

1998

CHAPTER 12

An Act to amend *The Election Act, 1996*

(Assented to May 12, 1998)

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, 1998*.

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(1) The following clause is added after clause 2(1)(c):

“(c.1) **‘Board of Internal Economy’** means the Board of Internal Economy established pursuant to section 68.7 of *The Legislative Assembly and Executive Council Act*”.

(2) The following clause is added after clause 2(1)(ll):

“(ll.1) **‘Speaker’** means the member elected as Speaker of the Assembly in accordance with *The Legislative Assembly and Executive Council Act*”.

New sections 4 to 4.6

4 Section 4 is repealed and the following substituted:

“Chief Electoral Officer

4(1) The office of Chief Electoral Officer is established.

(2) The Chief Electoral Officer is an officer of the Assembly.

(3) The Chief Electoral Officer shall be appointed by resolution of the Assembly.

(4) Subject to sections 4.1 and 4.2, a Chief Electoral Officer holds office for a term commencing on the day of his or her appointment and ending on the day that is 12 months after the day fixed for the return to the writ for the second general election for which he or she is responsible.

(5) The Chief Electoral Officer may resign the office at any time by giving written notice:

(a) to the Speaker; or

(b) if there is no Speaker or if the Speaker is absent from Saskatchewan, to the President of the Executive Council.

“Removal and suspension

4.1(1) The Assembly may, by resolution, remove the Chief Electoral Officer from office or suspend the Chief Electoral Officer.

(2) Where the Chief Electoral Officer is suspended pursuant to subsection (1), the Assembly, by resolution, shall appoint an acting Chief Electoral Officer to hold office until:

- (a) the suspension is revoked by the Assembly; or
- (b) the Chief Electoral Officer is removed from office by the Assembly pursuant to subsection (1) and a person is appointed as Chief Electoral Officer pursuant to section 4.

“Suspension when Legislature not in session

4.2(1) Where the Legislature is not in session, the Board of Internal Economy may suspend the Chief Electoral Officer for incapacity to act, neglect of duty or misconduct where that incapacity, neglect or misconduct is proved to the satisfaction of the Board of Internal Economy.

(2) No suspension imposed pursuant to subsection (1) continues past the end of the next session of the Legislature.

(3) Where the office of the Chief Electoral Officer is vacant or the Chief Electoral Officer is suspended pursuant to subsection (1), the Board of Internal Economy shall appoint an acting Chief Electoral Officer to hold office until:

- (a) a person is appointed as Chief Electoral Officer pursuant to section 4;
- (b) the suspension is revoked by the Assembly; or
- (c) the Chief Electoral Officer is removed from office by the Assembly pursuant to subsection 4.1(1) and a person is appointed as Chief Electoral Officer pursuant to section 4.

“Acting Chief Electoral Officer

4.3 Where the Chief Electoral Officer has resigned or is ill or otherwise unable to act, the Board of Internal Economy may appoint another person as acting Chief Electoral Officer until:

- (a) the Chief Electoral Officer is able to act; or
- (b) another Chief Electoral Officer is appointed pursuant to section 4.

“Salary

4.4 The Chief Electoral Officer is entitled to be paid:

- (a) a salary to be fixed by the Board of Internal Economy following consultations with the chairperson of the Public Service Commission; and
- (b) an allowance for travelling and other expenses incurred in the performance of the duties of the Chief Electoral Officer at a rate approved by the Board of Internal Economy.

“Application of certain Acts to Chief Electoral Officer

4.5(1) *The Public Service Act* does not apply to the Chief Electoral Officer or the Assistant Chief Electoral Officer.

(2) *The Public Employees Pension Plan Act* applies to the Chief Electoral Officer and the Assistant Chief Electoral Officer.

“Staff

4.6(1) The staff of the Chief Electoral Officer consists of the persons that are required for the proper administration of this Act.

(2) *The Public Service Act, The Public Service Superannuation Act and The Public Employees Pension Plan Act* apply to the members of the staff of the Chief Electoral Officer”.

Section 7 amended

5(1) Subsection 7(6) is amended by striking out “minister” and substituting “Speaker”.

(2) Subsection 7(7) is amended by striking out “minister” wherever it appears and in each case substituting “Speaker”.

Section 8 amended

6 Subsections 8(1) and(2) are repealed and the following substituted:

“(1) The Chief Electoral Officer shall appoint a voter residing in Saskatchewan as the Assistant Chief Electoral Officer”.

New sections 286 and 286.1

7 Section 286 is repealed and the following substituted:

“Preparation and tabling of reports

286(1) As soon as is practicable after an election, the Chief Electoral Officer shall prepare and submit to the Speaker a report summarizing:

- (a) all returns and reports submitted to the Chief Electoral Officer by registered political parties and candidates with respect to the election;
- (b) the establishment and use of mobile polls during the election;
- (c) all applications made to the Chief Electoral Officer pursuant to Part VII and the disposition of the application by the Chief Electoral Officer; and
- (d) any other information that the Speaker may direct.

(2) As soon as is practicable after the amounts of reimbursement are known, the Chief Electoral Officer shall prepare and submit to the Speaker a report with respect to the reimbursements paid pursuant to Part VII to each registered political party and to each candidate.

(3) In accordance with *The Tabling of Documents Act, 1991*, the Speaker shall lay before the Legislative Assembly all reports received by the Speaker pursuant to this section.

“Annual report

286.1(1) In accordance with *The Tabling of Documents Act, 1991*, the Chief Electoral Officer shall in each year submit to the Speaker an annual report describing the progress and activities of the Chief Electoral Officer in the previous year.

(2) In accordance with *The Tabling of Documents Act, 1991*, the Speaker shall lay before the Legislative Assembly each report received by the Speaker pursuant to subsection (1)”.

Coming into force

8 This Act comes into force on assent.

