

BILL

No. 139

An Act to amend *The Election Act, 1996* and to make a consequential amendment to *The Residential Tenancies Act, 2006*

(Assented to)

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, 2014*.

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

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

Section 2 amended

3 Subsection 2(1) is amended:

(a) in clause (k) by adding “, subject to section 18.3,” after “ means”;

(b) by adding the following clause after clause (s):

“(s.1) ‘**friend**’, with respect to a voter, includes his or her spouse or relative”;

(c) by adding the following clause after clause (ii):

“(ii.1) ‘**register of voters**’ means the register of voters established, maintained and revised by the Chief Electoral Officer pursuant to sections 18.2 to 18.4”;

(d) by adding the following clause after clause (kk):

“(kk.1) ‘**relative**’, with respect to a person, means:

- (i) his or her adult child;
- (ii) his or her parent or legal guardian;
- (iii) his or her adult brother or sister;
- (iv) his or her grandparent;
- (v) his or her adult grandchild or great-grandchild;
- (vi) his or her adult nephew or niece;
- (vii) his or her adult uncle or aunt”;

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(e) by adding the following clause after clause (mm):

“(mm.1) ‘**spouse**’ means, with respect to a person, his or her legally married spouse or a person with whom he or she cohabits and has cohabited as a spouse in a relationship of some permanence”;

(f) by repealing clause (pp) and substituting the following:

“(pp) ‘**voter data**’ means any information respecting a voter or a person who will be eligible to vote at the next general election after the date the information is collected that is reasonably required for the purposes of compiling and confirming information for the register of voters and for preparing a voters’ list, including the following information respecting each voter or person:

- (i) surname, given name and any middle name;
- (ii) date of birth;
- (iii) the residential address, including the postal code, of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address;
- (iv) gender;
- (v) occupation;
- (vi) citizenship;
- (vii) date of commencement of current ordinary residence;
- (viii) date of termination of last ordinary residence;
- (ix) address of any previous ordinary residence;
- (x) a permanent unique identifier assigned by the Chief Electoral Officer pursuant to subsection 18.2(5);
- (xi) date of the registration of the information in the register of voters;
- (xii) date and time that any information respecting the voter or person in the register of voters was revised or updated;
- (xiii) any other identification number assigned by other persons who provide information to the Chief Electoral Officer;
- (xiv) email address;
- (xv) telephone number;
- (xvi) if applicable, a date of death;

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(xvii) a note if the person is not a voter but will be eligible to vote at the next general election after the date the information is collected;

(xviii) prescribed information”; **and**

(g) by repealing clause (rr) and substituting the following:

“(rr) **‘voters’ list’** means the voters’ list for a constituency or a polling division prepared by the Chief Electoral Officer pursuant to section 18.7”.

Section 9 amended

4 The following subsection is added after subsection 9(1):

“(1.1) An appointment as a returning officer terminates six months after the day fixed for the return to the writ for the election for which he or she was appointed unless he or she is reappointed by the Chief Electoral Officer”.

Section 10 amended

5 Clause 10(2)(b) is amended by adding “unless otherwise authorized by the Chief Electoral Officer,” before “resident in the constituency”.

New sections 12 and 13

6 Sections 12 and 13 are repealed and the following substituted:

“Election clerks

12(1) The Chief Electoral Officer shall appoint an election clerk for each constituency.

(2) The Chief Electoral Officer shall only appoint as an election clerk a voter who is:

- (a) in the opinion of the Chief Electoral Officer, competent and reliable;
- (b) willing to act as an election clerk; and
- (c) eligible in accordance with section 3 to be appointed as an election officer.

(3) The Chief Electoral Officer shall appoint an election clerk before polling day and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.

(4) An appointment as an election clerk terminates six months after the day fixed for the return to the writ for the election for which he or she was appointed.

(5) On his or her appointment, every election clerk shall take an oath or make a declaration in the prescribed form.

(6) If an election clerk dies, is absent or is unable or unwilling to perform his or her responsibilities, the Chief Electoral Officer shall appoint as an election clerk another voter who meets the qualifications set out in subsection (2).

(7) An election clerk shall assist the returning officer in performing the returning officer’s responsibilities.

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(8) If the returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities or if the office of returning officer is vacant and the Chief Electoral Officer has not appointed another returning officer, the election clerk shall perform the responsibilities and may exercise the powers of the returning officer.

(9) If the election clerk performs the responsibilities and exercises the powers of the returning officer pursuant to subsection (8), the performance or exercise is deemed to be the performance or exercise by the returning officer.

(10) In the circumstances mentioned in subsection (8), the election clerk is not required to take the required oath or make the required declaration as a returning officer before performing the responsibilities or exercising the powers of the returning officer.

(11) An election clerk may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election.

“Poll clerk

13(1) A returning officer shall appoint a poll clerk for the polling place in the constituency for which the returning officer was appointed.

