The Saskatchewan Election Act

being

Chapter 4 of The Revised Statutes of Saskatchewan, 1940 (effective February 1, 1941).
Table of Contents

SHORT TITLE
1. Short title

INTERPRETATION
2. Interpretation
3. Mountain standard time
4. Provision requiring presence of agents

IRREGULARITIES IN CONDUCT OF ELECTION
5. Elections not void in certain cases

OATHS AND AFFIDAVITS
6. Who may take oaths
7. Oaths, who to administer

AGENTS
8. Certain persons disqualified from acting as agents
9. Candidates may undertake duties of agents
10. Non-attendance of agents

QUALIFICATION OF CANDIDATE
11. Who may be candidates

QUALIFICATION OF VOTERS
12. Who shall not vote
13. Persons entitled to vote
14. Rules as to place of residence
15. Voters’ list

PREPARATION OF LISTS BY ENUMERATORS
16. Subdivision of electoral division into polling subdivisions
17. Appointment of enumerators
18. Oath of enumerator
19. List of voters by enumerator
20. Enumerators’ duties as to voters’ list
21. Correction of list by enumerator
22. Certification of list
23. List delivered to deputy returning officer
24. Penalty

PROCEEDINGS PRELIMINARY TO ELECTIONS
25. Appointment of day for holding
26. Date same in all electoral divisions
27. Writs bear same date
28. Form of writ of election

FORMS, ETC.
29. Notices as to secrecy sent to returning officers before elections
30. Forms, etc., supplied by Clerk of the Executive Council
31. Clerk of the Executive Council supplies poll books and voters’ lists
32. Transmission to returning officers of copies of this Act

RETURNING OFFICERS
33. Appointment of returning officer
34. Writs for elections to whom addressed
35. Refusal or incapacity to act
36. Where writ directed to person whose appointment is subsequently superseded
37. Persons excluded from being returning officers, etc.
38. Persons not obliged to act
39. Penalty for refusal to act

PROCEEDINGS ON RECEIPT OF THE WRIT
40. Indorsement on writ

PROCLAMATION OF RETURNING OFFICER
41. Proclamation by returning officer
42. Place of nomination
43. Unforeseen delays

ELECTION CLERKS
44. Returning officer appoints an election clerk
45. Oath of election clerk
46. Penalty for refusing to act
47. Appointment and oath on writ
48. Duties and liabilities when acting as returning officer

BALLOT BOXES
49. Ballot boxes furnished
50. Property in ballot boxes, papers, etc., is in His Majesty
51. Duty of deputy returning officer as to ballot box
52. Return of ballot boxes to Clerk of Executive Council

POLLING PLACES
53. Polling places in each polling division
54. Additional polling places where more than prescribed number of voters
55. Separate lists prepared in such case
56. Compartment for voters to mark ballots

NOMINATION
57. Time and manner of nomination
58. Nomination papers and deposits

NOMINATION PROCEEDINGS
59. Procedure
60. Closing nominations
61. Procedure when only one candidate nominated
62. Procedure when more than one candidate nominated
63. Candidate may withdraw his nomination

DEATH OF A CANDIDATE
64. Procedure

ELECTION NOTICE
65. Notice posted

POLLING—PROCEEDINGS PRELIMINARY TO THE POLL
66. Appointment of deputy returning officers
67. Oath of office, etc.
68. Penalty for refusing to perform duties of office
69. Death or absence of deputy returning officer
70. Duty of returning officer
71. Ballot papers and printing thereof
72 Ballot papers, etc., furnished by returning officer: procedure
73 Copies of directions to voters furnished to deputy returning officers
74 Appointment of poll clerks
75 Poll clerk aids deputy returning officer
76 Acts as deputy returning officer in certain cases
77 In which case he may appoint another poll clerk
78 Deputy returning officer may appoint another poll clerk in certain cases
79 Constable at polling place
80 Where voters shall vote

THE POLL

81 Hours of voting
82 Public holiday
83 Counting ballots before opening of poll
84 Deputy shows box empty and locks and seals it
85 One voter only for each compartment
86 Persons on voters' list allowed to vote on taking oath if required
87 Administration of oath to deputy returning officer at his polling place
88 Deputy returning officer must swear voters in certain cases
89 Entries made in poll books as to voters
90 Voters refusing to be sworn
91 Deputy puts initials on back of ballot paper and number on counterfoil
92 Instructions to voter
93 Voter unable to mark his ballot paper
94 Voters who cannot speak English
95 Mode of marking, folding and depositing ballot paper
96 Voter leaves as soon as possible
97 Exclusion from balloting compartment
98 Voter not to take his paper from polling place, etc.
99 Voter who alleges he has been personated
100 Ballot paper accidentally spoilt
101 What shall be deemed a tender of a vote and a voting
102 Who may be in polling place, etc.
103 Voting by deputy returning officers, candidates, etc.
104 Entries in poll book in certain cases
105 Administration of oath to electors
106 Oath to voter whose name is not on list
107 Voter refusing to be sworn
108 Correction of the voters' list
109 Which voters may vote

SPECIAL POLL FOR ABSENTEES

110 Application of sections
111 Special polling places
112 Conduct of poll
113 Hours of special poll
114 Declaration by voter
115 Poll clerk to record that declaration made
116 Oath may be administered
117 Sealing ballot box
118 Counting the votes

PROCEEDINGS AFTER THE CLOSE OF THE POLL

119 Duties of deputy returning officer after close of poll
120 What votes rejected
121 Objections noted
122 How ballots counted
123 Statement of result made by deputy returning officer
124 Poll book, envelopes, etc., placed in large envelope in ballot box
125 The oath of poll clerk
126 Procedure as to ballot boxes
127 Duty of returning officer on receipt of boxes
128 Count by returning officer and declaration of result
129 Casting vote

PROCEEDINGS IN CASE OF LOSS OR INJURY OF POLLING LIST OR OTHER DOCUMENTS

130 Adjournment of proceedings where ballot box not duly delivered
131 Where default made by deputy returning officer in returning documents
132 Disappearance of ballot boxes
133 Where lists, statements, etc., cannot be found
134 When deputy returning officer has neglected to deliver statement of result
135 Special report by returning officer

RECOUNT OR FINAL ADDITION BY JUDGE

136 Where recount may be had
137 Notice of time and place of recount
138 Returning officer not to make return till receipt of certificate from judge
139 Presence of clerk of court
140 Other officers to be present with documents
141 Who present at recount
142 Procedure by judge
143 Recount proceeded with continuously
144 Rules to govern judge in proceedings
145 Sealing up ballots at close of recount
146 Reviewing decision of returning officer when ballot box or documents missing
147 When judge sends in certificate
148 Costs
149 Deposit, disposal of
150 Appeal from decision of judge on recount

ELECTION RETURN

151 When return made
152 Returning officer transmits to Clerk of the Executive Council the ballot papers, etc.
FAILURE TO MAKE RETURN
153 Application to compel returning officer to add up votes, make return, etc.

PUBLICATION OF RETURN
154 Notice in Gazette

CUSTODY OF ELECTION PAPERS
155 How long retained and when destroyed

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC
156 Inspection of documents other than ballot papers
157 Inspection of ballot papers
158 Evidence as to documents, ballot papers, etc.

