the public peace thereat, shall approach within a distance of one mile of a place of nomination or of a polling place armed with any firearm, sword or offensive weapon unless called upon to do so by lawful authority.

1951, c.3, s.157; R.S.S. 1953, c.4, s.157.

**SECRECY OF PROCEEDINGS****Maintaining secrecy of proceedings**

**158** Every person in attendance at a polling place or at the counting of votes shall maintain and aid in maintaining the secrecy of the voting.

1951, c.3, s.157; R.S.S. 1953, c.4, s.158.



**Interference with voters**

**159(1)** No person shall interfere or attempt to interfere with a voter when marking his ballot paper or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

(2) No person shall communicate information obtained at a polling place as to the candidate for whom a voter at such polling place is about to vote or has voted.

1951, c.3, s.158; R.S.S. 1953, c.4, s.159.

**Inducing voter to display ballot after marking**

**160** No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known the name of the candidate for whom he has voted.

1951, c.3, s.160; R.S.S. 1953, c.4, s.160.

**Voter not to display marked ballot**

**161** Subject to the provisions of section 92, a voter shall not show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he voted to be known.

1951, c.3, s.160; R.S.S. 1953, c.4, s.161.

**Proceedings where officers aware of violation of secrecy**

**162(1)** If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, he shall communicate the particulars with all convenient speed to the Attorney General.

(2) The Attorney General shall, on receiving such information from such officer or from any other person, forthwith inquire into the case and, if proper, prosecute the offender.

1951, c.3, s.161; R.S.S. 1953, c.4, s.162.

**No one compellable to disclose his vote**

**163** A person who has voted shall not, in any legal proceeding questioning the election or return, be compelled to state for whom he voted.

1951, c.3, s.162; R.S.S. 1953, c.4, s.163.

**CORRUPT PRACTICES AND OTHER ILLEGAL ACTS****Bribery, who guilty of**

**164(1)** Every person who:

**Bribing voter or procuring bribery by money**

(a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend or offers or promises any money or valuable consideration or promises to procure or to endeavour to procure any money or valuable consideration to or for a voter or to or for a person on behalf of a voter or to or for a person in order to induce a voter to vote or refrain from voting, or corruptly does any such act on account of a voter having voted or refrained from voting at an election; or

**By gifts or promise of employment**

(b) directly or indirectly, himself or by any other person on his behalf, gives or procures or agrees to give or procure or offers or promises any office, place or employment or promises to procure or endeavour to procure any office, place or employment to or for a voter or to or for any other person in order to induce a voter to vote or refrain from voting, or corruptly does any such act on account of a voter having voted or refrained from voting at an election; or

**To induce anyone to procure return of candidate**

(c) directly or indirectly, himself or by any other person on his behalf, makes a gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly or the vote of a voter at an election; or

**Receiving bribe to procure return of candidate**

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure the return of any person to serve in the Assembly or the vote of a voter at an election; or

**Advancing money to be spent in corrupt practices**

(e) advances or pays or causes to be advanced or paid money to or for the use of any other person with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or

**Applying for money or employment in consideration of voting**

(f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for his having voted or for illegally agreeing or having agreed to vote for a candidate at an election or on account of and as payment for his having illegally assisted or agreed to assist a candidate at an election, applies to such candidate or to his agent for the gift or loan of any money or valuable consideration or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment; or

**Receiving money, office, etc., for having voted**

(g) before or during an election directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to refrain from voting at an election; or

**Receiving money corruptly after election**

(h) after an election directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting or for having induced any other person to vote or refrain from voting at an election; or

**Giving or promising office to induce candidate to stand or withdraw**

(i) in order to induce a person to allow himself to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate, gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or endeavours to procure any office, place or employment for such person or for any other person;

**Penalty**

is guilty of bribery and shall incur a fine of \$200, and shall also on conviction be imprisoned for a term of not less than one month nor more than six months with or without hard labour

**Personal expenses of candidates**

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election incurred by the candidate or any agent in good faith and without corrupt intent shall be deemed to be expenses lawfully incurred, and payment thereof shall not be a contravention of this Act.

**Distribution of political literature**

(3) The distribution by a candidate or his agent of political pamphlets or other political literature, or the sending or causing to be sent to voters by a candidate or his agent of newspapers containing political articles, reports of political meetings or other matters of public interest, shall not be deemed corrupt or illegal acts or a contravention of this Act.

1951, c.3, s.163; R.S.S. 1953, c.4, s.164.

**Prohibition of use of public address system**

**165(1)** No person shall use or cause to be used a public address system or other loud-speaker device on polling day for the purpose of promoting or securing the election of any” candidate.

(2) A person who acts in contravention of subsection (1) shall incur a fine of not less than \$50 nor more than \$200.

1951, c.3, s.164; R.S.S. 1953, c.4, s.165.

**Furnishing entertainment**

**166(1)** A candidate shall not nor shall any other person provide or furnish meat, drink, refreshment or make any other provision at the expense of such candidate or other person at a meeting of voters assembled for the purpose of promoting the election previous to or during the election, or pay or promise or engage to pay therefor; but nothing herein contained shall extend to meat, drink, refreshment or provision furnished to a meeting of voters by or at the expense of any person at his usual place of residence where such residence is a private house.

(2) Every person offending against any of the provisions of subsection (1) is guilty of a corrupt practice and shall incur a fine not exceeding \$100.

1951, c.3, s.165; R.S.S. 1953, c.4, s.166.

**Certain contributions forbidden**

**167(1)** No candidate at an election, and no person who has been nominated or selected as a candidate for election by any political party or group of individuals at a convention, or by petition, request or otherwise, shall, at any time between the day on which the writ is issued and polling day, both inclusive, make or promise to make directly or indirectly a subscription or donation of any kind whatsoever for any religious, charitable or philanthropic purpose or to any society or association except for patriotic purposes, and it shall be an offence for any person to solicit any such subscription or donation from any such candidate or person during the period herein mentioned.

(2) A contravention of subsection (1) is a corrupt practice within the meaning of this Act and of *The Controverted Elections Act*.

1951, c.3, s.166; R.S.S. 1953, c.4, s.167.

#### Treating

**168(1)** Every candidate who corruptly, himself or by or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly gives or provides or causes to be given or provided, or is accessory to the giving or providing, or, pays wholly or in part any expenses incurred for meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, is guilty of a corrupt practice and shall incur a fine not exceeding \$200 in addition to any other penalty to which he may be liable therefor.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally by a candidate or by his agent, or the taking part therein by either of them or giving the same wholly or partly at the expense of a candidate or his agent, shall *prima facie* be a corrupt practice within the meaning of this section.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating.

1951, c.3, s.167; R.S.S. 1953, c.4, s.138.

#### Wagering or betting

**169(1)** A candidate who before or during the election makes a bet or wager or takes a share or interest in or in any manner becomes a party to a bet or wager upon the result of the election in the constituency or in any part thereof, or on any event or contingency relating to the election, is guilty of a corrupt practice.

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the constituency or in any part thereof, or on any event or contingency relating to the election, is guilty of a corrupt practice.

(3) A person who, for the purpose of influencing an election, makes a bet or wager on the result thereof in the constituency or in any part thereof, or on any event or contingency relating thereto, is guilty of a corrupt practice.

1951, c.3, s.168; R.S.S. 1953, c.4, s.169.

#### Conveying to voters to poll

**170(1)** A candidate who himself, or by any person on his behalf, and every other person who:

- (a) hires or pays or promises to pay for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or
- (b) pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance, knowing that it is to be used to carry a voter other than the hirer to or near or from or on the way to or from a polling place, is guilty of a corrupt practice and shall incur a fine of \$100 and, if a voter, shall be disqualified from voting at the election; but this subsection does not apply to the carrying of voters to the poll in the conveyance mentioned in clause (e) of subsection (2) of section 205.

(2) Every person who provides or furnishes transportation on a railway free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, whether passes or tickets or the like are or are not supplied, is guilty of a corrupt practice and shall incur a fine of \$100 and, if a voter, shall be disqualified from voting at the election.

(3) For the purpose of this section "conveyance" includes a horse, team, carriage, cab, vehicle, boat or vessel.

1951, c.3, s.169; R.S.S. 1953, c.4, s.170.

#### **Providing refreshments on nomination day or polling day**

**171** The giving or causing to be given to a voter on the nomination day or on polling day, on account of his being about to vote or having voted, any meat, drink, refreshment or provision or any money, ticket or order to enable him to procure the same is a corrupt practice and the person so offending shall incur a fine of \$25.