(2) Subject to the prior written approval of the Chief Electoral Officer, a returning officer may appoint an additional poll clerk for the polling place.

(3) A returning officer shall only appoint as a poll clerk a voter who is:

- (a) in the opinion of the returning officer, competent and reliable;
- (b) unless authorized otherwise by the Chief Electoral Officer, resident in the constituency;
- (c) willing to act as a poll clerk; and
- (d) eligible in accordance with section 3 to be appointed as an election officer.

(4) A returning officer shall appoint a poll clerk before polling day and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.

(5) An appointment as a poll clerk is to be made in the prescribed form.

(6) An appointment as a poll clerk terminates on the completion of the poll clerk's responsibilities for the election for which the poll clerk is appointed.

(7) On his or her appointment, every poll clerk shall take an oath or make a declaration in the prescribed form.

(8) If a poll clerk dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint as a poll clerk another voter who meets the qualifications set out in subsection (3).

(9) A poll clerk shall assist a deputy returning officer in performing the deputy returning officer's responsibilities.

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(10) If a deputy returning officer dies, is absent or is unable or unwilling to perform his or her responsibilities or if the office of deputy returning officer is vacant and the returning officer has not appointed another deputy returning officer, the returning officer may direct that the poll clerk shall perform the responsibilities and may exercise the powers of the deputy returning officer.

(11) If the poll clerk performs the responsibilities and exercises the powers of the deputy returning officer pursuant to subsection (10), the performance or exercise is deemed to be the performance or exercise by the deputy returning officer.

(12) In the circumstances mentioned in subsection (10), the poll clerk is not required to take the required oath or make the required declaration as deputy returning officer before performing the responsibilities or exercising the powers of the deputy returning officer.

(13) A poll clerk may administer any oaths or declarations that are required by this Act or the regulations to be administered during an election, other than oaths or declarations that a returning officer is required to administer”.

Section 18 amended

7 Subsection 18(1) is repealed and the following substituted:

“(1) The rules set out in this section and section 18.1 are to be used to determine ordinary residence for the purposes of this Act”.

New sections 18.1 to 18.8

8 The following sections are added after section 18:**“Ordinary residence – Canadian Forces****18.1(1)** In this section:

(a) **‘Canadian Forces’** means the Canadian Forces within the meaning of the *National Defence Act* (Canada);

(b) **‘member of the Canadian Forces’** means:

(i) a member of the regular force or the special force of the Canadian Forces; or

(ii) a member of the reserve force of the Canadian Forces who is on full-time training or service or on active service.

(2) If a person leaves his or her residence in Saskatchewan to serve as a member of the Canadian Forces outside Saskatchewan, the person is deemed:

(a) to be ordinarily resident in the polling division in which he or she was resident immediately before leaving Saskatchewan; and

(b) to continue to have that ordinary residence while serving as a member of the Canadian Forces.

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(3) If a person leaves his or her residence in Saskatchewan to serve as a member of the Canadian Forces elsewhere in Saskatchewan, the person is, while serving as a member of the Canadian Forces in Saskatchewan, deemed to have one of the following as his or her place of residence:

- (a) the place where he or she was last ordinarily resident;
- (b) the place where he or she is residing.

(4) If a person leaves his or her residence in a province or territory other than Saskatchewan to serve as a member of the Canadian Forces in Saskatchewan, the person is, while serving as a member of the Canadian Forces in Saskatchewan, deemed to have acquired an ordinary residence in Saskatchewan for the duration of his or her service.

(5) If a person leaves his or her residence because he or she lives with a person mentioned in subsection (2), (3) or (4) as the spouse or dependant of that person, his or her place of residence may be determined as follows:

- (a) in the case where the spouse or dependant lives with a person mentioned in subsection (2) or (4), he or she is considered to be resident in the place where the person mentioned in subsection (2) or (4) resides; or
- (b) in the case where the spouse or dependant lives with a person mentioned in subsection (3), one of the places mentioned in clauses (3)(a) and (b) is to be considered as his or her place of residence.

“REGISTER OF VOTERS

“Establishment and maintenance of register of voters

18.2(1) Subject to section 18.3, the Chief Electoral Officer shall establish and maintain a register of voters consisting of persons who are eligible to vote from which voters' lists may be prepared for use at elections pursuant to this Act.

(2) The register of voters may be established and stored in an electronic format.

(3) The Chief Electoral Officer may collect voter data for the purposes of this Act.

(4) The register of voters may only contain the following voter data about persons ordinarily resident in Saskatchewan who are voters or who will be eligible to vote at the next general election after the date the information is collected:

- (a) surname, given name and any middle name;
- (b) residential address, including the postal code, of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address;
- (c) date of birth;

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- (d) gender;
- (e) occupation;
- (f) telephone number;
- (g) the permanent unique identifier assigned pursuant to subsection (5); and
- (h) any other identification number assigned by other persons who provide information to the Chief Electoral Officer.