PRESERVATION OF THE PEACE
159 Returning officers conservators of the peace
160 Constables and justices of the peace
161 Special constables sworn in in certain cases
162 Arrest and imprisonment on verbal order
163 Delivery up of weapons on nomination and polling days
164 Armed persons not to come within one mile of nomination or polling place

SECRECY OF PROCEEDINGS
165 Maintaining secrecy of proceedings
166 Interference with voters
167 Inducing voter to display ballot after marking
168 Voter not to display marked ballot
169 Oath of secrecy
170 Proceedings where officers aware of violation of secrecy
171 No one compellable to disclose his vote

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS
172 Bribery, who guilty of
173 Furnishing entertainment
174 Certain contributions forbidden
175 Treating
176 Wagering or betting
177 Conveying voters to poll
178 Providing refreshments on nomination day or polling day
179 Undue influence
180 Personation
181 Procuring appointment as deputy returning officer or poll clerk by fraud
182 Appointing persons as election officers who have been guilty of corrupt practices
183 Voting by persons not entitled to vote
184 Publishing false statement of withdrawal of candidate
185 False statement as to character or conduct of candidate

CONSEQUENCES OF CORRUPT PRACTICES
186 Candidate guilty of corrupt practice
187 When candidate not personally guilty and offence unimportant
188 Candidates guilty of corrupt practice incapable for eight years of being elected, etc.
189 Disqualification of persons other than candidates
190 Where second election held as result of protest
191 Election of candidate void for employing agent previously found guilty of corrupt practice
192 Removal of disqualification on proof that it was procured by perjury
193 Executory contracts arising out of elections void
194 No penalty where party charged has prosecuted a party jointly liable

OFFENCES AND PENALTIES
195 Returning officers, etc., wilfully falsifying or altering list of voters
196 Offences relating to ballot papers
197 Persons unlawfully destroying documents
198 Persons covering up, taking down notices
199 Officers neglecting duties
200 Wilful misconduct in counting ballots, etc.
201 Refusing to give up arms
202 Carrying arms
203 Violating secrecy
204 Offending officers liable to persons aggrieved
205 Printed documents to bear name of printer

PROSECUTIONS
206 Proceedings for enforcement of Act
207 Writ need not be produced at trial
208 Certificate of returning officer sufficient proof of election
209 Pecuniary penalty belongs to consolidated fund
210 Court may allow person to intervene
211 Limitation of proceedings

ELECTION EXPENSES
212 Appointment of official agent
213 Payment of personal expenses of candidate
214 Claims on candidate in respect of any election
215 Payment of lawful accounts rendered after one month from election
216 Publication and inspection of election expenses

FEES AND EXPENSES
217 Compensation and expenses to be fixed by Lieutenant Governor in Council
218 Payment of accounts

SCHEDULE
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. 1930, c.4, s.1; R.S.S. 1940, c.4, s.1

INTERPRETATION

Interpretation
2(1) In this Act, unless the context otherwise requires, the expression:
“Assembly” or “Legislative Assembly”
1. “Assembly” or “Legislative Assembly” means the Legislative Assembly of
Saskatchewan;
“Candidate”
2. “Candidate at an election” and “candidate” include a person elected to serve
in the Assembly, and a person who is nominated as a candidate at an election or is
declared by himself or by others to be a candidate on or after the day of the issue of
the writ for such election, or after the dissolution of the Assembly or the occurrence
of a vacancy in consequence of which the writ has been issued;
“Corrupt practice”
3. “Corrupt practice” includes bribery and any act declared to be corrupt practice
by this or any other Act of this Legislature or recognized as such by the law and
custom of Parliament;
“Court” and “judge”
4. “Court” means the district court of the judicial district within which the
electoral division is wholly or mainly situated and “judge” means the judge of the
said court;
“Election”
5. “Election” means an election of a member to serve in the Assembly;
“Election court”
6. “Election court” means a court constituted under The Controverted Elections
Act for the trial of a petition;
“Election officer”
7. “Election officer” includes the returning officer, the election clerk and any
deputy returning officers and poll clerks appointed for an election;
“Election petition”
8. “Election petition” means a petition presented in pursuance of The
Controverted Elections Act;
“Elector”
9. “Elector” or “voter” means a person entitled to vote at an election under the
provisions of this Act;
“Electoral division”
10. “Electoral division” means a place or territorial area in Saskatchewan
entitled to return a member to serve in the Assembly;
c. 4  ELECTIONS

“Form”
11. “Form” means a form in the schedule to this Act;

“Indian”
12. “Indian” includes all persons of Indian blood who belong or are reputed to
belong to any band or irregular band of Indians; and “band” and “irregular band”
as used in this paragraph shall have the meaning given to them respectively by the
Indian Act, being chapter 98 of The Revised Statutes of Canada, 1927;

“Member”
13. “Member” means a member of the Assembly;

“Official agent”
14. “Official agent” means the agent appointed by a candidate under
section 212 of this Act;

“Poll book”
15. “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”
16. “Polling day” means the day fixed for voting at an election;

“Polling subdivision”
17. “Polling subdivision” means that portion of an electoral division within
which a poll is held;

“Polling place”
18. “Polling place” means the place where votes are recorded at an election;

“Registration”, “registered”, etc.
19. “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 as provided by section 17 of this Act;

“To vote”
20. “To vote” means to vote at the election of a member to serve in the
Assembly;

“Voters’ list” “List of voters”
21. “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”
22. “Writ” means the document addressed by the Clerk of the Executive Council
to the returning officer requiring an election to be held.

(2) In electoral divisions where two members are to be returned, the, provisions
of this Act shall apply with the necessary modifications.

R.S.S. 1930, c.4, s.2; R.S.S. 1940, c.4, s.2.

Mountain standard time
3 When in this Act a particular time of the day is referred to the same shall mean
“mountain standard time”.

R.S.S. 1930, c.4, s.3; R.S.S. 1940, c.4, s.3.

Provision requiring presence of agents
4 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 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.

R.S.S. 1930, c.4, s.4; R.S.S. 1940, c.4, s.4.
ELECTIONS  c. 4

IRREGULARITIES IN CONDUCT OF ELECTION

Elections not void in certain cases

5 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.

R.S.S. 1930, c.4, s.5; R.S.S. 1940, c.4, s.5.

OATHS AND AFFIDAVITS

Who may take oaths

6 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.

R.S.S. 1930, c.4, s.6; R.S.S. 1940, c.4, s.6.

Oaths, who to administer

7(1) Each enumerator may administer any oath or affidavit required by this Act with respect to the making and revising of lists of voters, and 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.

(2) Every person before whom any oath or affidavit is properly taken shall administer the same gratuitously.

R.S.S. 1930, c.4, s.7; R.S.S. 1940, c.4, s.7.

AGENTS

Certain persons disqualified from acting as agents

8(1) No person who by section 12 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) Any person violating the provisions of this section shall incur the same penalty as if he had voted at an election.

R.S.S. 1930, c.4, s.8; R.S.S. 1940, c.4, s.8.
c. 4  

ELECTIONS

Candidates may undertake duties of agents

9. 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 93.

R.S.S. 1930, c.4, s.9; R.S.S. 1940, c.4, s.9.

Non-attendance of agents

10. Where an act is authorized or required to be done in the presence of the agents of the candidates, the non-attendance of any agent shall not invalidate the act done.

R.S.S. 1930, c.4, s.10; R.S.S. 1940, c.4, s.10.

QUALIFICATION OF CANDIDATE

Who may be candidates

11. Any person, whether male or female, of the full age of twenty-one years who is a British subject by birth or naturalization resident in Saskatchewan and not disqualified by The Legislative Assembly Act or by any other Act, shall be qualified to be a candidate.

R.S.S. 1930, c.4, s.11; R.S.S. 1940, c.4, s.11.

QUALIFICATION OF VOTERS

Who shall not vote

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

1. The judges of the Court of Appeal, the Court of King’s Bench and the district courts;
2. Persons of the Chinese race;
3. Indians;
4. Persons disqualified from voting under the provisions of this or any other Act relating to corrupt practices;
5. Any 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 gaol or prison undergoing punishment for a criminal offence or who on polling day is a patient in a lunatic asylum.

R.S.S. 1930, c.4, s.12; R.S.S. 1940, c.4, s.12.
Who may vote

Persons entitled to vote

13(1) Except as herein otherwise provided, the entitled to persons entitled to vote shall be those mentioned in the two following subsections:

(2) Every person, whether male or female, shall be qualified to have his or her name placed on the enumerated list, and to vote, who is a British subject of the full age of twenty-one years, and has resided in Saskatchewan for at least twelve months, and in the electoral division where he or she seeks to vote, for at least three months, immediately preceding the date of the writ of the election.