1951, c.3, s.170; R.S.S. 1953, c.4, s.171.

#### **Undue influence**

**172(1)** Every person who, directly or indirectly, himself or by any person on his behalf, uses or threatens to use force, violence or restraint or inflicts or threatens to inflict injury, damage, harm or loss or in any manner practices intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting, or on account of his having voted or refrained from voting, or who by abduction, duress or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter or thereby compels, induces or prevails upon a voter to vote or refrain from voting, is guilty of a corrupt practice and liable to a fine of \$200 or to imprisonment for a term not exceeding one year.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used or the mode of voting at an election is not secret.

1951, c.3, s.171; R.S.S. 1953, c.4, s.172.

#### **Personation**

**173(1)** A person who:

- (a) at an election applies for a ballot paper in the name of another person whether living or dead, or of a fictitious person; or
- (b) having voted, applies at the same election for a ballot paper in his own name; or
- (c) votes more than once at the same election;

is guilty of the offence of personation.

(2) A person who commits, or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation, is guilty of a corrupt practice and shall incur a fine of \$400 and shall also on conviction be imprisoned for one year.

1951, c.3, s.172; R.S.S. 1953, c.4, s.173.

**Procuring appointment as deputy returning officer or poll clerk by fraud**

**174** A person who:

- (a) procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means; or
- (b) acts as deputy returning officer without lawful authority;

is guilty of a corrupt practice and shall incur a fine of \$400 and shall also on conviction be imprisoned for one year.

1951, c.3, s.173; R.S.S. 1953, c.4, s.174.

**Appointing persons as election officers who have been guilty of corrupt practices**

**175** A person who knowingly appoints as election clerk, deputy returning officer or poll clerk a person who has at any time been found guilty by a competent tribunal of corrupt practices is guilty of a corrupt practice and shall incur a fine of \$400.

1951, c.3, s.174; R.S.S. 1953, c.4, s.175.

**Voting by persons not entitled to vote**

**176** A person who votes knowing that he has no right to vote, or who induces or procures any other person to vote knowing that such person has no right to vote, is guilty of a corrupt practice and shall incur a fine, of not less than \$50 nor more than \$200.

1951, c.3, s.175; R.S.S. 1953, c.4, s.176.

**Publishing false statement of withdrawal of candidate**

**177** A person who before or during an election, knowingly publishes a false statement of the withdrawal of a of candidate at the election for the purpose of promoting or se- curing the election of another candidate, is guilty of a corrupt practice and shall incur a fine of not less than \$200 nor more than \$1,000, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by such candidate or by his agent.

1951, c.3, s.176; R.S.S. 1953, c.4, s.177.

**False statement as to character or conduct of candidate**

**178** A person who before or during an election, for the purpose of affecting the return of a candidate at the election, makes or publishes any false statement in relation to the personal character or conduct of such candidate, is liable to a fine of not less than \$100 nor more than \$500 and costs and to imprisonment for one month.

1951, c.3, s.177; R.S.S. 1953, c.4, s.178.

## CONSEQUENCES OF CORRUPT PRACTICES

**Candidate guilty of corrupt practice**

**179** If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate, except in the case mentioned in section 180, is void.

1951, c.3, s.178; R.S.S. 1953, c.4, s.179.

**When candidate not personally guilty and offence unimportant**

**180** If an election court determines that an agent of a candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds that:

- (a) no corrupt practice was committed at the election by the candidate personally and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate; and
- (b) the candidate took all reasonable means for preventing the commission of corrupt practices at such election; and
- (c) the corrupt practice was of a trivial, unimportant and limited character; and
- (d) in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and of his agent;

then the election of the candidate shall not by reason of the corrupt practice be void.

1951, c.3, s.179; R.S.S. 1953, c.4, s.180.

**Candidates guilty of corrupt practice incapable for eight years of being elected, etc.**

**181(1)** Subject to subsection (2), where an election court determines and reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate, then his election, if he has been elected, shall be void and he shall, during the eight years next after the date of his being so found guilty, be incapable of being elected to and sitting in the Legislative Assembly or in any municipal council, or of being entered on any voters' list or of being registered as a voter, or of voting at an election, or of holding any office at the nomination of the Crown or any municipal office.

(2) If the election court finds that an act constituting in law a corrupt practice was committed by a candidate or with his actual knowledge and consent, but without any corrupt intent and in ignorance which was involuntary and excusable, and that the candidate honestly desired and in good faith endeavoured as far as he could to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under subsection (1).

1951, c.3, s.180; R.S.S. 1953, c.4, s.181.



**Disqualification of persons other than candidates**

**182(1)** Every person other than a candidate who is found guilty of a corrupt practice in a proceeding in which after notice of the charge he has had an opportunity of being heard, or who upon his own evidence given at the trial of a petition has been found guilty of a corrupt practice and has been reported therefor, unless such finding and report have been reversed or set aside on appeal under *The Controverted Elections Act*, shall during the eight years next after the date of his being found guilty be subject to the penalties and disabilities mentioned in section 181.

(2) No person shall be subject to the penalties and disabilities referred to in subsection (1) by reason of:

- (a) a mere technical breach of law; or
- (b) an act not being an intentional violation of law.

1951, c.3, s.181; R.S.S. 1953, c.4, s.182.

**Where second election held as result of protest**

**183** If an election is set aside and a second election had, the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than personal acts of the candidate or of his agent done with his actual knowledge and consent:

Provided that the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial of the petition and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 181.

1951, c.3, s.182; R.S.S. 1953, c.4, s.183.

**Election of candidate void for employing agent previously found guilty of corrupt practice**

**184** If it is proved on the trial of an election petition that a candidate personally engaged a canvasser or agent knowing that within eight years previous to such engagement such canvasser or agent had been found guilty by a competent tribunal of, or reported by an election court for, a corrupt practice, the election of such candidate shall be void.

1951, c.3, s.183; R.S.S. 1953, c.4, s.184.

**Removal of disqualification on proof that it was procured by perjury**

**185** If at any time after a person has become disqualified the witnesses on whose testimony he has become disqualified or any of them are convicted of perjury in respect of such testimony, the court of appeal, upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason of perjury, may order that the disqualification shall thereafter cease and determine.

1951, c.3, s.184; R.S.S. 1953, c.4, s.185.

**Executory contracts arising out of elections void**

**186** Every executory contract, promise or undertaking in any way referring to, arising out of or dependent upon an election, even for the payment of lawful expenses or the doing of a lawful act, is void.

1951, c.3, s.185; R.S.S. 1953, c.4, s.186.



**No penalty where party charged has prosecuted a party jointly liable**

**187** No pecuniary penalty or forfeiture shall be recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the corrupt practice; but this provision shall not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender.

1951, c.3, s.186; R.S.S. 1953, c.4, s.187.

**OFFENCES AND PENALTIES****Returning officers, etc., wilfully falsifying or altering list of voters**

**188** A returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters, polling list or poll book who wilfully makes an alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book, is guilty of a corrupt practice and shall incur a fine of \$2,000 and shall also on conviction be imprisoned for one year.

1951, c.3, s.187; R.S.S. 1953, c.4, s.188.

**Offences relating to ballot papers**

**189** Every person who:

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) fraudulently and without authority supplies a ballot paper to any person; or
- (c) fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box and other paper than the ballot paper given to him by the deputy returning officer; or
- (e) fraudulently takes a ballot paper out of the polling place; or
- (f) fraudulently and without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) fraudulently uses the authorized stereotype or printer's blocks for any purpose other than the printing of ballot papers or fraudulently has in his possession any such stereotype or printer's book or a counterfeit or imitation thereof; or
- (h) being a deputy returning officer fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or

(i) with fraudulent intent prints a ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or

(j) prints ballot papers which he is not authorized to print; or

(k) attempts to commit any offence mentioned in this section;

shall be disqualified from voting at any election for a term of eight years thereafter and is liable, in the case of a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of a fine for a term not less than six months nor more than two years, and in the case of any other person to imprisonment for a term not less than three months nor more than one year.

1951, c.3, s.188; R.S.S. 1953, c.4, s.189.

#### **Persons unlawfully destroying documents**

**190(1)** A person who wilfully and maliciously destroys, injures or obliterates or causes to be destroyed, injured or obliterated, a writ of election or a return to a writ of election or a poll book, voters' list, list of voters, polling list, certificate or affidavit prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall incur a fine of \$2,000 and shall also on conviction be imprisoned for one year.