(5) The Chief Electoral Officer may assign, with respect to each person whose information is contained in the register of voters, a permanent unique identifier consisting of numbers or letters, or a combination of numbers and letters, to be used to assist in distinguishing a person from another person or verifying information about a person.

“Enumeration required to establish register of voters

18.3(1) Notwithstanding any other provision of this Act, the Chief Electoral Officer shall cause an enumeration to be conducted for each polling division in each constituency established pursuant to *The Representation Act, 2013* for the purposes of establishing an initial register of voters.

(2) The enumeration mentioned in subsection (1) must be conducted:

- (a) after the coming into force of this section and before the date of the next general election to be held in accordance with section 8.1 of *The Legislative Assembly and Executive Council Act, 2007*; and
- (b) in accordance with sections 19 to 29.4, and those sections apply, with any necessary modification, for the purposes of this section as if the Chief Electoral Officer has directed an enumeration pursuant to subsection 19.1(1) of all constituencies.

(3) After completing the enumeration mentioned in subsection (1) and establishing the initial register of voters, the register of voters may be revised in accordance with this Act.

“Revising the register of voters

18.4(1) In this section, ‘**government institution**’ means a government institution as defined in *The Freedom of Information and Protection of Privacy Act*.

(2) The Chief Electoral Officer shall revise the register of voters in accordance with this section:

- (a) whenever the Chief Electoral Officer considers it necessary to do so in order to keep the register information current; and
- (b) as soon as possible after a *Representation Act* is enacted or amended.

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(3) The register of voters may be revised by any or all of the following methods:

- (a) conducting an enumeration in accordance with Part III of all or some of the polling divisions, or portions of any of them, as determined by the Chief Electoral Officer;
- (b) using information provided pursuant to an agreement made pursuant to section 18.5;
- (c) subject to subsection (5), using personal information held by a government institution if, in the opinion of the Chief Electoral Officer, the information is necessary for the purpose of revising the register;
- (d) using personal information listed in public telephone directories;
- (e) using any other information obtained by or available to the Chief Electoral Officer.

(4) Information or a name must be removed from the register of voters for the following reasons:

- (a) the person to whom the information relates or whose name is listed is no longer alive;
- (b) except in the case of persons who will be old enough to vote at the next general election after the date the information is collected, the person is not qualified to vote;
- (c) in the opinion of the Chief Electoral Officer, the information is false;
- (d) the person to whom the information relates or whose name is listed requests the removal of his or her information or name;
- (e) subject to section 18 or 18.1, the person to whom the information relates or whose name is listed is no longer resident in Saskatchewan;
- (f) the person to whom the information relates or whose name is listed is no longer at the address indicated and a new address cannot be established.

(5) If the Chief Electoral Officer and a government institution have entered into an agreement for the purposes of this section, the government institution shall, at the request of the Chief Electoral Officer:

- (a) for the purpose of clause (3)(c), provide personal information held by that government institution; and
- (b) provide address, mapping, demographic or geographic information, including geospatial information.

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(6) A government institution providing information pursuant to subsection (5) may charge the Chief Electoral Officer a reasonable fee for providing the information, but the fee is not to exceed the actual cost to the government institution of producing the information.

(7) The Chief Electoral Officer may retain voter data not included in the register of voters solely for the purpose of confirming and correlating information contained or to be included in that register.

“Agreements on information

18.5 The Chief Electoral Officer may enter into an agreement with the Chief Electoral Officer of Canada pursuant to the *Canada Elections Act*:

- (a) to receive from the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer in preparing or revising the register of voters; and
- (b) to provide to the Chief Electoral Officer of Canada information that will assist the Chief Electoral Officer of Canada in preparing or revising that Chief Electoral Officer’s information for the purpose of compiling or revising lists of voters under the *Canada Elections Act*.

“Access to information in the register

18.6(1) A person or the person’s agent may, on request and on the conditions and in the manner determined by the Chief Electoral Officer:

- (a) have access to information in the register of voters about the person to determine whether the information is correct; and
- (b) have the person’s information removed from or not included in the register of voters.

(2) If a request is made pursuant to clause (1)(b), the Chief Electoral Officer shall remove the person’s information from the register of voters or not include the person’s information in the register of voters.

(3) The Chief Electoral Officer may remove information on the register of voters or a voters’ list to protect the security or privacy of a voter.

(4) Any person requesting access to information for the purpose set out in subsection (1) shall apply on the prescribed form and in the prescribed manner.

“Use of register of voters - preparation of voters’ list

18.7(1) The Chief Electoral Officer shall use the register of voters to prepare a voters’ list for each constituency and for each polling division within a constituency.

(2) The last voters’ list that is prepared by the Chief Electoral Officer pursuant to subsection (1) before an election is the voters’ list to be used for the election.

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- (3) The voters' list must only contain the following voter data for each voter:
 - (a) his or her surname, given name and middle name, if any;
 - (b) his or her occupation;
 - (c) his or her date of birth;
 - (d) the residential address, including the postal code, of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address;
 - (e) his or her permanent unique identifier assigned by the Chief Electoral Officer pursuant to subsection 18.2(5).
- (4) The Chief Electoral Officer shall take all reasonable steps to protect against any use of a voters' list other than a use authorized by this Act.