(3) Any person otherwise qualified who is at the date mentioned in subsection (2) a resident of the electoral division and who has been a resident in Saskatchewan for one year immediately prior to said date but who has not been a resident of the electoral division for three months immediately prior to said date, shall be entitled to be registered as a voter for the electoral division of and within which he or she was last a resident for three months during said period of one year:

Provided, however, that any person otherwise qualified who becomes a naturalized British subject or who attains the full age of twenty-one years at any time up to and inclusive of the last day fixed in an electoral division for the revision of the list of voters, shall be entitled to be registered as a voter.

(4) Each person shall be entitled to be registered or placed on the list of voters for the polling subdivision in which he or she resides or in which he or she last resided in cases under subsection (3) hereof and in no other.

R.S.S. 1930, c.4, s.13; R.S.S. 1940, c.4, s.13.

RULES AS TO RESIDENCE OF VOTERS

Rules as to place of residence

14 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 man shall be where he usually sleeps;

6. A change of residence can be made only by actual removal with the intention to remain permanently in another place. There can be but one residence;

7. No person while he remains in Saskatchewan shall be deemed to have lost his residence until he has acquired another.

R.S.S. 1930, c.4, s.14; R.S.S. 1940, c.4, s.14.
Voters' list
15 A list of voters of the several electoral divisions shall be made and revised at the times and in the manner hereinafter provided.

R.S.S. 1930, c.4, s.15; R.S.S. 1940, c.4, s.15.

PREPARATION OF LISTS BY ENUMERATORS

Subdivision of electoral division into polling subdivisions
16 Immediately upon the receipt by the returning officer of a writ for the election he shall subdivide the electoral division into as many polling subdivisions as he deems necessary for the convenience of the voters.

R.S.S. 1930, c.4, s.16; R.S.S. 1940, c.4, s.16.

Appointment of enumerators
17 (1) The Lieutenant Governor in Council may appoint enumerators to make lists of the voters in the electoral division.

(2) If such appointments have not been made before the issue of a writ, the returning officer immediately upon receiving the writ shall, in writing over his signature (form 1) appoint a competent and reliable person to be enumerator for any one or more polling subdivisions of such electoral division.

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

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

R.S.S. 1930, c.4, s.17; R.S.S. 1940, c.4, s.17.

Oath of enumerator
18 Every enumerator shall before acting take the oath of office (form 2).

R.S.S. 1930, c.4, s.18; R.S.S. 1940, c.4, s.18.

List of voters by enumerator
19 An enumerator having taken the oath of office shall immediately complete a list of the persons qualified to vote at the election then pending for the polling subdivision or each of the polling subdivisions for which he has been appointed; and shall make three plainly written copies thereof containing the names of the voters alphabetically arranged and the occupation and residence of each voter (form 3).

R.S.S. 1930, c.4, s.19; R.S.S. 1940, c.4, s.19.

Enumerators' duties as to voters' list
20 (1) Each enumerator shall complete, date at his place of residence and sign the copies of the voters' list or lists as aforesaid, eight days before the polling day. He shall retain one of the said copies for revision and the other two copies shall be posted up or delivered as follows:

1. One copy shall be posted up in the polling subdivision in the post office nearest to the place appointed as polling station for the polling subdivision, or if there is no such post office in the subdivision then in a conspicuous place outside and adjoining the main entrance to such polling station;
2. The other copy shall at the same time be delivered to the clerk or secretary treasurer of the municipality within which the polling subdivision is wholly or mainly situated, to be posted up by him for public inspection in his office or residence, and it shall be his duty to keep the same posted up until the end of the third day before polling day.

(2) The enumerator shall attach to each of the two copies to be so posted up a written notice signed by him designating a place where and time when voters may conveniently find him during two consecutive days, the last of which shall be the third day before the polling day, between the hours of two o'clock and five o'clock in the afternoon, and he shall attend at the time and place so designated for the purpose of hearing applications for revision of the list. If either of the two consecutive days to be so fixed falls on a Sunday, the day previous to such two days shall be fixed as one of the days for the purposes mentioned.

R.S.S. 1930, c.4, s.20; R.S.S. 1940, c.4, s.20.

Correction of list by enumerator

21(1) If an enumerator, at any time after posting up the voters' list and two days before the 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 subdivision to which such voter belongs, he shall add such name to the copy of the list in his possession below his own signature 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 subdivision, 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.

R.S.S. 1930, c.4, s.21; R.S.S. 1940, c.4, s.21.

Certification of list

22 An enumerator, having revised and corrected the copy retained by him of each voters' lists compiled by him as provided in section 21, shall write at the foot of such copy and close to the last name thereon, two days before the polling day, a certificate in the form of the second certificate contained in form 3.

R.S.S. 1930, c.4, s.22; R.S.S. 1940, c.4, s.22

List delivered to deputy returning officer

23 Every enumerator shall then, forthwith or before eight o'clock in the morning of the polling day, deliver each voters' list so certified to the deputy returning officer for the polling subdivision to which it relates; and such list as received by such deputy returning officer shall be the voters' list for such polling subdivision subject to further correction on the polling day as hereinafter provided, and shall be and constitute the polling list within the meaning of this Act.

R.S.S. 1930, c.4, s.23; R.S.S. 1940, c.4, s.23.
Penalty

24 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.

1938, c.91, s.5; R.S.S. 1940, c.4, s.24.

PROCEEDINGS PRELIMINARY TO ELECTIONS

Dates for Nomination and Polling

Appointment of day for holding

25 Where an election is to be held the Lieutenant Governor in Council may appoint a day, not more than twenty nor less than sixteen days from the date of the writs of election, for the nomination of candidates. The seventh day after the nomination day shall be the day on which polling shall take place where a poll is granted.

R.S.S. 1930, c.4, s.24; R.S.S. 1940, c.4, s.25.

Date same in all electoral divisions

26 In the case of a general election the nominations for all electoral divisions shall be held on the same day, and the respective days for the nominations and for the polling shall be stated in the proclamation for the election.

R.S.S. 1930, c.4, s.25; R.S.S. 1940, c.4, s.26.

Writs bear same date

27 The writs for a general election shall all bear the same date.

R.S.S. 1930, c.4, s.26; R.S.S. 1940, c.4, s.27.

Form of writ of election

28 A writ of election shall be in form 4; it shall state the respective days for the nomination and for the polling and shall be dated and returnable on the days respectively fixed therefor by the Lieutenant Governor in Council.

R.S.S. 1930, c.4, s.27; R.S.S. 1940, c.4, s.28.

FORMS, ETC.

Papers and Forms to be sent by Clerk of the Executive Council to Returning Officer

Notices as to secrecy sent to returning officers before elections

29(1) Before a general or other election the Clerk of the Executive Council shall have printed in conspicuous characters a notice as to secrecy (form 5), and shall transmit by post to the returning officer of every electoral division such number of copies thereof as he may deem sufficient to supply every deputy returning officer with five copies.

(2) Every deputy returning officer shall post up one copy of such notice in a conspicuous place outside the polling place, and one copy in a conspicuous place within the polling place, and shall see that they remain so posted up from the opening of the poll until it is closed.
The notice may be separate from or annexed to the directions for the guidance of voters in voting (form 18).

R.S.S. 1930, c.4, s.28; R.S.S. 1940, c.4, s.29.

Forms, etc., supplied by Clerk of the Executive Council

The Clerk of the Executive Council shall procure from the King’s Printer in sufficient numbers for the requirements of the election:

(a) the forms prescribed by this Act for each electoral division other than the form of proclamation of nomination;
(b) the label mentioned in subsection (2) of section 152; and
(c) such stationery as may be necessary;

and shall send the same to the returning officer forthwith after the issue of the writ.