(2) A person who aids, abets, counsels or procures the commission of a violation of subsection (1) is guilty of a corrupt practice and shall incur a fine of \$2,000 and shall also on conviction be imprisoned for one year.

1951, c.3, s.189; R.S.S. 1953, c.4, s.190.

#### **Persons covering up, taking down notices**

**191(1)** Any person unlawfully taking down, covering up, mutilating, defacing or altering a proclamation, notice or other document required to be posted up under any of the provisions of this Act, is liable to a fine of not less than \$25 nor more than \$100 and costs, or in default of payment of such fine and costs to imprisonment for a term not less than one month nor more than six months. If the person so offending is a returning officer, election clerk, enumerator, deputy returning officer, poll clerk or other officer engaged under the provisions of this Act, he is liable to a fine of not less than \$100 nor more than \$500 and costs, or, in default of payment of such fine and costs, to imprisonment for a term not less than three months nor more than one year.

(2) A copy of subsection (1) shall be printed in large type either upon every such proclamation, notice, list of voters or other document, or as a separate notice, and posted where it can be easily read close to such proclamation, notice or other document.

1951, c.3, s.190; R.S.S. 1953, c.4, s.191.

#### **Officer neglecting duties**

**192(1)** A deputy returning officer who omits to put his initials on the back of a ballot paper in use for the purposes of an election or who puts on a ballot paper any word, letter, figure or mark not required by this Act shall incur a fine of \$20 in respect of every such ballot paper.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 70 to 113 shall for each refusal or neglect for which no other penalty is herein imposed incur a fine not exceeding \$200.

1951, c.3, s.191; R.S.S. 1953, c.4, s.192.

**Wilful misconduct in counting ballots, etc.**

**193** A deputy returning officer or poll clerk who willfully miscounts the ballots or otherwise makes up a false statement of the poll is guilty of a corrupt practice and shall incur a fine of \$200 and one month's imprisonment.

1951, c.3, s.192; R.S.S. 1953, c.4, s.193.

**Refusing to give up arms**

**194** A person who upon demand refuses to deliver up to a returning officer or deputy returning officer any weapon as provided in section 156 shall incur a fine of \$100.

1951, c.3, s.193; R.S.S. 1953, c.4, s.194.

**Carrying arms**

**195** A person offending against any of the provisions of section 157 shall incur a fine of \$100.

1951, c.3, s.194; R.S.S. 1953, c.4, s.195.

**Violating secrecy**

**196** A person who acts in contravention of section 158, 159, 160 or 161 is liable to imprisonment for a term not exceeding six months.

1951, c.3, s.195; R.S.S. 1953, c.4, s.196.

**Offending officers liable to persons aggrieved**

**197** Every officer engaged in an election who is guilty of a wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved thereby a sum not exceeding \$400.

1951, c.3, s.196; R.S.S. 1953, c.4, s.197.

**Printed documents to bear name of printer**

**198** Every printed or other advertisement, handbill, placard, poster, dodger, circular or circular letter having reference to an election shall bear upon its face the name and address of its printer and of its publisher; and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document, unless it bears upon its face such name and address, is guilty of an offence and liable to a fine of not less than \$25 nor more than \$200.

1951, c.3, s.197; R.S.S. 1953, c.4, s.198.

## PROSECUTIONS

**Proceedings for enforcement of Act**

**199(1)** Proceedings for the imposition of punishment by fine, penalty or imprisonment for a violation of any of the provisions of this Act shall be brought summarily before any two justices of the peace or a police magistrate or before the judge of the district court of the judicial district in which such violation was committed, sitting and acting as a justice of the peace under the provisions of the *Criminal Code* relating to summary convictions:

Provided that proceedings in respect of violations of section 189 of this Act shall be held or taken before a judge of the said district court sitting and acting as aforesaid who alone shall have jurisdiction in such cases.

(2) No appeal lies from a conviction or order made by a district court judge under the provisions of this section.

1951, c.3, s.198; R.S.S. 1953, c.4, s.199.

**Writ need not be produced at trial**

**200** In any proceeding it shall not be necessary at the hearing to produce the writ of election or the return thereto or the authority of the returning officer founded upon the writ of election, but general evidence shall be sufficient.

1951, c.3, s.199; R.S.S. 1953, c.4, s.200.

**Certificate of returning officer sufficient proof of election**

**201** A certificate of the returning officer to that effect shall constitute sufficient proof of the election having been held and of the fact of a person therein stated to have been a candidate having been such candidate; and such facts may also be proved by parole evidence.

1951, c.3, s.200; R.S.S. 1953, c.4, s.201.

**Pecuniary penalty belongs to consolidated fund**

**202** A pecuniary penalty, fine or sum of money which an accused person has been ordered to pay shall belong to the consolidated fund.

1951, c.3, s.201; R.S.S. 1953, c.4, s.202.

**Court may allow person to intervene**

**203** In the event of suspension or delay at any stage of such proceedings the court before which the matter is pending may permit one or more persons to intervene and carry on the proceedings to a final determination.

1951, c.3, s.202; R.S.S. 1953, c.4, s.203/

**Limitation of proceedings**

**204** Proceedings under sections 199, 200, 201, 202 and 203 shall be commenced within six months next after the violation of this Act was committed, whether by act or omission, and not afterwards.

1951, c.3, s.203; R.S.S. 1953, c.4, s.204.

## ELECTION EXPENSES

**Payment of personal expenses of candidate**

**205(1)** No payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit, shall be made by or on behalf of a candidate before, during or after an election, or account of the election, otherwise than through his official agent.

(2) “Personal expenses” includes the following expenses and payment therefor may lawfully be made by the candidate personally:

(a) reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in which to address public meetings of voters; and the expenses incurred in heating, lighting and cleaning the same;

(b) reasonable, ordinary and necessary travelling and living expenses of the candidate;

(c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;

(d) reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the constituency, and reasonable and ordinary charges for the services and maintenance of a driver;

(e) reasonable and ordinary charges for the use by the candidate personally of not more than one conveyance and the services of a driver on the polling day.

(3) The onus of showing that personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation shall be upon the candidate.

(4) The contracting for or the receipt of the ordinary and reasonable charges:

(a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election; or

(b) by a printer for printing voters’ lists, election addresses or advertisements or notices of election meetings; or

(c) by any person for the hire of horses and vehicles used in connection with and for the proper purposes of the election and not for carrying voters otherwise than by the candidate as provided by section 170;

shall be lawful and shall not disqualify the candidate or recipient from voting.

1951, c.3, s.204; R.S.S. 1953, c.4, s.205.

**Claims on candidate in respect of any election**

**206(1)** A person who has a claim against a candidate for or in respect of an election shall send in such claim within one month from the day of the declaration of the result of the election to the official agent of the candidate, otherwise the right to recover the same shall be barred.

(2) In case of the death within the said month of a person having such claim, his legal representative shall send it in within one month after probate or administration has been obtained otherwise the right to recover the same shall be barred.

- (3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed, claims may be sent in or delivered to the candidate.
- (4) No claim shall be paid without the authority of the candidate and the approval of his official agent.

1951, c.3, s.205; R.S.S. 1953, c.4, s.206.

**Publication and inspection of election expenses**

**207(1)** A detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within two months after the election, or where y reason of the death of the creditor no claim has been sent in within such period of two months then within one month after such claim has been sent in, be made out and signed by the official agent who has paid the same, or by the candidate in case of payments made by him, and delivering with the bills and vouchers relating thereto to the returning officer.

(2) Within fourteen days after receiving the statement, the returning officer shall mail a copy thereof to the Clerk of the Executive Council.

(3) An agent or candidate who makes default in delivering the statement to the returning officer shall incur a fine not exceed \$25 for each day during which he is in default.

(4) An agent or candidate who wilfully furnishes to the returning officer an untrue statement shall incur a fine of \$400.

(5) The returning officer shall preserve all such bills and vouchers and shall, during the six months next after they have been delivered to him, permit any voter to inspect the same on payment of a fee of twenty-five cents.

(6) The Clerk of the Executive Council shall without undue delay publish the total of each candidate's expenses in the *Gazette*.

1951, c.3, s.207; R.S.S. 1953, c.4, s.207.