“Use of voters' lists restricted to electoral purposes

18.8(1) The Chief Electoral Officer shall provide one electronic copy of the voters' list for a constituency to:

- (a) each registered political party that has endorsed a candidate for that constituency pursuant to section 45; and
 - (b) each candidate in the constituency who has filed his or her nomination paper pursuant to section 44.
- (2) Subject to subsections 177(4) and (5), a voters' list must only be used as follows:
- (a) by election officers for the purpose of carrying out their duties pursuant to this Act or the regulations;
 - (b) by a registered political party for communicating with voters, including for soliciting contributions and recruiting party members;
 - (c) by a member of the Legislative Assembly:
 - (i) for carrying out the duties and functions of the member;
 - (ii) in the case of a member of a registered political party, for soliciting contributions for the use of the registered political party and recruiting party members;
 - (d) by a candidate, for communicating with voters, including for soliciting contributions and campaigning”.

Heading struck out

9 The heading preceding section 19 is struck out.

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New sections 19 to 29.4

10 Sections 19 to 30 are repealed and the following substituted:

“POLLING DIVISIONS

“Polling divisions to be established

19(1) If directed to do so by the Chief Electoral Officer, a returning officer shall subdivide the constituency for which he or she was appointed into as many polling divisions as he or she considers necessary for the convenience of the voters.

(2) For the purposes of this section, a returning officer shall:

(a) consider the voters' list and any other relevant information with respect to population distribution; and

(b) be guided by any directions from the Chief Electoral Officer.

(3) The returning officer shall include every part of the constituency within the boundaries of one or other of the polling divisions.

(4) If a returning officer considers it necessary because of local conditions, the returning officer may establish a separate polling division in each personal care facility within the constituency.

(5) A returning officer shall review the polling divisions from time to time and, if the returning officer considers it necessary for the greater convenience of the voters in the constituency, may, with the approval of the Chief Electoral Officer, alter the polling divisions.

(6) Unless it is not feasible or consistent with the convenience of voters, a returning officer shall try to have an equal number of voters in each polling division and to limit the number of voters in each polling division to 300.

(7) If a polling division in a constituency would have fewer than 25 voters, the returning officer shall advise the Chief Electoral Officer, and the Chief Electoral Officer may designate that polling division as a remote area and direct the returning officer to forego establishing a polling place for that polling division.

(8) If a polling division has been designated as a remote area by the Chief Electoral Officer, voters ordinarily resident in that polling division may:

(a) vote in person at any polling place in the constituency; or

(b) vote as absentee voters pursuant to sections 87 to 89.

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“ENUMERATION

“Enumeration and revision

19.1(1) The Chief Electoral Officer may, at any time the Chief Electoral Officer considers it advisable, direct that an enumeration of all or some of the constituencies, polling divisions or areas within a polling division be conducted.

(2) An enumeration is to be conducted during a period determined by the Chief Electoral Officer and is to be followed by at least one day for revisions as determined by the Chief Electoral Officer.

“Enumerators appointed

20(1) When directed to do so by the Chief Electoral Officer, a returning officer shall appoint an enumerator for any polling division in the constituency that is subject to an enumeration.

(2) A returning officer shall only appoint as an enumerator a voter who is:

- (a) in the opinion of the returning officer, competent and reliable;
- (b) unless authorized otherwise by the Chief Electoral Officer, resident in the constituency;
- (c) willing to act as an enumerator; and
- (d) eligible in accordance with section 3 to be appointed as an election officer.

(3) An appointment as an enumerator is to be made in the prescribed form.

(4) An appointment as an enumerator terminates on the completion of the enumerator’s responsibilities for the enumeration for which the enumerator is appointed.

(5) On his or her appointment, every enumerator shall take an oath or make a declaration in the prescribed form.

(6) If an enumerator dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer shall appoint as an enumerator another voter who meets the qualifications set out in subsection (2).

(7) An enumerator may administer any oaths that are required by this Act or the regulations to be administered with respect to conducting an enumeration.

(8) The returning officer shall give to each enumerator a complete description of the boundaries of the polling division or divisions for which the enumerator is appointed and any amendments to the description that may be made from time to time.

“Supplies for enumerators

21 The returning officer shall give to each enumerator sufficient materials and supplies furnished by the Chief Electoral Officer to enable the enumerator to perform his or her responsibilities.

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“Enumeration

22(1) When directed to do so by the Chief Electoral Officer, the returning officer shall instruct the enumerators for each polling division to conduct an enumeration.

(2) In conducting an enumeration, the enumerators shall:

(a) collect voter data for each voter and persons who will be eligible to vote at the next general election after the date the information is collected; and

(b) record that voter data on the prescribed enumeration forms.