R.S.S. 1930, c.4, s.29; R.S.S. 1940, c.4, s.30.

Clerk of the Executive Council supplies poll books and voters’ lists

Immediately after the issue of the writ the Clerk of the Executive Council shall supply the returning officer with a sufficient number of blank poll books (form 6) for the purposes of the election, having regard to the number of polling places within the electoral division.

(2) The poll book shall contain securely fastened thereto the following blank forms:

(a) commission of deputy returning officer;
(b) oath of deputy returning officer;
(c) commission of poll clerk;
(d) oath of poll clerk;
(e) oath of secrecy;
(f) schedule for “Notes of Objections” to ballot papers under section 121;
(g) statement of the poll after counting the ballot papers;
(h) ballot paper account;
(i) oath of deputy returning officer after closing the poll;
(j) oath of poll clerk after closing of poll.

R.S.S. 1930, c.4, s.30; R.S.S. 1940, c.4, s.31.

Transmission to returning officers of copies of this Act

There shall be transmitted to the returning officer along with the writ of election a sufficient number of copies of this Act and of any Acts amending the same to supply him and each deputy returning officer with at least one copy, and every such copy shall contain an alphabetical index.

R.S.S. 1930, c.4, s.31; R.S.S. 1940, c.4, s.32.
RETURNING OFFICERS

Appointment of returning officer

33 A commission shall not be required for the appointment of a returning officer, but the direction of a writ of election to a person named therein as returning officer shall be a sufficient appointment.

R.S.S. 1930, c.4, s.32; R.S.S. 1940, c.4, s.33.

Writs for elections to whom addressed

34 A writ of election shall be addressed to such person, being a resident of the electoral division for which the election is to take place, as the Lieutenant Governor in Council may appoint.

R.S.S. 1930, c.4, s.33; R.S.S. 1940, c.4, s.34.

Refusal or incapacity to act

35 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.

R.S.S. 1930, c.4, s.34; R.S.S. 1940, c.4, s.35.

Where writ directed to person whose appointment is subsequently superseded

36 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 35, 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.

R.S.S. 1930, c.4, s.35; R.S.S. 1940, c.4, s.36

Persons excluded from being returning officers, etc.

37(1) None of the persons hereinafter mentioned shall be appointed or shall act as returning officer, 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 previously in force in this province or in the North-West Territories relating to elections;

(f) persons convicted of an indictable offence.
(2) Any such person who acts as returning officer, deputy returning officer, election clerk or poll clerk shall be guilty of a violation of this Act and shall incur a fine of $200.

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

R.S.S. 1930, c.4, s.36; R.S.S. 1940, c.4, s.37.

Persons not obliged to act

38 None of the persons hereinafter mentioned shall be obliged to act as returning officer, 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 of Saskatchewan.

R.S.S. 1930, c.4, s.37; R.S.S. 1940, c.4, s.38.

Penalty for refusal to act

39 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 38, 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.

R.S.S. 1930, c.4, s.38; R.S.S. 1940, c.4, s.39.

PROCEEDINGS ON RECEIPT OF THE WRIT

Indorsement on writ

40 The returning officer shall forthwith on receiving the writ indorse thereon the date of its receipt and take and subscribe the oath of office (form 7).

R.S.S. 1930. c.4, s.39; R.S.S. 1940, c.4, s.40.

PROCLAMATION OF RETURNING OFFICER

Proclamation by returning officer

41(1) The returning officer, at least eight days before the day fixed in the writ for the nomination of candidates, shall publish by proclamation under his hand in the English language (form 8):

(a) the place and time fixed for the nomination of candidates;
(b) the day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
(c) the numbers, names and fully described boundaries of the polling subdivisions of the electoral division, the places at which the several polls shall be held;
(d) the time when, which shall be the seventh day after the date fixed for the polling, and the place where he will add up the number of votes given to the several candidates.

(2) The proclamation shall be posted up in at least two conspicuous places in each polling subdivision in the electoral division not less than eight days before the nomination day, neither the last day of posting up nor the nomination day being reckoned:

Provided that in a city, town or village the proclamation shall be posted up at the city or town hall or other public place where the meetings of the municipal council are held, at every post office and in at least one other public place in each polling subdivision.

R.S.S. 1930, c.4, s.40; R.S.S. 1940, c.4, s.41.

Place of nomination

42 The place for the nomination of candidates shall be the court house, city or town hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral division, 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.

R.S.S. 1930, c.4, s.41; R.S.S. 1940, c.4, s.42.

Unforeseen delays

43(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 day 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 41.

(3) The polling day shall be the seventh 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 same along with his return to the Clerk of the Executive Council.

R.S.S. 1930, c.4, s.42; R.S.S. 1940, c.4, s.43.

ELECTION CLERKS

Returning officer appoints an election clerk

44(1) Before the nomination day the returning officer shall appoint an election clerk by commission under his hand (form 9).

(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.

R.S.S. 1930, c.4, s.43; R.S.S. 1940, c.4, s.44.

Oath of election clerk

45 The election clerk shall, before entering upon his duties, take and subscribe the oath (form 10).

R.S.S. 1930, c.4, s.44; R.S.S. 1940, c.4, s.45.

Penalty for refusing to act

46 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.

R.S.S. 1930, c.4, s.45; R.S.S. 1940, c.4, s.46.

Appointment and oath on writ

47 The appointment and oath of an election clerk shall be either indorsed on or attached to the writ.

R.S.S. 1930, c.4, s.46; R.S.S. 1940, c.4, s.47.

Duties and liabilities when acting as returning officer

48 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 7).

R.S.S. 1930, c.4, s.47; R.S.S. 1940, c.4, s.48.

BALLOT BOXES

Ballot boxes furnished

49(1) The Clerk of the Executive Council shall transmit to the returning officer a sufficient number of ballot boxes for the purposes of the election.

(2) The returning officer shall at least two days before polling day deliver or cause to be delivered one ballot box to each deputy returning officer appointed for the purposes of the election.

(3) The ballot boxes shall be made of durable material, provided with lock and key and so constructed that a ballot paper can be deposited therein and cannot be withdrawn without unlocking the box.

R.S.S. 1930, c.4, s.48; R.S.S. 1940, c.4, s.49.

Property in ballot boxes, papers, etc., is in His Majesty

50 The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election shall be in His Majesty.

R.S.S. 1930, c.4, s.49; R.S.S. 1940, c.4, s.50.
Duty of deputy returning officer as to ballot box

51 A deputy returning officer who has not been supplied with a ballot box within the time hereinbefore prescribed shall forthwith procure one to be made.

R.S.S. 1930, c.4, s.50; R.S.S. 1940, c.4, s.51.

Return of ballot boxes to Clerk of Executive Council

52 After the election the returning officer shall deliver the ballot boxes to the Clerk of the Executive Council who shall preserve them for use at future elections.

R.S.S. 1930, c.4, s.51; R.S.S. 1940, c.4, s.52.

POLLING PLACES

Polling places in each polling division

53(1) The returning officer on receiving the writ shall fix and provide a polling place for each polling subdivision in the most central or most convenient place for the voters:

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

Provided, further, that, in case local conditions should require a division of the territory included within an established polling subdivision, the returning officer may divide the territory into two or more polling subdivisions; the list of voters for such established polling subdivision shall be divided according to such new subdivisions under the direction of a district court judge who shall certify to such new lists, and such certified lists 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.

R.S.S. 1930, c.4, s.52; R.S.S. 1940, c.4, s.53

Additional polling places where more than prescribed number of voters

54 If the list of voters for a polling subdivision contains over two 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 subdivision and shall so arrange that not more than one hundred and fifty and, when practicable, not fewer than one hundred qualified voters’ names shall be on the list for each polling place.

R.S.S. 1930, c.4, s.53; R.S.S. 1940, c.4, s.54.