## FEES AND EXPENSES

**Compensation and expenses to be fixed by Lieutenant Governor in Council**

**208** The compensation of returning officers and other persons employed at or with respect to elections under this Act, and all expenses consequent thereupon, shall be paid by the Provincial Treasurer out of the consolidated fund, but only such sums as shall be determined by the Lieutenant Governor in Council shall be allowed or paid for such services and expenses.

1951, c.3, s.207; R.S.S. 1953, c.4, s.208.

**Payment of accounts**

**209** All accounts for compensation for services and expenses payable under the provisions of section 208 shall be rendered in duplicate and duly certified, and shall be accompanied by satisfactory vouchers showing disbursements made, and said accounts shall be forwarded for payment as herein provided to the Clerk of the Executive Council at the city of Regina.

1951, c.3, s.208; R.S.S. 1953, c.4, s.209.

## PART II

**Special Provisions respecting Elections in Northern Constituencies**

## APPLICATION OF PART I

**Application of Part I**

**210** The provisions of Part I of this Act, where not inconsistent with the following provisions, apply with respect to all elections in the constituencies of Meadow Lake, Cumberland and Athabaska.

1951, c.3, s.209; R.S.S. 1953, c.4, s.210.

## INTERPRETATION

**Interpretation “territory adjacent to” a polling place**

**211(1)** In this Part “territory adjacent to”, when used with respect to a polling place, means surrounding territory in which any qualified voters reside, if the polling place is more accessible and convenient to such voters than any place in the portion of the constituency to which this Part applies.

(2) This Part applies only to the portion of the constituency of Meadow Lake, as described in schedule 1 to *The Legislative Assembly Act*, lying north of the dividing line described in subsection (3), to the portion of the constituency of Cumberland, as described in schedule 1 to *The Legislative Assembly Act*, lying north and east of the dividing line described in subsection (4), and to the whole of the constituency of Athabaska, as described in schedule 1 to *The Legislative Assembly Act*.

(3) The dividing line in the constituency of Meadow Lake is described as follows:

Commencing at the intersection of the west boundary of the province with the south-easterly bank of Cold Lake in the sixty-fourth township; thence easterly respectively along the south-easterly bank of Cold Lake, the right bank of the Waterhen River, the southerly bank of Pierce Lake, the right bank of the Waterhen River, the southerly bank of Lac des lies, the right bank of the Waterhen River, the southerly and easterly banks of Waterhen Lake and the right bank of the Waterhen River to its junction with the Beaver River; thence southerly along the left bank of the Beaver River to its junction with the Cowan River; thence south-easterly along the left bank of the Cowan River to the north boundary of the sixty-first township; thence east along the said north boundary to the one hundred and seventh degree west longitude.

(4) The dividing line in the constituency of Cumberland is described as follows:

Commencing at the intersection of the north boundary of the fifty-eighth township with the one hundred and seventh degree west longitude; thence east along the said north boundary to the third meridian; thence south along the third meridian to the north boundary of the fifty-seventh township; thence east along the said north boundary to the dividing line between the nineteenth and twentieth ranges west of the second meridian; thence south along the said dividing line to the north boundary of the fifty-fourth township.

1951, c.3, s.210; 1952, c.8, s.10; R.S.S. 1953, c.4, s.211.



## MEADOW LAKE

**Duties of returning officer of receipt of writ**

**212** Upon receipt of the writ for an election in the constituency of Meadow Lake, the returning officer shall immediately:

- (a) determine the place at which polls shall be held in the portion of the constituency to which this Part applies, having regard to accessibility and convenience to the voters;
- (b) publish a proclamation under his hand, in the English language.

1951, c.3, s.211; R.S.S. 1953, c.4, s.212.

**Proclamation**

**213** The proclamation shall be in form 15, with any necessary modifications, and shall be posted up at:

- (a) every post office in the portion of the constituency to which this Part applies;
- (b) the headquarters of every field officer of the Department of Natural Resources or the Department of Mineral Resources stationed in the Said portion of the constituency;
- (c) in two other conspicuous places near each polling place.

1951, c.3, s.212; R.S.S. 1953, c.4, s.213.

**Appointment and duties of enumerators**

**214(1)** Having determined the places at which polls shall be held, the returning officer shall immediately appoint enumerators to prepare the voters' lists for the territory adjacent to each polling place.

(2) Each enumerator shall complete the voters' list for the polling place for the territory assigned to him from information obtained:

- (a) by house to house visitation where practicable;
- (b) from any other sources of information available to him.

(3) Each enumerator shall use every available means to satisfy himself:

- (a) that the persons whose names he has place on the list are ordinarily resident in the territory adjacent to the polling place and are qualified to be registered as voter in the constituency; and
- (b) that he has, so far as he is aware from all sources of information available to him, placed on the list the names of all persons ordinarily resident in the territory adjacent to the polling place who are qualified to vote in the constituency.

(4) Each enumerator shall prepare sufficient copies of the voters' list completed by him to provide:

- (a) the number of copies required by subsection (5) to be posted up;
- (b) one copy for each candidate; and
- (c) one copy for revision.



(5) Each enumerator shall within seven days after nomination day post up one copy of the voters' list completed by him at each place in the territory adjacent to the polling place at which the proclamation of the returning officer is required by section 213 to be posted up.

(6) If a candidate has so requested, an enumerator shall, at least five days before polling day, deliver personally or forward by mail one copy of the voters' list completed by him to the candidate or to a person designated by the candidate to receive it.

1951, c.3, s.213; R.S.S. 1953, c.4, s.214.

**Notice respecting registration of voters**

**215** Having determined the places at which polls shall be held and having appointed enumerators to prepare the voters' lists therefor, the returning officer shall immediately post up or cause to be posted up, at each place at which his proclamation is required by section 213 to be posted up, a notice in the following form:

CONSTITUENCY OF MEADOW LAKE

NOTICE TO ELECTORS

Public notice is hereby given that registration will be made of all persons qualified to vote, in the election now pending, at the polling places named in my proclamation dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The enumerator appointed by me for the territory adjacent to the polling place located at \_\_\_\_\_ is \_\_\_\_\_ of \_\_\_\_\_ in this constituency.

Application for registration may be made to the enumerator by any person, ordinarily resident in the territory adjacent to the said polling place, at any time up to the hour of ten o'clock in the afternoon of Saturday the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The enumerator will sit for revision of the voters' list at \_\_\_\_\_ between the hours of two o'clock and ten o'clock in the afternoons of Friday the \_\_\_\_\_ day of \_\_\_\_\_ and Saturday the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Returning Officer.*

1951, c.3, s.214; R.S.S. 1953, c.4, s.215.

CUMBERLAND AND ATHABASKA

**Procedure**

**216(1)** The returning officer for the constituency of Cumberland and the enumerators appointed by him shall, with respect to the portion of the constituency to which this Part applies, proceed in accordance with sections 212 to 215.

(2) The returning officer for the constituency of Athabaska and the enumerators appointed by him shall, with respect to the whole of the constituency, proceed in accordance with sections 212 to 215.

1951, c.3, s.215; R.S.S. 1953, c.4, s.216.

## REGULATIONS

### Power to make

**217** The Lieutenant Governor in Council may make such regulations as he may deem necessary for giving effect to this Part and for carrying out the provisions thereof according to their true intent.

1951, c.3, s.216; R.S.S. 1953, c.4, s.217.

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## SCHEDULE

### FORM I

(Section 4)

## WRIT OF ELECTION

Canada:

Province of Saskatchewan.

Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

To \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan, greeting:

Whereas, by the advice of our Executive Council of our Province of Saskatchewan, we have ordered a Legislature to be holden at our city of Regina on the \_\_\_\_\_ day of \_\_\_\_\_ next (*omit this preamble in the case of a by-election*).

We command you that, notice of the time and place of election being duly given, you do cause an election to be had according to law of a member to serve in the Legislative Assembly of our said Province of Saskatchewan for the constituency of (in case of a by-election insert here: "in the place of deceased", or otherwise state cause of vacancy) and that you do cause the nomination of candidates at such election to be held on the day of next and do cause a poll of electors to be held, if required, on the \_\_\_\_\_ day of \_\_\_\_\_, and do cause the name of such member so elected, whether he or she be present or absent, to be certified to our Clerk of the Executive Council on or before the \_\_\_\_\_ day of \_\_\_\_\_ next.

In testimony whereof we have caused these our letters to be made patent and the Great

Seal of our said Province of Saskatchewan to be hereunto affixed.