(3) The Chief Electoral Officer may set guidelines for an enumeration and may set different guidelines for different constituencies.

(4) If the Chief Electoral Officer has set guidelines for an enumeration, no enumerator shall fail to comply with those guidelines.

(5) Subject to the guidelines set by the Chief Electoral Officer, in conducting an enumeration, an enumerator may collect voter data using either or both of the following methods:

(a) going in person to each residential premises, making the appropriate inquiries of the residents at any residential premises and recording the collected voter data on the prescribed enumeration forms;

(b) making the appropriate inquiries by means of any combination of telephone inquiry, mail and examination of municipal records or other materials and recording the collected voter data on the prescribed enumeration forms.

(6) If the returning officer considers it to be necessary to do so, the returning officer may:

(a) engage any person to provide security for an enumerator who is conducting an enumeration; or

(b) request the assistance of a peace officer to provide security for an enumerator who is conducting an enumeration.

“Offence by enumerator

23 In carrying out an enumeration, no enumerator shall knowingly:

(a) omit the name of a person who should be included; or

(b) include the name of a person who should not be included.

“Enumerators’ right of access to residential premises

24(1) In carrying out an enumeration, an enumerator is entitled to access between 9:00 a.m. and 9:00 p.m. at any residential premises.

(2) No person shall deny or prohibit or interfere in any way with the enumerator’s rights pursuant to this section.

(3) Notwithstanding subsections (1) and (2), any person for whom a particular residential premises is a private dwelling may deny an enumerator access to that residential premises.

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“PRELIMINARY VOTERS’ LIST**“Preparation of preliminary voters’ list****25(1) An enumerator shall:**

(a) complete a voter information record or voter confirmation record containing voter data for each voter, and each person who will be eligible to vote at the next general election after the date the information is collected, who is enumerated by him or her during the enumeration period; and

(b) submit all voter information records and voter confirmation records to the returning officer for the constituency on or before the end of the enumeration period.

(2) The Chief Electoral Officer or a returning officer who is authorized by the Chief Electoral Officer shall:

(a) based on the voter information records and voter confirmation records submitted pursuant to subsection (1), enter all the information necessary to complete a preliminary voters’ list;

(b) proofread the preliminary voters’ list and correct any errors;

(c) ensure that the preliminary voters’ list is complete and meets the requirements of this section; and

(d) cause the preliminary voters’ list to be completed within seven days after the expiry of the enumeration period.

(3) Subject to subsection (4):

(a) the names on each preliminary voters’ list must be arranged alphabetically according to surnames; and

(b) the preliminary voters’ list must set out the surname, first name, middle name, if any, occupation, date of birth and mailing address and residential premises of each voter.

(4) In the case of a polling division in a city, town or village that requires the use and display of street address numbers, the Chief Electoral Officer or the returning officer who is authorized by the Chief Electoral Officer shall arrange the names on each preliminary voters’ list in geographical order by reference to streets and address numbers, sorted firstly by streets and secondly by address numbers.

(5) Each name on each preliminary voters’ list is to be numbered consecutively, commencing with the number one.

(6) In producing a preliminary voters’ list for a polling division, the Chief Electoral Officer or the returning officer who is authorized by the Chief Electoral Officer shall place on the preliminary voters’ list for the polling division:

(a) beginning on the line immediately following the last name on the voters’ list, the prescribed form of certificate;

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(b) the date and, in the place provided for the signature of the returning officer, the name and phone number of the returning officer; and

(c) the date when and the place where the revising officer will sit for revision of the preliminary voters' list.

“Distributing and posting of preliminary voters' lists

26(1) Immediately after completing the preliminary voters' list, the Chief Electoral Officer or the returning officer shall:

(a) provide:

(i) one electronic copy and, if requested, one paper copy to each candidate; and

(ii) if completed by the returning officer, one electronic copy to the Chief Electoral Officer; and

(b) keep a copy of each preliminary voters' list in his or her office and make the list available for public inspection for electoral purposes during office hours on every day of the revision period, other than a Sunday or holiday, until the close of revision pursuant to sections 27 to 29.3.

(2) The Chief Electoral Officer shall provide to each registered political party one electronic copy of the preliminary voters' list for each constituency in which that registered political party has endorsed a candidate for the purposes of section 45.

(3) The Chief Electoral Officer or, on the direction of the Chief Electoral Officer, the returning officer shall place an advertisement in a local newspaper or, if there is no local newspaper in the constituency, in a newspaper having the largest general circulation in the constituency that sets out:

(a) the right of voters to review the preliminary voters' list and to apply for revisions of the preliminary voters' list;

(b) the times during which and the place at which voters may review the preliminary voters' list; and

(c) the times during which and the place at which the revising officer will hear applications for revision of the preliminary voters' list.

“REVISION AND TARGETED ENUMERATIONS**“Revision period**

27(1) The revision period is the period set for revision by the Chief Electoral Officer.