Separate lists prepared in such case

55(1) The returning officer in such cases shall prepare or cause to be prepared from the list of voters for the polling subdivision 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 who are to vote in such polling place in the following manner, that is to say: from A to K and from L to R and from S 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 station

(4) The returning officer shall appoint a deputy returning officer for each 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.

Compartment for voters to mark ballots

56 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.

NOMINATION

Procedure by Returning Officer

Time and manner of nomination

57(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 11). A vote given at the election for a person other than a candidate so nominated shall be null and void.

(2) The nomination paper shall state an address within Saskatchewan at which legal process and notices or other documents issued 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.

Nomination papers and deposits

58(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 electoral division when such absence shall be 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 foregoing requirements of this section having been complied with, give his receipt 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 hereinbefore mentioned shall be tendered:
   
   (a) in gold coin; or
   
   (b) in Dominion of Canada notes; or
   
   (c) in the bills of any chartered bank doing business in Canada or a cheque for such amount drawn upon and accepted by such bank; or
   
   (d) partly in one and partly in another or others of the descriptions of money herein mentioned;

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 representatives.

(6) An unsuccessful candidate who has not obtained the number of votes required by subsection (4) shall forfeit his 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 of the province.

R.S.S. 1930, c.4, s.57; R.S.S. 1940, c.4, s.58.

NOMINATION PROCEEDINGS

Procedure

59 Every returning officer shall on the date 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 of the clock noon, read or cause to be read publicly the writ of election and shall forthwith read in an audible voice the nominations which he has received and from time to time until two o’clock of the same day shall read any further nominations received.

R.S.S. 1930, c.4, s.58; R.S.S. 1940, c.4, s.59.

Closing nominations

60 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.

R.S.S. 1930, c.4, s.59; R.S.S. 1940, c.4, s.60.
Procedure when only one candidate nominated

61  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.

R.S.S. 1930, c.4, s.60; R.S.S. 1940, c.4, s.61.

Procedure when more than one candidate nominated

62(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 the day, hour and place at which the ballots will be counted, which day shall be the seventh day after the day fixed for the polling; 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.

Returning officer publishes names and addresses of 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 said date shall publish such names and addresses in a newspaper published within the electoral division or in case no newspaper is published within the division then in the newspaper published nearest thereto.

R.S.S. 1930, c.4, s.61; R.S.S. 1940, c.4, s.62.

Candidate may withdraw his nomination

63(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 12) signed by himself.

(2) Votes cast for a candidate who shall have 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 61:

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 section 57 hereof.

R.S.S. 1930, c.4, s.62; R.S.S. 1940, c.4, s.63.

DEATH OF A CANDIDATE

Procedure

64(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 day 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.

R.S.S. 1930, c.4, s.63; R.S.S. 1940, c.4, s.64.

ELECTION NOTICE

Notice posted

65 If a poll is required, the returning officer shall as soon as possible after the close of the nomination cause to be posted up, at all places where the proclamation (form 8) was posted up, a notice (form 13) of the holding of such poll indicating the names, residences and occupations of the candidates nominated, in the order in which they are to be printed on the ballot papers.

R.S.S. 1930, c.4, s.64; R.S.S. 1940, c.4, s.65.

POLLING—PROCEEDINGS PRELIMINARY TO THE POLL

Deputy Returning Officer

Appointment of deputy returning officers

66(1) The returning officer by a commission under his hand (form 14) shall appoint a deputy returning officer for every polling place.

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

R.S.S. 1930, c.4, s.65; R.S.S. 1940, c.4, s.66.

Oath of office, etc.

67 Every deputy returning officer before acting shall take and subscribe the oath (form 15).

R.S.S. 1930, c.4, s.66; R.S.S. 1940, c.4, s.67.

Penalty for refusing to perform duties of office

68 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 to perform the duties of a deputy returning officer shall incur a fine not exceeding $100.

R.S.S. 1930, c.4, s.67; R.S.S. 1940, c.4, s.68.

Death or absence of deputy returning officer

69 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 hereinafter provided, appoint another deputy returning officer in his stead, whose appointment and oath shall be indorsed upon or attached to the poll book.

R.S.S. 1930, c.4, s.68; R.S.S. 1940, c.4, s.69.
Materials to be furnished to Deputy Returning Officer

Duty of returning officer

70 The returning officer shall deliver or cause to be delivered to each deputy returning officer at least two days before the polling day a blank poll book, forms of oaths to be administered to voters, envelopes and sealing wax and a screen if one is required.

R.S.S. 1930, c.4, s.69; R.S.S. 1940, c.4, s.70.

Ballot Papers

Ballot papers and printing thereof

71(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 17x22-48M)”.

(2) All ballot papers (form 17) shall be of the same description and as nearly alike as possible. The ballot papers shall be printed by the King’s Printer, with the exception of the names, addresses and descriptions of the candidates which shall be printed thereon as mentioned in subsection (7) and for which spaces shall be provided as required by subsection (4).

(3) The ballot papers shall be provided with a counterfoil and a stub, and there shall be line of perforations between the ballot 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 ballot papers shall have spaces at least five-eighths of an inch in depth for the insertion of the names, addresses and descriptions of the candidates as mentioned in subsection (7). There shall be a black line at least one-half 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 be prolonged to the right hand edge of the paper. There shall also be a black line at least one inch wide between the spaces for the names, addresses and descriptions of the candidates and the stub, and extending from the upper to the lower edge of the paper.

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

(6) The Clerk of the Executive Council shall furnish each returning officer with a sufficient supply of ballot papers when the writ for the election is transmitted to him or as soon thereafter as possible.

(7) The returning officer shall cause the names of the candidates, alphabetically arranged in the order of their surnames, along with their addresses and descriptions, to be printed on the ballot papers received by him or on a sufficient number at least equal to the total number of voters in the electoral division.

(8) The name of the printer who so completes the printing of the ballot papers shall be printed thereon, in six point type, underneath the name, address and description of the last named candidate and as near as practicable to the black line underneath that name.
(9) The 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.

(10) 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”.

(11) The printer who so completes the ballot papers shall deliver to the returning officer an affidavit (form 16) along with the ballot papers.

Ballot papers, etc., furnished by returning officer: procedure
72(1) The returning officer shall deliver or cause to be delivered to each deputy returning officer:

(a) a sufficient number of ballot papers to supply the voters on the polling list for his polling place or polling subdivision;

(b) a certificate of the number of ballot papers; and

(c) the necessary materials for voters to mark their ballot papers.

(2) Every ballot paper shall be stamped by the returning officer with a stamp furnished him for that purpose by the Clerk of the Executive Council. The stamp shall be so impressed on the ballot paper that when the latter is folded by a voter the impression can be seen without the ballot paper being opened.

(3) The stamp shall be specially designed and made for the purposes of each election and shall be forwarded by the Clerk of the Executive Council to the returning officer so as to reach him on or about the nomination day.

(4) The stamp shall show the name of the electoral division and the year of the election and the design shall be such that an impression made from it shall be readily recognizable.

Copies of directions to voters furnished to deputy returning officers
73 The returning officer shall deliver or cause to be delivered to each deputy returning officer at least five copies of the printed directions for the guidance of voters in voting (form 18), and the deputy returning officer shall before or at the opening of the poll on the day of polling cause such printed directions to be posted up in conspicuous places outside the polling place and also in each compartment within it.

Poll Clerks
Appointment of poll clerks
74(1) The deputy returning officer shall by a commission under his hand (form 19) appoint a poll clerk to assist him in taking the poll; and the poll clerk before acting shall take and subscribe the oath (form 20).
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.
R.S.S. 1930, c.4, s.73; R.S.S. 1940, c.4, s.74.

Poll clerk aids deputy returning officer
75 The poll clerk shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders.
R.S.S. 1930, c.4, s.74; R.S.S. 1940, c.4, s.75

Acts as deputy returning officer in certain cases
76 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 hereinbefore 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.
R.S.S. 1930, c.4, s.75; R.S.S. 1940, c.4, s.76.