## ELECTIONS

c. 4

Witness our trusty and well beloved, \_\_\_\_\_ Lieutenant Governor of our Province of Saskatchewan at our city of Regina this \_\_\_\_\_ day of in the \_\_\_\_\_ year of our reign and year of our Lord 19\_\_\_\_.

By order,

\_\_\_\_\_  
*Clerk of the Executive Council.*

*Endorsement.*

Received the within writ on \_\_\_\_\_ being the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B.,  
*Returning Officer.*

## FORM 2

*(Sections 12 and 18)*

## COMMISSION OF ELECTION CLERK

To *E.F.*, *(set forth his residence and occupation)*.

In my capacity of returning officer for the constituency of I hereby appoint you to be my election clerk to act in that capacity at the approaching election for the said constituency, which election will be opened by me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*(the date to be inserted here is the day of nomination)*.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B.,  
*Returning Officer.*

## FORM 3

*(Sections 13 and 18)*

## OATH OF ELECTION CLERK.

I, *E.F.*, appointed election clerk for the constituency of \_\_\_\_\_, swear (or solemnly affirm) that I am legally qualified to act as election clerk and that I will act faithfully in that capacity and also in that of returning officer if required to act in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (or solemnly affirmed) before me at the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. } *E.F.,  
Election Clerk*

A.B.,  
*A Commissioner, etc.  
(or as the case may be)*

## FORM 4

(Sections 16, 17 and 18)

## OATH OF RETURNING OFFICER

I, A.B., Returning Officer for the Constituency of \_\_\_\_\_, swear (or solemnly affirm):

1 That I am legally qualified to act as returning officer for the said constituency, and that I will act faithfully in that capacity, without partiality, fear, favour or affection.

2 That I will not attempt to ascertain and will by every means in my power prevent any other person from ascertaining how any person is about to vote or has voted at this election.

3 That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

4 That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this election.

So help me God.

Sworn (or solemnly affirmed) before me at the _____ of _____ in the Province of Saskatchewan this _____ day of _____, 19____.	}	A.B. Returning Officer
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\_\_\_\_\_  
A Commissioner, etc.  
(or as the case may be)

## FORM 5

(Sections 18, 69 and 71)

## NOTICE AS TO SECRECY OF VOTING

It is the sworn duty of every person in attendance at this polling place or at the counting of the votes not to attempt to ascertain how any person is about to vote or has voted and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person by all proper means to maintain and aid in maintaining the absolute secrecy of the voting at this polling place.

A person who acts in contravention of his or her duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

*The Saskatchewan Election Act* further provides that every person who fraudulently and without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or ballot paper or ballot in use or used for the purpose of an election, or who attempts to do so, shall be disqualified from voting at any election for a term of eight years thereafter and shall be liable to imprisonment for a term not exceeding one year and not less than three months; and that a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election who is guilty of a violation of that provision shall be liable to imprisonment, with or without the alternative of a fine, for a term not exceeding two years and not less than six months.

The said Act further provides that in addition to any other penalty or liability every officer engaged in an election who is guilty of a wilful act or omission, in contravention of the Act, shall forfeit to any person aggrieved thereby a sum not exceeding \$400.

A.B.

*Clerk of the Executive Council*

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## FORM 6

*(Sections 18, 69 and 71)*

### DIRECTIONS FOR THE GUIDANCE OF VOTERS

A voter is to vote for only one candidate unless more members than one are to be elected for the constituency in which case the voter must vote for as many candidates as are to be elected.

Upon receiving an ordinary ballot paper, a voter who has not been required to be sworn shall go into one of the compartments and with the black lead pencil provided place a cross within the space containing the name of the candidate or within the spaces containing the names of the candidates for whom he or she votes, thus X.

The voter shall then fold the ballot paper across twice from right to left without overlapping the counterfoil, the first fold causing one-third of the ballot to be folded inwards and the second fold bringing the folded edge to the edge of the counterfoil so that the initials and the impression of the stereotype block on the back and the number of the counterfoil can be seen without opening it; he or she shall then return the ballot paper so folded to the deputy returning officer who shall in full view of those present, including the voter, remove the counterfoil, destroy the same and place the ballot in the ballot box; the voter shall then forthwith leave the polling place.

Where a voter who has been required to take the oath is given an ordinary ballot paper he shall proceed in accordance with the preceding paragraphs, and upon receiving the folded ballot paper the deputy returning officer shall, without unfolding the ballot paper and in full view of the voter and all others present, remove and destroy the counterfoil, place the ballot in the ballot envelope bearing the oath taken and subscribed by the voter, seal the envelope and deposit it in the ballot box.

Where a voter from another constituency takes the oath and is given a special absentee ballot paper, he shall proceed in the same manner as in the case of a sworn voter with an ordinary ballot paper, except that he shall mark his ballot by writing in the space provided the name or names or the political affiliation of the candidate or candidates for whom he intends to vote, and upon receiving the absentee ballot paper the deputy returning officer shall proceed as set forth in the last preceding paragraph.

If a voter inadvertently spoils a ballot paper so that he or she cannot conveniently use it as he or she desires, he or she may return it to the deputy returning officer who will give him or her another.

If a voter votes for more candidates than he or she is entitled to vote for, or places any mark on the ballot paper by which he or she can be identified, his or her vote will be void and will not be counted.

If a voter fraudulently takes a ballot paper out of the polling place or fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given him or her by the deputy returning officer, he or she will be liable to imprisonment for one year.

In the following form of ordinary ballot paper, given for illustration, the candidates are Wm. R. Brown, Jane Hamon, Joseph O'Neil and Alice Smith and the voter has marked his ballot paper in favour of Alice Smith and the counterfoil has been detached.

**1** **BROWN, WM. R.** (*Pol. affil.*)  
of Radville,  
Farmer.

**2** **HARMON, JANE** (*Pol. affil.*)  
of Weyburn,  
Spinster.

**3** **O'NEIL, JOSEPH** (*Pol. affil.*)  
of Weyburn,  
Gentleman.

**4** **SMITH, ALICE** (*Pol. affil.*)  
of Gladmar,  
Married Woman.

**X**



## ELECTIONS

(Sections 18, 22, 23 and 27)

## LIST OF VOTERS

Polling Division No. \_\_\_\_\_

(or as the case may be)

Number	Name	Occupation	Post Office	Land Location (Rural) Street and Number (Cities & Towns)

*I.J.,  
Enumerator.*

(Here the enumerator shall make any addition to the list which he finds necessary.)

*I.J.,  
Enumerator.*



## ELECTIONS

c. 4

## FORM 9

(Sections 18 and 21)

## APPOINTMENT OF ENUMERATOR BY RETURNING OFFICER

I hereby appoint \_\_\_\_\_ of \_\_\_\_\_ P.O., to act as enumerator for Polling Division No. \_\_\_\_\_ for the election to be held in the Constituency of \_\_\_\_\_ on (*date of election*).

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Returning Officer.*

## FORM 10

(Sections 18, 19, 87, 90 and 109)

## OATH OF ENUMERATOR

I, the undersigned, *I.J.*, appointed enumerator for Polling division No. \_\_\_\_\_ (*or as the case may be*) of the Constituency of \_\_\_\_\_ in the Province of Saskatchewan, do swear (*or solemnly affirm*) that I will act faithfully in the capacity of enumerator without partiality, fear, favour or affection. So help me God.

Sworn (*or solemnly affirmed*) before me at the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*I.J.,*  
*Enumerator*

\_\_\_\_\_  
*A Commissioner, etc.,*  
*(or as the case may be)*

## FORM 11

(Sections 18, 19, 87, 90 and 109)

## FORM OF ORDINARY BALLOT PAPER

## FRONT

The black margin to the left is the counterfoil and the space to the left of the counterfoil is the stub, and there shall be a line of perforations between the ballot and the counterfoil and the counterfoil and the stub.

1	<b>BROWN, WM. R.</b> ( <i>Pol. affil.</i> ) of Radville, Farmer.
2	<b>HARMON, JANE</b> ( <i>Pol. affil.</i> ) of Weyburn, Spinster.
3	<b>O'NEIL, JOSEPH</b> ( <i>Pol. affil.</i> ) of Weyburn, Gentleman.
4	<b>SMITH, ALICE</b> ( <i>Pol. affil.</i> ) of Gladmar, Married Woman.