(2) The Chief Electoral Officer shall cause notice of the revision period to be made public by any means the Chief Electoral Officer considers necessary to bring the revision period to the notice of persons eligible to vote in the constituency.

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(3) Hearing of applications to revise a preliminary voters' list for a constituency is to be conducted during the revision period in the office of the returning officer for the constituency between the hours of 9:00 a.m. and 7:00 p.m. Monday to Friday and 12 noon and 6:00 p.m. on Saturday.

(4) If the Chief Electoral Officer approves, the returning officer may hear applications at other locations and at other times that the returning officer considers appropriate.

“Revising officers

28(1) The returning officer for a constituency may appoint as revising officers one or more persons who:

- (a) unless otherwise authorized by the Chief Electoral Officer, are resident in the constituency; and
- (b) in the opinion of the returning officer are competent and reliable.

(2) The returning officer may act as a revising officer.

(3) A revising officer is to revise the preliminary voters' list during the revision period by reviewing applications pursuant to section 29.1:

- (a) to add or delete a name from the preliminary voters' list; or
- (b) to correct information on the preliminary voters' list about a voter.

“Revising agents and targeted enumerations

29(1) In this section, **‘targeted enumeration’** means an enumeration conducted pursuant to this section.

(2) Subject to the approval of the Chief Electoral Officer, a returning officer may direct that a targeted enumeration be conducted if the Chief Electoral Officer considers it necessary to ensure a complete and accurate preliminary voters' list in specific areas of the constituency, including areas that:

- (a) were inadvertently missed in the enumeration conducted pursuant to sections 19.1 to 24; or
- (b) are areas where voters are highly mobile, including apartment blocks, personal care facilities and university residences.

(3) The returning officer for a constituency may appoint one or more persons as revising agents who:

- (a) unless otherwise authorized by the Chief Electoral Officer, are resident in the constituency; and
- (b) in the opinion of the returning officer are competent and reliable.

(4) Appointments pursuant to this section must be made:

- (a) unless the appointment was made before the writ for the election is issued, as soon as possible after the writ is issued; and
- (b) before polling day for the election.

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- (5) On his or her appointment, every revising agent shall take an oath or make a declaration in the prescribed form.
- (6) An appointment as a revising agent terminates on the completion of the revising agent's responsibilities for the enumeration for which the revising agent is appointed.
- (7) If a revising agent dies, is absent or is unable or unwilling to perform his or her responsibilities, the returning officer may appoint as a revising agent another voter who meets the qualifications set out in subsection (3).
- (8) A revising agent shall:
 - (a) conduct a targeted enumeration of the specific areas of the constituency that are directed by the returning officer and, for that purpose, sections 19.1 to 24 apply, with any necessary modification; and
 - (b) on or before the date directed by the returning officer, provide the returning officer with the voter information records and voter confirmation records prepared by the revising agent based on the targeted enumeration.
- (9) On receiving the voter information records and voter confirmation records pursuant to subsection (8), the returning officer shall revise the preliminary voters' list by adding or deleting names or correcting information on the preliminary voters' list in accordance with the voter information records and voter confirmation records.

“Applications for revision**29.1(1) During the revision period:**

- (a) a person eligible to vote may apply to the revising officer for the constituency to have his or her name added to the preliminary voters' list or to correct any information about the person on the preliminary voters' list;
- (b) a person may apply to the revising officer for the constituency to have his or her name deleted from the preliminary voters' list;
- (c) a person eligible to vote may apply to the revising officer for the constituency to have the name of his or her relative deleted from the preliminary voters' list by providing a copy of a death certificate for the relative; and
- (d) a person's relative may apply:
 - (i) to have the person's name added to the preliminary voters' list; or
 - (ii) to correct any information about the person on the preliminary voters' list.

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(2) An applicant pursuant to subsection (1) shall complete and sign an application in the prescribed form:

- (a) to establish the identity and place of ordinary residence of the person who is the subject of the application; and
- (b) if applicable, to establish the applicant's identity and place of ordinary residence to the revising officer.

(3) A revising officer may approve the revision requested by an applicant only if the applicant provides evidence that is, in the opinion of the revising officer, sufficient to support the requested revision.

“Record of revision

29.2 A revising officer shall keep a record of revision in which the revising officer shall record every addition, correction or deletion made to the preliminary voters' list as a result of the revision.

“Close of revision

29.3(1) The revision is closed at 7:00 p.m. on the last day of the revision period and no revising officer shall consider an application received after that time.

(2) At the close of the revision period, each revising officer for a constituency shall sign his or her record of revision and deliver it to the returning officer for the constituency.

“REVISED VOTERS' LIST

“Preparing revised voters' list

29.4(1) On receiving the record of revision from each revising officer for a constituency, the returning officer shall prepare a revised voters' list for each polling division in the constituency that makes all the changes to the preliminary voters' lists specified in the records of revision.

(2) The revised voters' list must:

- (a) be in the prescribed form; and
- (b) be signed by the returning officer.