In which case he may appoint another poll clerk
77 Where a poll clerk acts as deputy returning, officer he may appoint by a commission under his hand (form 19) another person as poll clerk to assist him in the performance of the duties of his office and may administer to him the oath. Such commission and the oath shall be indorsed on or attached to the poll book.
R.S.S. 1930, c.4, s.76; R.S.S. 1940, c.4, s.77.

Deputy returning officer may appoint another poll clerk in certain cases
78 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 indorsed on or attached to the poll book.
R.S.S. 1930, c.4, s.77; R.S.S. 1940, c.4, s.78.

Constables

Constable at polling place
79 The deputy returning officer may appoint a constable to preserve order at the polling place.
R.S.S. 1930, c.4, s.78; R.S.S. 1940, c.4, s.79

Where Voters to Vote

Where voters shall vote
80(1) Each voter shall, subject to the provisions of section 103, be entitled to vote at the polling place of the polling subdivision 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 this section shall incur a fine not exceeding $200.

R.S.S. 1930, c.4, s.79; R.S.S. 1940, c.4, s.80.

THE POLL

Hours of voting

81 The poll shall be opened at every polling place at nine o’clock in the forenoon and shall be kept open until five o’clock in the afternoon of the same day and the votes shall be given by ballot.

R.S.S. 1930, c.4, s.80; R.S.S. 1940, c.4, s.81.

Public holiday

82 Every day on which polling takes place shall from and after one o’clock in the afternoon be a public holiday in the electoral division except in the case of those days for which special voting is provided by sections 110 to 118.

R.S.S. 1930, c.4,s.81; R.S.S. 1940, c.4, s.82.

Counting ballots before opening of poll

83(1) The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

(2) During such fifteen 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.

R.S.S. 1930, c.4, s.82; R.S.S. 1940, c.4, s.83.

Deputy shows box empty and locks and seals it

84 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 the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; 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.

R.S.S. 1930, c.4, s.83; R.S.S. 1940, c.4, s.84.

One voter only for each compartment

85 Not more than one voter for each compartment shall at any one time enter the room where the poll is held, and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name.

R.S.S. 1930, c.4, s.84; R.S.S. 1940, c.4, s.85.

Persons on voters’ list allowed to vote on taking oath if required

86(1) Subject to the provisions of section 103, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon.
(2) Every voter if required by a candidate or his agent or by the deputy returning officer so to do, shall before voting take the oath (form 21).

R.S.S. 1930, c.4, s.85; R.S.S. 1940, c.4, s.86.

Administration of oath to deputy returning officer at his polling place

87 If a deputy returning officer votes at a polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter.

R.S.S. 1930, c.4, s.86; R.S.S. 1940, c.4, s.87.

Deputy returning officer must swear voters in certain cases

88(1) If a deputy returning officer has reason to believe that a person offering to vote:

(a) is not a qualified voter; or
(b) has already voted; or
(c) tenders his vote under a false name or designation; or
(d) personates or represents himself falsely as being on the list;

the deputy returning officer shall administer the prescribed oath to the voter whether he has been required to do so or not.

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

R.S.S. 1930, c.4, s.87; R.S.S. 1940, c.4, s.88.

Entries made in poll books as to voters

89 The poll clerk shall enter in the poll book opposite the name of each person voting the word “voted” as soon as the ballot paper has been deposited in the ballot box and shall enter in the same book the word “sworn” or “affirmed” opposite the name of each voter to whom the oath has been administered, and the words “refused to be sworn” or “refused to affirm”, as the case may be, opposite the name of each voter who has refused to take the oath when required so to do.

R.S.S. 1930, c.4, s.88; R.S.S. 1940, c.4, s.89.

Voters refusing to be sworn

90(1) A person who refuses to take the oath when required so to do shall not receive a ballot paper and shall not vote.

(2) A deputy returning officer who furnishes a ballot paper to a person so refusing or receives a ballot paper from him shall incur a fine not exceeding $200 an shall be liable to imprisonment for a term not exceeding six months.

R.S.S. 1930, c.4, s.89; R.S.S. 1940, c.4, s.90.

Deputy puts initials on back of ballot paper and number on counterfoil

91(1) Every person entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed, as indicated in form 17, 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.
(2) The deputy returning officer shall also give the voter a black lead pencil for the purpose of marking his ballot which pencil shall after use be returned by the voter to the deputy returning officer.

R.S.S. 1930, c.4, s.90; R.S.S. 1940, c.4, s.91.

Instructions to voter

92 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 93.

R.S.S. 1930, c.4, s.91; R.S.S. 1940, c.4, s.92.

Voter unable to mark his ballot paper

93(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 22 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 voters representing the candidates in the polling place and of 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 22 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 paper 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 23 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 both the name of the voter and the friend.

1938, c.5, s.3; R.S.S. 1940, c.4, s.93.

Voters who cannot speak English

94(1) Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate the 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.

R.S.S. 1930, c.4, s.93; R.S.S. 1940, c.4, s.94.
Mode of marking, folding and depositing ballot paper

95 Upon receiving from the deputy returning officer the ballot paper prepared as aforesaid, the voter shall forthwith proceed into the room or the compartment provided for the purpose, and shall then and there mark his ballot paper in the manner mentioned in the directions to voters (form 18) by placing a cross on any part of the ballot paper within the division containing the name of the candidate for whom he intends to vote, thus X. He 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 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 verify his own initials and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place.

R.S.S. 1930, c.4, s.94; 1939, c.3, s.3; R.S.S. 1940, c.4, s.95.

Voter leaves as soon as possible

96 The voter shall vote without undue delay, and shall leave the polling place so soon as his ballot paper has been placed in the ballot box.

R.S.S. 1930, c.4, s.95; R.S.S. 1940, c.4, s.96.

Exclusion from balloting compartment

97 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.

R.S.S. 1930, c.4, s.96; R.S.S. 1940, c.4, s.97.

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

98 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, as the case may be. 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.

R.S.S. 1930, c.4, s.97; R.S.S. 1940, c.4, s.98

Voter who alleges he has been personated

99(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.

R.S.S. 1930, c.4, s.98; R.S.S. 1940, c.4, s.99.

Ballot paper accidentally spoilt

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.

R.S.S. 1930, c.4, s.99; R.S.S. 1940, c.4, s.100.

What shall be deemed a tender of a vote and a voting

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.

R.S.S. 1930, c.4, s.100; R.S.S. 1940, c.4, s.101.

Who may be in polling place, etc.

(1) 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 returning 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 voters to represent each candidate on the request of such voters.

(2) An agent bearing a written authorization from the candidate shall always be entitled to represent him in preference to and to the exclusion of any two voters who might otherwise claim the right of representation.

R.S.S. 1930, c.4, s.101; R.S.S. 1940, c.4, s.102.

Voting by deputy returning officers, candidates, etc.

A deputy returning officer, candidate, agent or poll clerk who belongs to a polling subdivision other than the one at which he is employed on the polling day may vote at the polling place where he is so employed upon taking and subscribing the following oath before either the deputy returning officer or poll clerk:

You swear:

1. That you are of the full age of twenty-one years and are a British subject by birth or naturalization, and not a citizen or subject of a foreign country;
2. That you are a qualified voter as provided by The Saskatchewan Election Act, and that you are entitled to vote at the election in this electoral division;

3. That you have not voted before at this election in this in any other electoral division.

(2) Every such deputy returning officer, candidate, agent or poll clerk before being allowed to vote may also be required by a candidate or agent present to take the oath to be administered to voters (form 21) which may be administered by the deputy returning officer or poll clerk.

(3) A deputy returning officer, candidate, agent or poll clerk who votes at an election when he is not qualified so to do as provided by this Act, or who though qualified to vote votes more than once at an election, shall be liable to a fine of not less than $50 nor more than $200.

(4) Not more than two agents for each candidate shall vote in any one poll under the provisions of this section.