FORM OF ORDINARY BALLOT PAPER

BACK

	D.R.O. Initials	(Name of Printer)	No. 325 (Line of perforations here)	No. 325 Poll Book No. _____ (Line of perforations here)
	Constituency and year			

FOR HISTORICAL REFERENCE ONLY

ELECTIONS

c. 4

FORM 12

(Sections 18, 19, 90 and 109)

FORM OF ABSENTEE BALLOT PAPER

FRONT

The black margin to the left is the counterfoil and the space to the left of the counter foil is the stub, and there shall be a line of perforations between the ballot and the counterfoil and the counterfoil and the stub.



BACK

D.R.O. Initials	(Name of Printer)	No. 325 (Line of perforations here)
		Poll Book No. _____ (Line of perforations here)
Constituency and year		

FOR HISTORICAL REFERENCE ONLY

FORM 13

(Sections 18 and 19)

AFFIDAVIT OF PRINTER

Constituency of \_\_\_\_\_

I, \_\_\_\_\_, swear (or solemnly affirm):

- 1 That by direction of the returning officer for the above named constituency I completed the ballot papers for use at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (*insert date of polling*), furnished to me by him for that purpose;
- 2 That the annexed form shows the description of the ballot papers completed by me as aforesaid;
- 3 That I delivered to the returning officer:  
(*insert number*) ordinary ballot papers;  
(*insert number*) absentee ballot papers;
- 4 That I spoiled (*insert total number*) ballot papers numbered as follows:  
ordinary ballot papers (*insert numbers in consecutive order*);  
absentee ballot papers (*insert numbers in consecutive order*);  
and bound (*or stitched*) them in their proper places and notified the returning officer accordingly
- 4 That I did not spoil any of the ballot papers furnished to me for completion;
- 5 That no other of such ballot papers were printed by me or supplied by me to anyone.

Sworn (*or solemnly affirmed*) before me at the \_\_\_\_\_ of \_\_\_\_\_ in the Province of \_\_\_\_\_  
Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_ } \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_. } *Signature of Printer.*

\_\_\_\_\_  
*A Commissioner, etc, (or as the case may be)*

FORM 14  
(*Section 38*)

#### CONSTITUENCIES WITH ADVANCE POLLING PLACES

The constituency of Moose Jaw City.

The constituency of Regina City.

The constituency of Saskatoon City.

For the constituency of Arm River, in the town of Davidson.

For the constituency of The Battlefords, in the city of North Battleford.

For the constituency of Bengough, in the town of Assiniboia and the village of Bengough.

For the constituency of Biggar, in the town of Biggar.

For the constituency of Cannington, in the town of Arcola and the village of Kipling.

For the constituency of Canora, in the town of Canora.

For the constituency of Cutknife, in the town of Lloydminster.

For the constituency of Elrose, in the village of Elrose.

For the constituency of Gravelbourg in the town of Gravelbourg.

For the constituency of Hanley, in the town of Sutherland.

For the constituency of Humboldt, in the town of Humboldt and the town of Watson.

For the constituency of Kelsey, in the town of Hudson Bay.

For the constituency of Kelvington, in the town of Kelvington.

For the constituency of Kerrobert-Kindersley, in the town of Kerrobert and the town of Kindersley.

For the constituency of Kinistino, in the village of Kinistino and the village of Wakaw.

For the constituency of Last Mountain, in the town of Nokomis.

For the constituency of Lumsden, in the town of Lumsden.

For the constituency of Maple Creek, in the town of Maple Creek.

For the constituency of Meadow Lake, in the town of Meadow Lake.

For the constituency of Melfort-Tisdale, in the town of Melfort and the town of Tisdale.

For the constituency of Melville, in the town of Melville and the village of Neudorf.

For the constituency of Milestone, in the village of Avonlea.

For the constituency of Moosomin, in the town of Broadview.

For the constituency of Morse, in the village of Chaplin.

For the constituency of Nipawin, in the town of Nipawin.

For the constituency of Pelly, in the town of Kamsack.

For the constituency of Prince Albert, in the city of Prince Albert.

For the constituency of Qu'Appelle-Wolseley, in the town of Wolseley.

For the constituency of Rosetown, in the town of Outlook and the town of Rosetown.

For the constituency of Rosthem, in the town of Rosthem.

For the constituency of Saltcoats, in the town of Bredenbury and village of Esterhazy.

For the constituency of Shellbrook, in the village of Shellbrook.

For the constituency of Shaunavon, in the town of Shaunavon.

For the constituency of Souris-Estevan, in the town of Estevan and the town of Oxbow.

For the constituency of Swift Current, in the city of Swift Current.

For the constituency of Wadena, in the town of Wynyard.

For the constituency of Watrous, in the town of Watrous.

For the constituency of Weybum, in the city of Weybum and the town of Radville.

For the constituency of Wilkie, in the town of Macklin and the town of Wilkie.

For the constituency of Yorkton, in the city of Yorkton.

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### FORM 15

(Sections 39, 52 and 213)

### PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND PLACE FOR THE NOMINATION OF CANDIDATES AND THE DAY FOR OPENING THE POLL

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### PROCLAMATION

Constituency of \_\_\_\_\_

Public notice is hereby given that in obedience to Her Majesty's writ to me directed and bearing the date the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. I require the presence of the voters at the town hall (*or as the case may be*), in the city, (town or village or *as the case may be*) in the constituency of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, from noon until two o'clock in the afternoon, for the purpose of nomination a person to represent them in the Legislative Assembly; and notice is further given that in case a poll is demanded and allowed in the manner by law prescribed such poll will be opened on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, from the hour of eight o'clock in the forenoon until six o'clock in the afternoon as follows:

For the Polling Division No.1 consisting of (or bounded as follows: *or otherwise describing it clearly*) at \_\_\_\_\_ (*describing the polling place and so continuing for all the other polling divisions and polling places in the constituency*).

(Where a polling place or places are to be established in a sanatorium or hospital under section 36, include the following paragraph:)

A polling place (or Polling places) will be established in the (*here give the name and location of the sanatorium or hospital and where special hours are prescribed under subsection (3) of section 36 state such hours opposite the description of the sanatorium or hospital*).

(Where an additional polling place or places for absentee voters are to be established under section 37, include the following paragraph:)

An addition polling place (or Additional polling places) for absentee voters will be established at (*here describe the additional polling place or places for absentee voters*).

## ELECTIONS

c. 4

(Where an advance polling place or places are to be established under section 38, include the following paragraph:)

An advance polling place (or advance polling places) for this constituency will be established at *(here describe the advance polling place or places)* and the hours during which the poll at such place (or places) will be open are as follows:

Friday, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, 7 p.m. to 10 p.m.

Saturday, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, 7 p.m. to 10 p.m.

Monday, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, 7 p.m. to 10 p.m.

And further that at *(describe place where votes of unsworn voters will be added up)* on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at the hour of \_\_\_\_\_, I shall open the ballot boxes and add up the votes given by the unsworn voters for the several candidates;

And further that at *(describe place where votes of sworn voters will be counted)* on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_, I shall open the ballot envelopes containing the ballots of the sworn voters, count such ballots and make the final addition of the votes cast for the several candidates and declare elected the candidate *(or as the case may be)* having the largest number of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

All times mentioned herein are Mountain Standard time.

God Save the Queen.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year 19\_\_\_\_.

A.B.,  
Returning Officer.

## FORM 16

(Sections 18 and 43)

## NOMINATION PAPER

We, the undersigned voters of the Constituency of \_\_\_\_\_ hereby nominate *(name, political affiliation, if any, residence and occupation of the person nominated and present location if absent from the constituency)* as a candidate at the election now about to be held of a member to represent the said constituency in the Legislative Assembly of Saskatchewan. *(If the person nominated is absent from the constituency it must be stated here.)*

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
*(Signatures with residence and occupation)*

Signed by the above subscribing voters before \_\_\_\_\_

A.B.,  
Justice of the Peace, Commissioner for Oaths, Notary  
Public or Returning Officer, *(as the case may be)*

I, the said *C.D.*, nominated in the foregoing nomination paper hereby consent to such nomination. My address for service is *(here insert the address for service in accordance with the requirements of subsection (2) of section 43 of The Saskatchewan Election Act)*. I hereby declare that the name and address of my official agent is \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan.