(3) A returning officer shall provide one electronic copy and one paper copy of the revised voters' list mentioned in subsection (2) to the Chief Electoral Officer for the purposes of updating the register of voters.

(4) The Chief Electoral Officer shall use the revised voters' list provided pursuant to subsection (3) to update the register of voters as soon as is practically possible after receipt of a revised voters' list from a returning officer.

(5) The Chief Electoral Officer shall prepare a new voters' list for the affected constituency or polling division pursuant to section 18.7 following the updating of the register of voters pursuant to this section”.

ELECTION

Section 36 amended

11(1) Subsection 36(1) is amended by striking out “to (9)” and substituting “to (8)”.

(2) Subsection 36(9) is repealed.

Section 37 amended

12 Clause 37(4)(b) is amended by adding “unless otherwise authorized by the Chief Electoral Officer,” before “resident in the constituency”.

Section 65 amended

13 Subsection 65(3) is amended:

- (a) by adding “and” after clause (a);**
- (b) by striking out “and” after clause (b); and**
- (c) by repealing clause (c).**

Section 68 repealed

14 Section 68 is repealed.

Section 75 amended

15 Subclause 75(b)(ii) is repealed and the following substituted:

“(ii) either deposit the ballot in the ballot box or return it to the voter or to the voter’s friend who is accompanying the voter to deposit the ballot in the ballot box”.

Section 77 amended

16(1) Subsection 77(4) is repealed and the following substituted:

“(4) In the case of a voter who has a disability that significantly restricts the voter’s ability to vote, a deputy returning officer shall:

- (a) assist the voter in the manner provided in subsections (1) to (3);**
- (b) subject to subsection (5) and at the request of the voter who is accompanied by a friend, permit the friend to accompany the voter into the voting station and to mark the ballot paper for the voter; or**
- (c) at the request of the voter, provide the voter with a template in the prescribed form to enable the voter to mark the voter’s ballot in secret”.**

(2) Subsection 77(6) is repealed and the following substituted:

“(6) An individual may act as the friend of two voters for the purpose of this section in any election”.

Section 78 amended

17(1) Subsection 78(1) is repealed and the following substituted:

“(1) A deputy returning officer may use an interpreter or sign language interpreter to translate any oath or declaration and to ask any questions that the deputy returning officer is required by this Act to put to the voter and to translate the voter’s answers”.

(2) Subsection 78(2) is amended by adding “and every sign language interpreter” after “Every interpreter”.

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New sections 89.1 to 89.3

18 The following sections are added after section 89:

“HOMEBOUND VOTER

“Homebound voting

89.1(1) In this section and in sections 89.2 and 89.3, **‘homebound voter’** means a voter who meets the criteria set out in subsection (2).

(2) A voter is eligible to vote as a homebound voter if that voter presents evidence satisfactory to the returning officer of the constituency in which the voter is eligible to vote that the voter:

- (a) is unable to vote at an advance poll or on polling day in the constituency due to a disability; or
- (b) is providing care to a person mentioned in clause (a).

(3) Except where otherwise provided in this section and sections 89.2 and 89.3, the provisions of this Act and the regulations with respect to voting at advance polls apply, with any necessary modification, to homebound voting.

“Application – homebound voters

89.2(1) A voter who wishes to be considered a homebound voter shall apply to the returning officer by submitting a prescribed voter’s declaration form.

(2) An application pursuant to this section must be received by the returning officer at least eight days before polling day.

(3) An application pursuant to this section:

- (a) may be made by facsimile or other means of electronic transmission; and
- (b) if made in the manner set out in clause (a), must include the applicant voter’s signature in a graphical representation.

“Voting procedures – homebound voters

89.3(1) If the returning officer is satisfied that the applicant is a homebound voter and that it is reasonably practicable to do so, the returning officer shall direct an election officer designated by the returning officer to contact the voter to schedule an appointment at an agreed time for an election officer to attend on a homebound voter between the first day of advance polling and the close of voting on the last day of advance polling for the purposes of voting in accordance with this section.

(2) If personal attendance by an election officer is not reasonably practicable, the returning officer shall:

- (a) authorize the homebound voter to vote by absentee ballot; and
- (b) not less than four days before polling day, deliver the absentee ballot and other voting materials to the homebound voter by registered mail, courier or other prescribed method.

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(3) If voting materials are provided pursuant to subsection (2) to the homebound voter, sections 88 and 89 apply, with any necessary modification, to the voting procedure that must be followed.

(4) If directed to do so pursuant to subsection (1), an election officer shall, in accordance with subsection (1), attend on and deliver to the homebound voter the following:

- (a) a ballot paper that:
 - (i) is in the prescribed form;
 - (ii) is initialled by the returning officer or election clerk; and
 - (iii) is similar to the ballot described in section 35, except that the counterfoil is to be detached;
- (b) a ballot envelope that has voting instructions printed on it;
- (c) a certificate envelope with a certificate of identification and instructions, both in the prescribed form, printed on it;
- (d) instructions with respect to how to vote in accordance with this section.