R.S.S. 1930, c.4, s.102; R.S.S. 1940, c.4, s.103.

Entries in poll book in certain cases

104 When, under the provisions of section 103, a vote is recorded in a polling subdivision other than that in which a voter resides, there shall be entered in the poll book opposite the voter's name in the column for remarks, a memorandum stating the particular office or position which the voter is filling at the poll and the word "sworn" to indicate that the voter has taken the oath mentioned in section 103.

R.S.S. 1930, c.4, s.103; R.S.S. 1940, c.4, s.104.

Administration of oath to electors

105 A deputy returning officer may, and shall, when required to do so by a candidate or an agent of a candidate, administer to a voter the oath (form 21).

R.S.S. 1930, c.4, s.104; R.S.S. 1940, c.4, s.105.

Oath to voter whose name is not on list

106 A deputy returning officer shall, while the poll is open, if required by a person whose name is not on the voters' list, administer to such person the oath (form 21); and such oath having been taken the deputy returning officer shall at once cause such person's name to be added to the voters' list with the word "sworn" written thereafter.

R.S.S. 1930, c.4, s.105; R.S.S. 1940, c.4, s.106.

Voter refusing to be sworn

107(1) Every person whose name is on the voters' list unless sworn as in section 106 provided shall, before being handed a ballot, if required by a candidate, agent or voter so to do, take the oath (form 21).

(2) If such person refuses to take the said oath, erasing lines shall be drawn through his name on the voters' list and in the poll book, if such name has been entered in the said book, and the words "refused to be sworn" shall be written thereafter.

(3) A person whose name is so erased shall not be permitted to vote.

R.S.S. 1930, c.4, s.106; R.S.S 1940, c.4, s.107.
Correction of the voters' list

108 The poll clerk shall make such additions, alterations and erasures in the voters' list and such entries in the poll book as the deputy returning officer directs him to make as required by any provision in sections 103 to 107.

R.S.S. 1930, c.4, s.107; 1938, c.91, s.5; R.S.S. 1940, c.4, s.108.

Which voters may vote

109 Every voter, whose name is on the voters' list and has not been erased therefrom in accordance with the provisions of sections 103 to 108, shall be entitled to vote.

R.S.S. 1930, c.4, s.108; R.S.S. 1940, c.4, s.109.

SPECIAL POLL FOR ABSENTEES

Application of sections

110 Sections 111 to 118 shall apply only to railway employees, commercial travellers and other persons whose employment or calling is such as to necessitate from time to time their absence from their places of residence, who are qualified electors under this Act in the electoral divisions or portions of electoral divisions mentioned in form 24, and who have reason to believe that they will be absent from their places of residence on the day fixed by the writ for the election.

R.S.S. 1930, c.4, s.109; R.S.S. 1940, c.4, s.110.

Special polling places

111 For the purpose of enabling every such person to vote at any election held in the said electoral divisions the returning officer shall establish a special polling place in the city, town or village mentioned in form 24, as forming the whole or part of such division, which polling place shall be centrally located so as to suit the convenience of the voters.

R.S.S. 1930, c.4, s.110; R.S.S. 1940, c.4, s.111.

Conduct of poll

112 Except as hereinafter provided, the poll to be held at every such polling place shall be conducted in the same manner as is provided by this Act for the conduct of other polls in an election.

R.S.S. 1930, c.4, s.111; R.S.S. 1940, c.4, s.112.

Hours of special poll

113 The poll at each such polling place so established shall be open between the hours of seven and ten o'clock in the afternoon on the three days, exclusive of Sunday, immediately preceding the day of election.

R.S.S. 1930, c.4, s.112; R.S.S. 1940, c.4, s.113.
Declaration by voter

114 (1) Every person applying to vote at such polling place, before being permitted to do so, shall be required by the deputy returning officer in charge of the poll to make and sign the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I, _________________________ of ___________________________ do hereby declare that I am at present employed as (state nature of employment) and that I expect in the course of my employment (or calling) to be absent from the place where I am entitled to vote at this election on election day.

...................................................
Name of Voter.

Dated at _______________________ this _____________ day of ___________ 19____.

Witness: .............................................................
Deputy Returning Officer.

(2) A person signing such declaration, knowing that the statements therein are false shall be liable to a fine of not less than $25 nor more than $100.

R.S.S. 1930, c.4, s.113; R.S.S. 1940, c.4, s.114.

Poll clerk to record that declaration made

115 The poll clerk at each such polling place shall record in the poll book supplied for the recording of all such votes in the column headed “remarks”, after the name of each person who votes, a notation that he has signed the declaration referred to in section 114.

R.S.S. 1930, c.4, s.114; R.S.S. 1940, c.4, s.115.

Oath may be administered

116 The deputy returning officer, every candidate and the agent of every candidate, may require such voter before being handed a ballot to take any other oath which may be required of voters under this Act.

R.S.S. 1930, c.4, s.115; R.S.S. 1940, c.4, s.116.

Sealing ballot box

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

R.S.S. 1930, c.4, s.116; R.S.S. 1940, c.4, s.117.

Counting the votes

118 On the day fixed by the writ for holding the poll for the election, the deputy returning officer, at the same polling place in the presence of the candidates and the agents who are present, shall at the hour of five o’clock in the afternoon open the ballot box, count the votes and take all other proceedings provided by this Act for deputy returning officers in connection with the conduct of an election after the close of the poll.

R.S.S. 1930, c.4, s.117; R.S.S. 1940, c.4, s.118.
PROCEEDINGS AFTER THE CLOSE OF THE POLL

Duties of deputy returning officer after close of poll

119 Immediately after the close of the poll the deputy returning officer shall place all the cancelled and declined ballot papers in separate envelopes and seal them up. He shall then count the number of voters whose names appear by the poll book to have voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus:

“The number of voters who voted at this election in this polling place is (stating the number), and shall sign his name thereto. He shall then, in the presence and in full view of the persons entitled to be present, open the ballot box and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot.

R.S.S. 1930, c.4, s.118; R.S.S. 1940, c.4, s.119.

What votes rejected

120 In counting the votes the deputy returning officer shall reject all ballot papers (herein called “rejected ballot papers”):

(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 however that if an elector, with an honest intention to vote in favour of one of the candidates whose name is upon a ballot paper and without any apparent intention of identification, shall have 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) be used elsewhere on the same ballot.

R.S.S. 1930, c.4, s.119; R.S.S. 1940, c.4, s.120.

Objections noted

121(1) The deputy returning officer shall make a note in the poll book of every objection taken to a ballot paper by a candidate or his agent or a voter present, and shall decide the objection subject to a review on recount.

(2) Each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialed by the deputy returning officer.

R.S.S. 1930, c.4, s.120; R.S.S. 1940, c.4, s.121.

How ballots counted

122(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account kept of the number of ballots cast for each candidate and of the number of rejected ballot papers, and the ballot papers cast for the respective candidates shall be put into separate envelopes.

(2) All rejected and unused ballot papers shall be put into separate envelopes which shall be indorsed so as to indicate their contents and sealed by the deputy returning officer, and any agent present may write his signature across the flap of any of the envelopes and may also affix his seal.

R.S.S. 1930, c.4, s.121; R.S.S. 1940, c.4, s.122.
Statement of result made by deputy returning officer

123 (1) The deputy returning officer shall make out a statement in triplicate (form 25), one part to remain attached to the poll book, another to be retained by him and the third to be enclosed by him in a special envelope supplied for the purpose which he shall seal and deposit in the ballot box.

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

(3) The deputy returning officer shall then deliver to each of the candidates or to their agents, or, in the absence of a candidate and agents, to the voters present representing the candidate, a certificate (form 26) of the number of ballots cast for each candidate and of the number of rejected ballot papers; and he shall also, forthwith after the close of the poll, mail to each candidate by registered post to his address as stated in the ballot paper a like certificate.

