

1993

## CHAPTER 30

An Act to amend *The Local Government Election Act* (No. 2)

(Assented to May 21, 1993)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Local Government Election Amendment Act, 1993 (No. 2)*.

S.S. 1982-83, c.L-30.1 amended

2 *The Local Government Election Act* is amended in the manner set forth in this Act.

Section 2 amended

3 **The following subsection is added after subsection 2(3):**

"(4) For the purposes of this Act, a reference to an alderman is deemed to include a reference to a councillor, and the term '**councillor**' may be used instead of '**alderman**' for a member of a council".

Section 22.1 amended

4 **Subsection 22.1(10) is amended by striking out** "required to be published by section 45" **and substituting** "of poll given pursuant to section 55".

Section 22.2 amended

5 **Section 22.2 is amended:**

(a) **in subsection (1):**

(i) **by adding** ", notwithstanding any other provision of this Act," **after** "the returning officer may"; **and**

(ii) **by striking out** "and for voting pursuant to section 22.1" **and substituting** ", for voting pursuant to section 22.1 and for voting on election day"; **and**

(b) **by striking out** "he" **and substituting** "the returning officer" **in subsection (2)**.

Section 26 amended

6 **Section 26 is amended:**

(a) **by striking out** "he" **and substituting** "the person" **in the portion preceding clause (a); and**

**(b) by repealing subclause (a)(ii) and substituting the following:**

“(ii) a resort village, is an elector of the resort village”.

Section 36 amended

**7 Section 36 is amended:**

**(a) by striking out “At” and substituting “Subject to subsection (1.1), at” in subsection (1); and**

**(b) by adding the following subsection after subsection (1):**

“(1.1) Where a school division is located wholly or substantially within a municipality, only the council may provide for the enumeration of the names of electors and the preparation of a voters' list”.

Section 46 amended

**8(1) Subsection 46(1) is repealed and the following substituted:**

“(1) A person may be nominated as a candidate for election by filing a nomination paper in the prescribed form, personally or by agent, with the returning officer or nomination officer on the days and during the hours specified in section 50.

“(1.1) A nomination paper must be signed:

(a) in the case of a municipality with a population of 20,000 or more that is not divided into wards, by at least 25 electors of the municipality;

(b) in the case of a municipality with a population of 20,000 or more that is divided into wards, by at least 25 electors of the ward for which the nomination is made;

(c) in the case of a municipality with a population of less than 20,000 that is not divided into wards, by at least five electors of the municipality;

(d) in the case of a municipality with a population of less than 20,000 that is divided into wards, by at least five electors of the ward for which the nomination is made;

(e) in the case of a school division that is situated wholly or substantially within a municipality with a population of 20,000 or more and that is not divided into wards, by at least 25 electors of the school division;

(f) in the case of a school division that is situated wholly or substantially within a municipality with a population of 20,000 or more and that is divided into wards, with respect to nomination for the office of board member for a ward, by at least 25 electors of the ward;

(g) in the case of a school division that is not situated wholly or substantially within a municipality with a population of 20,000 or more and that is not divided into wards, by at least five electors of the school division;

(h) in the case of a school division that is not situated wholly or substantially within a municipality with a population of 20,000 or more and that is divided into wards, with respect to nomination for the office of board member for a ward, by at least five electors of the ward;

(i) in the case of nomination for the office of mayor of a municipality with a population of 20,000 or more, by at least 25 electors of the municipality; or

(j) in the case of nomination for the office of mayor of a municipality with a population of less than 20,000, by at least five electors of the municipality.

“(1.2) A nomination paper must:

(a) state the name and address of the person nominated, and the office for which the person is nominated;

(b) state the name and address of each nominator;

(c) in the case of a nomination for the office of board member, state that each nominator is an elector of the public school division or separate school division for which the person is nominated; and

(d) contain the candidate's acceptance of nomination statement in the prescribed form”.

**(2) Subsection 46(2) is amended by adding “and is accompanied by any deposit required under section 46.1” after “people”.**

New section 46.1

**9 The following section is added after section 46:**

Deposit required

"46.1(1) The nomination paper for every candidate for the office of councillor or mayor in a municipality with a population of 20,000 or more, or for the office of board member in a school division that is situated wholly or substantially within a municipality with a population of 20,000 or more, must, when filed with the returning officer or nomination officer, be accompanied by a deposit of \$100 in legal tender or by a certified cheque or money order in that amount made payable to the municipality or the board, as the case may be.

(2) The returning officer or nomination officer shall not accept a person's deposit until he or she is satisfied that the person's nomination is valid.

(3) On being accepted by the returning officer or nomination officer, the deposit becomes the property of the municipality or the board, as the case may be, and the returning officer or nomination officer shall transmit the deposit to an appropriate person to deal with it.

(4) The amount of a candidate's deposit shall be promptly returned to the candidate if the candidate is elected or if the candidate receives at least 10% of the total number of valid votes cast for candidates for the office sought by the candidate.

(5) If the candidate dies before the election, the amount of the candidate's deposit shall be returned to the candidate's personal representative”.

Section 50 amended

**10 Section 50 is amended:**

**(a) by striking out “first Wednesday in October” and substituting “last Wednesday in September” in clause (1)(d);**

**(b) by repealing clause (1)(e) and substituting the following:**

“(e) in the case of a general election in a resort village, the last Saturday in June”;

**(c) by striking out “four” and substituting “five” in clause (1)(f); and**

**(d) by repealing clauses (2)(b), (c) and (d), and substituting the following:**

“(b) subject to clause (c), in a general election or a by-election:

(i) between 9:00 a.m and 4:00 p.m. on nomination day; and

(ii) during normal office hours from the date of posting of the call for nominations until nomination day; and

“(c) in the case of an election in a resort village:

(i) between 11:00 a.m. and 2:00 p.m on nomination day; and

(ii) during normal office hours from the date of posting of the call for nominations until nomination day”.

Section 63 amended

**11 Section 63 is amended by adding the following subsection after subsection (1):**

“(1.1) A ballot box may be constructed of cardboard or any other recyclable material, if the requirements of subsection (1) are complied with”.

Section 64 amended

**12 Section 64 is amended:**

**(a) by renumbering it as subsection 64(1); and**

**(b) by adding the following subsection after subsection (1):**

“(2) Notwithstanding subsection (1), the returning officer may fasten together voters' registration forms for use as a poll book, and where the returning officer has done so, the voters' registration forms are deemed to be a poll book, and need not comply with subsection (1)”.

Coming into force

13 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.