(5) If an election officer is directed pursuant to subsection (1) to attend on a homebound voter, a representative of each candidate in the constituency may also attend with the election officer at the scheduled time.

(6) The election officer who is directed pursuant to subsection (1) shall:

- (a) allow the homebound voter to vote in accordance with the voting instructions mentioned in subsection (4); and
- (b) return the certificate envelope containing the ballot to the returning officer.

(7) A homebound voter shall mark the ballot paper in accordance with the voting instructions mentioned in subsection (4) and in accordance with the instructions provided by the election officer while the election officer is in attendance on the homebound voter.

(8) Sections 77 and 78 apply, with any necessary modification, to a homebound voter who is voting in accordance with subsection (7).

(9) After marking the ballot paper, the voter shall do all of the following, in order:

- (a) fold the ballot paper so that the name or political affiliation of the candidate for whom the voter voted is concealed, but the initials of the returning officer or election clerk are exposed;
- (b) put the marked ballot paper in the ballot envelope;
- (c) seal the ballot envelope;
- (d) insert the ballot envelope in the certificate envelope and seal the certificate envelope;

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(e) complete and sign the certificate;

(f) return the certificate envelope to the election officer.

(10) Section 89 applies, with any necessary modification, to the post-voting procedures that are to govern the certificate envelope and ballot returned pursuant to subsection (9).

(11) Immediately on determining that an applicant is a homebound voter pursuant to this section, the returning officer shall provide a written notice to the deputy returning officer for the polling division where the homebound voter is eligible to vote that the voter:

(a) is a homebound voter; and

(b) may not vote otherwise than as a homebound voter.

(12) When delivering the written notice to the deputy returning officer pursuant to subsection (11), the returning officer shall inform each candidate of the name and address of each homebound voter.

(13) For the purposes of this section, the Chief Electoral Officer shall send the returning officer at least one ballot paper for each homebound voter in the returning officer's constituency".

Section 92 amended

19 Subsection 92(4) is repealed.

New section 130

20 Section 130 is repealed and the following substituted:

"Who may vote at an advance poll

130 Any voter who ordinarily resides in the constituency may vote at an advance poll".

Section 133 repealed

21 Section 133 is repealed.

Division F of Part IV repealed

22 Division F of Part IV is repealed.

Section 145 amended

23 Clauses 145(8)(a) and (b) are repealed and the following substituted:

"(a) ballot boxes received pursuant to section 101, 109, 117 or 126; or

"(b) ballot envelopes received pursuant to section 88 or 89.3".

Section 146 amended

24 Clauses 146(1)(a) and (b) are repealed and the following substituted:

"(a) the returning officer has received from the Chief Electoral Officer ballot boxes and lists of voters who made a voter's declaration pursuant to section 101, 109, 117 or 126; or

"(b) the returning officer has received certificate envelopes pursuant to section 88 or 89.3".

ELECTION

Section 177 amended

25 Subsections 177(4) and (5) are repealed and the following substituted:

“(4) Notwithstanding subsection (1) or *The Freedom of Information and Protection of Privacy Act*, the Chief Electoral Officer may enter into agreements with respect to sharing or using the register of voters, a voters’ list or any voter data collected pursuant to this Act with:

(a) an officer who is appointed or body that is appointed or established pursuant to an Act or an Act of the Parliament of Canada and who or that is responsible for conducting an election; or

(b) a political party that is registered pursuant to an Act or an Act of the Parliament of Canada or any candidate for election to the Parliament of Canada or the Legislative Assembly.

“(5) If a political party mentioned in clause (4)(b) enters into an agreement with the Chief Electoral Officer, that political party may only use the register of voters, the voters’ list or the voter data for any purpose that:

(a) is related to this Act or any other Act or Act of the Parliament of Canada governing elections; and

(b) is authorized in the agreement”.

Section 190 amended

26 Subsection 190(6) is repealed and the following substituted:

“(6) No person, other than an election officer, shall use in any polling place any cellular phone or other communications device.

“(6.1) Unless otherwise authorized by the Chief Electoral Officer, no person shall use a camera in a polling place”.

Section 287 amended

27 The following clauses are added after clause 287(1)(a):

“(a.1) for the purposes of subclause 2(1)(pp)(xviii), prescribing information to be included as voter data;

“(a.2) for the purposes of clause 89.3(2)(b), prescribing a method of delivering an absentee ballot and other voting materials to a homebound voter”.

S.S. 2006, c.R-22.0001, section 46 amended

28 Subsection 46(2) of *The Residential Tenancies Act, 2006* is amended:

(a) by striking out “or” after clause (a);

(b) by adding “or” after clause (b); and

(c) by adding the following clause after clause (b):

“(c) an enumerator or revising agent carrying out his or her duties pursuant to *The Election Act, 1996*”.

Coming into force

29 This Act comes into force on proclamation.