*If the candidate desires that his political affiliation appear on the ballot paper in unabbreviated form, include the following:*

I hereby request that my political affiliation be set forth on the ballot paper in the following unabbreviated form:

\_\_\_\_\_  
Signature of witness to candidate's signature      E.F.      \_\_\_\_\_  
Signature of Candidate

FORM 17  
(Section 52)

ELECTION NOTICE

NOTICE OF POLL BEING GRANTED AND OF CANDIDATES NOMINATED

Constituency of \_\_\_\_\_, to wit:

Public notice is hereby given to the voters of the constituency aforesaid that a poll has been demanded at the election now pending for the said constituency and that I have granted such poll; and further that the persons duly nominated as candidates at the said election and for whom only votes will be received are:

- 1 John Doe *(here insert political affiliation, if any, place of residence and occupation)*;
- 2 Mary Roe *(here insert political affiliation, if any, place of residence and occupation)*;
- 3 Geoffrey Stiles *(here insert political affiliation, if any, place of residence and occupation)*;
- 4 Ann Walker *(here insert political affiliation, if any, place of residence and occupation)*: *(as in the nomination paper)*.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at \_\_\_\_\_ in this \_\_\_\_\_ day of \_\_\_\_\_, in the year 19\_\_\_\_.

A.B.,  
Returning Officer.



## ELECTIONS

c. 4

## FORM 18

(Section 50)

## WITHDRAWAL OF CANDIDATE

Constituency of \_\_\_\_\_

I, \_\_\_\_\_, a candidate nominated for the above constituency hereby withdraw.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of Candidate.

## FORM 19

(Sections 18 and 59)

## COMMISSION OF DEPUTY RETURNING OFFICER

To *G.H.*, (insert his residence and occupation).

In my capacity of returning officer for the Constituency of \_\_\_\_\_ hereby appoint you to be deputy returning officer for Polling Place No. \_\_\_\_\_ of Polling Division No. \_\_\_\_\_ (or as the case may be) in the said constituency, there to take the votes of the voters, and you are hereby authorized and required to open and hold the poll at the said polling place on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at eight o'clock in the forenoon (*here describe particularly the place in which the poll is to be held*) and there to keep the said poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the deputy returning officer appointed to act therefor, and after counting the votes given to return to me forthwith the ballot box sealed with your seal and enclosing the ballots, envelopes, polling list and other documents required by law, together with this commission.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B.,  
Returning Officer.

## FORM 20

(Sections 18 and 60)

## OATH OF DEPUTY RETURNING OFFICER

I, *G.H.*, appointed deputy returning officer for Polling Place No. \_\_\_\_\_ of the Constituency of (or as the case may be) swear (or solemnly affirm) that I am legally qualified to act as deputy returning officer, and that I will act faithfully in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (or solemnly affirmed) before me at  
 the \_\_\_\_\_ of \_\_\_\_\_ in the Province  
 of Saskatchewan this \_\_\_\_\_ day of  
 \_\_\_\_\_, 19\_\_\_\_.

} *G.H.,*  
*Deputy Returning Officer.*

\_\_\_\_\_  
*A Commissioner, etc., (or as the case may be).*

#### FORM 21

*(Sections 18, 63 and 66)*

#### COMMISSION OF POLL CLERK

To I.J., *(insert his residence and occupation).*

In my capacity of deputy returning officer for the Polling Place No. \_\_\_\_\_ of Polling  
 Division No. \_\_\_\_\_ *(or as the case may be)* in the Constituency of \_\_\_\_\_ I  
 hereby appoint you to be poll clerk for the said polling place.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_,  
 19\_\_\_\_\_.

*G.H.*  
*Deputy Returning Officer.*

#### FORM 22

*(Sections 18, 63 and 66)*

#### OATH OF DEPUTY RETURNING OFFICER

I, *I.J.*, appointed poll clerk for Polling Place No. \_\_\_\_\_ of the Polling  
 Division No. \_\_\_\_\_ *(or as the case may be)* in the Constituency of \_\_\_\_\_  
 \_\_\_\_\_ swear (or solemnly affirm) that I am legally  
 qualified to act as poll clerk and that I will act faithfully in that capacity and also  
 in the capacity of deputy returning officer, if so required, according to law, without  
 partiality, fear, favour or affection. So help me God.

Sworn (or solemnly affirmed) before me at  
 the \_\_\_\_\_ of \_\_\_\_\_ in the Province  
 of Saskatchewan this \_\_\_\_\_ day of  
 \_\_\_\_\_, 19\_\_\_\_\_.

} *I.J.,*  
*Poll Clerk.*

\_\_\_\_\_  
*A Commissioner, etc., (or as the case may be).*

## ELECTIONS

c. 4

## FORM 23

(Sections 18 and 74)

## OATH OF SECRECY

Constituency of \_\_\_\_\_

Polling Place No. \_\_\_\_\_

I, \_\_\_\_\_, swear (or solemnly affirm):

1 That I will not attempt to ascertain and will by every means in my power prevent any other person from ascertaining how any person is about to vote or has voted at this election, save and except as may be necessary and proper in the case of persons blind or unable to read or incapable of marking their ballot papers as provided in *The Saskatchewan Election Act*.

2 That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

3 That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place. So help me God.

Sworn (or solemnly affirmed) before me at  
the \_\_\_\_\_ of \_\_\_\_\_ in the Province  
of Saskatchewan this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_.

} \_\_\_\_\_

\_\_\_\_\_  
*A Commissioner, etc., (or as the case may be).*

## FORM 24

(Sections 2, 81, 82, 83, 84, 85, 90 and 103)

## OATH OF VOTER ON BALLOT ENVELOPE

I, \_\_\_\_\_, of \_\_\_\_\_ in the Province of Saskatchewan,  
\_\_\_\_\_, swear (or solemnly affirm):

1 That I am of the full age of eighteen years, that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (*date of writ*) I was a British subject, that I resided in Saskatchewan for at least six months immediately preceding the said day and on that day was ordinarily resident in Polling Division No. \_\_\_\_\_ in the Constituency of \_\_\_\_\_ (or at \_\_\_\_\_ giving location of residence);

2 That I am not disqualified under section 29 of *The Saskatchewan Election Act* to vote at this election.

(*For voters at advance polling places include the following paragraph:*)

3 That I have reason to believe that I will be necessarily absent from my ordinary place of residence on polling day.

Sworn (or solemnly affirmed) before me at  
 the \_\_\_\_\_ of \_\_\_\_\_ in the Province  
 of Saskatchewan this \_\_\_\_\_ day of  
 \_\_\_\_\_, 19\_\_\_\_. } \_\_\_\_\_  
 (Signature of Voter)

\_\_\_\_\_  
*Deputy Returning Officer (or as the case may be).*

#### FORM 25

(Sections 18 and 92)

#### FORM OF OATH OF INABILITY TO MARK BALLOT PAPER

You swear (or solemnly affirm) that you are unable to read (or that you are from physical incapacity unable to mark a ballot paper, or that you are blind, *as the case may be*). So help you God.

#### FORM 26

(Sections 18 and 44)

#### RECEIPT FOR NOMINATION PAPER

Constituency of \_\_\_\_\_.

I hereby acknowledge receipt of a valid nomination paper filed on behalf of \_\_\_\_\_, as a candidate at the election now about to be held of a member to represent the said constituency in the Legislative Assembly of Saskatchewan.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,  
 19\_\_\_\_.

\_\_\_\_\_  
*Returning Officer*

#### FORM 27

(Sections 18 and 92)

#### FORM OF OATH OF FRIEND OF BLIND VOTER

You swear (or solemnly affirm):

That you know (*full name of blind voter*) who has applied to vote at this poll, and you have heard him (or her) take the oath in form 25 of *The Saskatchewan Election Act*, and believe the matters therein sworn to are true in substance and in fact;

That you have been requested by (*full name of blind voter*) to mark his (or her) ballot paper, and you will keep secret the name (or names) of the candidate (or candidates) for whom he (or she) votes;

That you have not acted and will not act for any other blind voter at this election.  
So help you God.

\_\_\_\_\_

FORM 28  
(Section 100)

STATEMENT BY DEPUTY RETURNING OFFICER OF VOTERS SWORN ON  
ELECTION DAY UNDER PROVISIONS OF SECTION 81, 82, 83 OR 84

I, the undersigned, deputy returning officer for Polling Place No. \_\_\_\_\_ in Polling  
Division No. \_\_\_\_\_ in the Constituency of \_\_\_\_\_ do hereby certify that at  
the election held this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
the persons named in the following list were sworn by me on the said date for the  
reasons set forth opposite their respective names:

Name of Voter	Address	Occupation	Constituency	Reasons for Swearing
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

FOR HISTORICAL REFERENCE ONLY

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

G.H.,

\_\_\_\_\_  
*Poll Clerk.*

\_\_\_\_\_  
*Deputy Returning Officer.*

## FORM 29

(Sections 18 and 109)

## BALLOT PAPER ACCOUNT AND POLL STATEMENT

(To be made by deputy returning officer, at close of the poll, in accordance with section 109.)

