

2009

CHAPTER 16

An Act to amend *The Election Act, 1996*

(Assented to May 14, 2009)

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

Short title

1 This Act may be cited as *The Election Amendment Act, 2009*.

S.S. 1996, c.E-6.01 amended

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

Section 31 amended

3 Subsections 31(3) to (5) are repealed and the following substituted:

“(3) The order mentioned in subsection (1) must:

- (a) fix polling day;
- (b) fix the nomination day for candidates, which must be a minimum of 16 days before polling day and must not be on a Sunday or a holiday;
- (c) fix the day that the Chief Electoral Officer shall issue the writ, which:
 - (i) may be the same day that the order is passed or a subsequent day; and
 - (ii) must be a maximum of 17 clear days and a minimum of 11 clear days before nomination day;
- (d) fix any five days before polling day on which the advance poll is to be held, and those days:
 - (i) must not include a holiday; and
 - (ii) must be neither more than seven clear days nor less than one clear day before polling day;
- (e) fix the day on which the returning officer shall hold the final count, and that day must be:
 - (i) 12 days after polling day; or
 - (ii) if that day is a Sunday or holiday, the first following day that is not a Sunday or holiday;

(f) fix the day on which the returning officer shall make a return to the writ, and that day must be:

(i) 23 days after polling day; or

(ii) if that day is a Sunday or holiday, the first following day that is not a Sunday or holiday.

(4) For the purposes of fixing the nomination day pursuant to clause (3)(b), the date fixed for polling day is to be excluded and the date fixed for nomination day is to be included.

(5) For the purposes of fixing the date on which the Chief Electoral Officer shall issue a writ pursuant to clause (3)(c), the date fixed for nomination day and the date fixed for issuing the writ are to be excluded”.

New sections 277 to 277.2

4 Section 277 is repealed and the following substituted:

“No publication of information during an election

277(1) In this section and in sections 277.1 and 277.2, **‘Government ministry’** means any ministry, board, commission, Crown corporation or agency of the Government of Saskatchewan.

(2) During a general election, no Government ministry shall publish in any manner any information with respect to the activities of the ministry.

(3) During a by-election in a constituency, no Government ministry shall publish in any manner in the constituency any information with respect to the activities of the ministry.

(4) During a by-election in a constituency that includes, in whole or in part, a city having a population exceeding 20,000 inhabitants, no Government ministry shall publish in any manner in that city any information with respect to the activities of the Government ministry.

(5) Subsections (2) to (4) do not apply to:

(a) information that, because of an emergency or compelling public safety concern, is required to be published in the public interest; or

(b) advertising by a Crown corporation that is related to the Crown corporation’s competitive business interests.

(6) Every person in Saskatchewan in charge of a broadcasting undertaking in Saskatchewan or an undertaking that publishes a newspaper, magazine or periodical in Saskatchewan shall file with the Chief Electoral Officer a solemn declaration setting out:

(a) whether or not any information mentioned in this section has been published or broadcast by the undertaking of which the person is in charge; and

(b) if any information has been published or broadcast, the name of the Government ministry that requested the publication and the details of the publication.

(7) The solemn declaration mentioned in subsection (6) must be filed within two months after the polling day for the election.

“No government advertising 30 days before issuance of a writ

277.1(1) During the 30 days before the issuance of a writ for a general election that is held in accordance with section 8.1 of *The Legislative Assembly and Executive Council Act, 2007*, no Government ministry shall advertise in any manner with respect to the activities of the ministry.

(2) Subsection (1) does not apply to:

- (a) information that, because of an emergency or compelling public safety concern, is required to be conveyed to the public; or
- (b) advertising by a Crown corporation that is related to the Crown corporation’s competitive business interests.

“Limits on government advertising during the four months preceding the issue of a writ

277.2(1) In this section, ‘**average monthly amount**’ means, with respect to a Government ministry, the average amount of money spent on advertising by the Government ministry within the 12 months preceding the restriction on advertising in subsection 277.1(1).

(2) During the 120 days before the issuance of a writ for a general election that is held in accordance with section 8.1 of *The Legislative Assembly and Executive Council Act, 2007*, no Government ministry shall spend on advertising in each month more than its average monthly amount for advertising.

(3) During the 90 days before the period mentioned in subsection 277.1(1), no Government ministry shall advertise in any manner any information other than information that is intended to inform the public about programs and services of the ministry for the public benefit of Saskatchewan people or to address an emergency or compelling public safety concern.

(4) Subsection (3) does not apply to advertising by a Crown corporation that is related to the Crown corporation’s competitive business interests.

(5) During the period mentioned in subsection (2), no Government ministry shall advertise in Saskatchewan any information that is intended to promote the Government of Saskatchewan to persons outside of Saskatchewan.

(6) The head of a Government ministry that advertises in the period mentioned in subsection (2) shall file with the Chief Electoral Officer a solemn declaration setting out:

- (a) the average monthly amount of advertising for that ministry;
- (b) the monthly cost of advertising that was incurred by the ministry during the 120-day period; and
- (c) the specifics of the advertising, including how and when it was conducted and the cost of the advertising.

(7) The solemn declaration pursuant to subsection (6) must be filed within two months after the polling day for the general election”.

Coming into force

5 This Act comes into force on assent.