Constituency of \_\_\_\_\_, Polling Division No. \_\_\_\_\_

1	Total number of names on the voters' list.....	
Ballot Paper Account		
2	Number of ordinary ballot papers received from Returning Officer.....	
3	Number of absentee ballot papers received from Returning Officer .....	
4	Number appearing in Poll Book as having voted.....	
5	Number of unused ordinary ballot papers.....	
6	Number of unused absentee ballot papers.....	
7	Number of ordinary ballot papers spoiled, cancelled or declined.....	
8	Number of absentee ballot papers spoiled, cancelled or declined.....	
9	Number of ballot papers unaccounted for (if any).....	
	Totals.....	
10	Number of unsworn voters appearing in Poll Book as having voted .....	
11	Number of sworn voters appearing in Poll Book as having voted, and residing in this constituency .....	
12	Number of sworn voters appearing in Poll Book as having voted, and residing in another constituency .....	
	Total.....	
Note—This total must agree with Item 4.		
13	Number of ballots cast for.....	
	Number of ballots cast for.....	
	Number of ballots cast for.....	
	Number of ballots cast for.....	
14	Number of rejected ballots.....	
	Total.....	
Note—This total must agree with Item 10.		

The seal locking this ballot box bears No. \_\_\_\_\_

I hereby certify that the above statement is correct.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Poll Clerk.\_\_\_\_\_  
Deputy Returning Officer.

(Candidates may also sign.)

## ELECTIONS

c. 4

## FORM 30

(Sections 18 and 109)

## OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL

I, \_\_\_\_\_, poll clerk for Polling Place No. \_\_\_\_\_ in Polling Division No. \_\_\_\_\_ of the Constituency of \_\_\_\_\_, swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of *G.H.*, who acted as deputy returning officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is \_\_\_\_\_; and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (or solemnly affirmed) before me at the  
 \_\_\_\_\_ of \_\_\_\_\_ in the  
 Province of Saskatchewan, this \_\_\_\_\_  
 day of \_\_\_\_\_, 19\_\_\_\_.

} *I.J.,  
Poll Clerk*

\_\_\_\_\_  
*A Commissioner, etc. (or as the case may be).*

## FORM 31

(Section 113 (2))

## RECEIPT FOR BALLOT BOX

(To be Retained by Deputy Returning Officer)

Constituency of \_\_\_\_\_.

Polling Division No. \_\_\_\_\_.

19\_\_\_\_.

Received from \_\_\_\_\_, Deputy Returning Officer for the above described polling division, the ballot box used in the recent election for the poll held in the said polling division, the ballot box used in the recent election for the poll held in the said polling division, the said ballot box being locked and sealed as provided by *The Saskatchewan Election Act* and to be delivered by me, in the same condition as I received, to \_\_\_\_\_ of \_\_\_\_\_, the Returning Officer for the above named constituency.

\_\_\_\_\_  
*(Signature of Witness)*

\_\_\_\_\_  
*(Signature of Messenger)*

## FORM 32

(Sections 18 and 113 (3))

## OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF POLL

I, \_\_\_\_\_, deputy returning officer for Polling Place No. \_\_\_\_\_, in Polling Division No. \_\_\_\_\_, of the Constituency of \_\_\_\_\_, swear (or solemnly affirm) that to the best of my knowledge and belief the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is \_\_\_\_\_, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat, that I have correctly counted the votes given by the unsworn voters for each candidate in the manner by law provided and performed all duties required of me by law and that the statement, polling list, poll book, envelopes containing ballot papers and other documents required by law to be returned by me to the returning officer have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the returning officer, which was locked and remained so locked and sealed while in my possession.

Sworn (or solemnly affirmed) before me at the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

} *G.H.*  
*Deputy Returning Officer.*

\_\_\_\_\_  
*A Commissioner, etc. (or as the case may be)*

## FORM 33

(Section 113 (4))

OATH OF MESSENGER WHO DELIVERS THE BALLOT BOX TO THE  
RETURNING OFFICER

I, \_\_\_\_\_, swear (or solemnly affirm) that I am the person to whom \_\_\_\_\_, deputy returning officer for Polling Place No. \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the constituency of \_\_\_\_\_, entrusted the ballot box for the said polling place to be delivered to \_\_\_\_\_, the returning officer; that the ballot box which I delivered to the returning officer this day is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the deputy returning officer. So help me God.

Sworn (or solemnly affirmed) before me at the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

} *(Signature of Messenger).*

\_\_\_\_\_  
*Returning Officer.*



FORM 34

(Sections 18, 114, 115, 118 and 141)

Statement of Returning Officer respecting Votes Polled and Ballot Papers used at the Polling Places in the Constituency of \_\_\_\_\_ at the Election held on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Name and Number of Poll list	Total number of names on voter's list	Ballot Paper Account								Number of Voters in Each Category				Number of Votes for Candidates				Remarks
		1	2	3	4	5	6	7	8	9	10	11	12	13				
	Number of ordinary ballot papers supplied to D.R.O.	Number of absentee ballot papers supplied to D.R.O.	Number appearing in Poll Book as having voted	Number of unused ordinary ballot papers	Number of unused absentee ballot papers	Number of ordinary ballot papers spoiled, cancelled or declined	Number of ordinary ballot papers spoiled, cancelled or declined	Number of ordinary ballot papers spoiled, cancelled or declined	Number of ballot papers unaccounted for (if any)	Number of unsworn voters appearing in Poll Book as having voted	Number of sworn voters appearing in Poll Book as having voted, and residing in this constituency	Number of sworn voters appearing in Poll Book as having voted, and residing in another constituency	(Name of Candidate and political affiliation)	(Name of Candidate and political affiliation)	(Name of Candidate and political affiliation)	(Name of Candidate and political affiliation)	(Name of Candidate and political affiliation)	Number of Rejected Ballots
									</									

## FORM 35

(Sections 18 and 42)

AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING  
HIS RETURN TO THE CLERK OF THE EXECUTIVE COUNCIL

I, \_\_\_\_\_, returning officer for the Constituency of \_\_\_\_\_  
swear (or solemnly affirm):

1 That of the envelopes received by me as returning officer from the deputy returning officers in respect of the recent election for the said constituency, I have not opened or permitted to be opened any of the envelopes except those authorized and direct to be opened by a returning officer under *The Saskatchewan Election Act*;

2 That none of the other envelopes have been opened by any person since they were returned to me by the deputy returning officers (or in case of a recount add, except by the judge of the district court on a recount);

3 That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said envelopes how any person voted;

4 That I have this day transmitted to the Clerk of the Executive Council my return in respect of the said election. So help me God.

Sworn (or solemnly affirmed) before me at the  
\_\_\_\_\_ of \_\_\_\_\_ in the Province of  
Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. } *A.B.*  
 } *Deputy Returning Officer.*

\_\_\_\_\_  
*A Commissioner, etc. (or as the case may be)*

## ELECTIONS

c. 4

## FORM 36

(Section 116 (2))

RETURNING OFFICER'S REPORT RESPECTING ABSENTEE VOTERS' BALLOT  
ENVELOPES FORWARDED TO OTHER RETURNING OFFICERS

Constituency of \_\_\_\_\_

To the Clerk of the Executive Council.

Number of ballot envelopes of absentee voters from other constituencies received from deputy returning officers.....		
----------------------------------------------------------------------------------------------------------------------	--	--

Number of such envelopes forwarded to each of the following returning officers at the addresses shown:		
--------------------------------------------------------------------------------------------------------	--	--

Constituency of _____:		
To _____,		
at _____, Saskatchewan.	.....	

Constituency of _____:		
To _____,		
at _____, Saskatchewan.	.....	

Constituency of _____:		
To _____,		
at _____, Saskatchewan.	.....	

Constituency of _____:		
To _____,		
at _____, Saskatchewan.	.....	

Constituency of _____:		
To _____,		
at _____, Saskatchewan.	.....	

FOR HISTORICAL REFERENCE ONLY

I certify that the foregoing is a true and correct report.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

FOR HISTORICAL REFERENCE ONLY