R.S.S. 1930, c.4, s.122; R.S.S. 1940, c.4, s.123.

Poll book, envelopes, etc., placed in large envelope in ballot box

124 The poll book, the polling list, the envelopes containing the ballot papers and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed with the seal of the deputy returning officer and of such candidates or agents of candidates as desire to affix their seals and placed in the ballot box.

R.S.S. 1930, c.4, s.123; R.S.S. 1940, c.4, s.124.

The oath of poll clerk

125 The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe the oath (form 27).

R.S.S. 1930, c.4, s.124; R.S.S. 1940, c.4, s.125.

Procedure as to ballot boxes

126 (1) The deputy returning officer shall then immediately lock and seal the box and shall enclose the key in an envelope to be supplied for the purpose. Every candidate or agent of a candidate who desires so to do shall be permitted also to affix his seal to the said box and envelope.

(2) The deputy returning officer shall, either personally or through some person appointed by him, deliver the ballot box and envelope within two days to the returning officer, and there shall be attached to the box a ticket on which shall be written by the deputy returning officer the name of the person by whom the said box and envelope are to be delivered.

(3) The deputy returning officer shall take a receipt from any person to whom he has handed over for delivery the ballot box and key.

(4) Any person appointed by the deputy returning officer to deliver the ballot box and key to the returning officer, and who makes delivery accordingly, shall take before the returning officer the oath (form 28).

(5) Forthwith thereafter the deputy returning officer shall take and subscribe the oath (form 29) and shall personally deliver or transmit it by registered post to the returning officer.

R.S.S. 1930, c.4, s.125; R.S.S. 1940, c.4, s.126.
Duty of returning officer on receipt of boxes
127 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, and immediately after the receipt of the box shall, without effacing or covering the seals affixed thereto, seal it with his own seal in such a way that it cannot be opened without his seal being broken.

R.S.S. 1930, c.4, s.126; R.S.S. 1940, c.4, c.127.

Count by returning officer and declaration of result
128 The returning officer, at the place, day and hour appointed by his proclamation and after having received all the ballot boxes, shall open them and the large envelopes containing the poll books but not any of the other sealed envelopes except the envelope containing the statement of the poll, and shall in the presence of the election clerk and of the candidates or their representatives if present add up the votes given for each candidate from the statements of the poll contained in the ballot boxes and shall forthwith declare to be elected the candidate having the largest number of votes.

R.S.S. 1930, c.4, s.127; R.S.S. 1940, c.4, s.128.

Casting vote
129 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 147 the returning officer shall not vote at an election.

R.S.S. 1930, c.4, s.128; R.S.S. 1940, c.4, s.129.

PROCEEDINGS IN CASE OF LOSS OR INJURY OF POLLING LIST OR OTHER DOCUMENTS

Adjournment of proceedings where ballot box not duly delivered
130 If the ballot boxes are not all returned on the day fixed for adding up the votes, the returning officer shall adjourn the proceedings to a day not more than a week later than the day originally fixed.

R.S.S. 1930, c.4, s.129; R.S.S. 1940, c.4, s.130.

Where default made by deputy returning officer in returning documents
131 If a deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him 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, cannot ascertain the number of votes given for each candidate, he may from time to time adjourn to a future day and hour the adding up of the votes, but such adjournment or adjournments shall not in the aggregate exceed two weeks.

R.S.S. 1930, c.4, s.130; R.S.S. 1940, c.4, s.131.
Disappearance of ballot boxes

132 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, the returning officer shall ascertain the cause and 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 verified by oath.

R.S.S. 1930, c.4, s.132; R.S.S. 1940, c.4, s.132.

Where lists, statements, etc., cannot be found

133 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 candidates 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.

R.S.S. 1930, c.4, s.132; R.S.S. 1940, c.4, s.133.

When deputy returning officer has neglected to deliver statement of result

134 In case of an adjournment by reason of a deputy returning officer not having placed in the ballot box a statement of the ballot papers, counted by him, 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 the next preceding section.

R.S.S. 1930, c.4, s.133; R.S.S. 1940, c.4, s.134.

Special report by returning officer

135 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.

R.S.S. 1930, c.4, s.134; R.S.S. 1940, c.4, s.135.
RECOUNT OR FINAL ADDITION BY JUDGE

Where recount may be had/Deposite of applicant

136 If within eight days after the day on which the returning officer has made 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) a deputy returning officer in counting the votes has improperly counted any ballot paper, or improperly rejected any ballot paper, or made an incorrect statement of the number of ballots cast for a candidate; or

(b) the returning officer has improperly added up the votes;

and if the applicant deposits within the said time with the clerk of the court the sum of $100 in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs in connection with the recount or final addition of the candidate appearing by the addition to be elected, the judge may appoint a time and place to recount or finally add up the votes cast at the election.

R.S.S. 1930, c.4, s.135; R.S.S. 1940, c.4, s.136.

Notice of time and place of recount

137 At least four days’ notice in writing of the time and place appointed shall be given to the candidates, the returning officer and the election clerk, and the judge may at the time of the application or afterwards direct that service of the notice upon the returning officer and election clerk may be substitutional and may be made in such manner as he thinks fit.

R.S.S. 1930, c.4, s.136; R.S.S. 1940, c.4, s.137.

Returning officer not to make return till receipt of certificate from judge

138 Upon receiving such notice a returning officer shall delay making his return to the Clerk of the Executive Council until he receives a certificate from the judge of the result of the recount or final addition, and upon receipt of the certificate shall proceed to make his return.

R.S.S. 1930, c.4, s.137; R.S.S. 1940, c.4, s.138.

Presence of clerk of court

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

R.S.S. 1930, c.4, s.138; R.S.S. 1940, c.4, s.139.

Other officers to be present with documents

140(1) The returning officer and his election clerk shall attend at the time and place appointed with the envelopes containing the ballot papers or the original statements of the poll, as the case may be.

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

R.S.S. 1930, c.4, s.139; R.S.S. 1940, c.4, s.140.
Who present at recount
141(1) The returning officer and the election clerk shall be present at the recount or final addition and each candidate shall be entitled to be represented by not more than three agents and may himself be present.

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

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

R.S.S. 1930, c.4, s.140; R.S.S. 1940, c.4, s.141.

Procedure by judge
142 At the time and place appointed and in the presence of the said persons, the judge shall make the final addition from the statements contained in the ballot boxes returned by the deputy returning officers or shall recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall in the case of a recount open all the sealed envelopes containing:

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

R.S.S. 1930, c.4, s.141; R.S.S. 1940, c.4, s.142.

Recount proceeded with continuously
143(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.

R.S.S. 1930, c.4, s.142; R.S.S. 1930, c.4, s.143.

Rules to govern judge in proceedings
144 The judge shall in the case of a recount proceed according to the rules for counting ballot papers at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll (form 25).

R.S.S. 1930, c.4, s.143; R.S.S. 1940, c.4, s.144.

Sealing up ballots at close of recount
145(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 a final addition he shall seal up the original statements in their respective envelopes.

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

R.S.S. 1930, c.4, s.144; R.S.S. 1940, c.4, s.145.
Reviewing decision of returning officer when ballot box or documents missing

146(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.

R.S.S. 1930, c.4, s.145; R.S.S. 1940, c.4, s.146.

When judge sends in certificate

147(1) The judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition, in order to allow of 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 final 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.

R.S.S. 1930, c.4, s.146; R.S.S. 1940, c.4, s.147.

Costs

148(1) The costs of the recount or final 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.

(2) 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.

R.S.S. 1930, c.4, s.147; R.S.S. 1940, c.4, s.148.

Deposit, disposal of

149 Costs directed to be paid by the applicant shall be paid to the party entitled thereto from the moneys deposited as security for costs. If the deposit is insufficient execution may issue out of the district court upon the judge's order for the balance.

R.S.S. 1930, c.4, s.148; R.S.S. 1940, c.4, s.149.

Appeal from Decision on Recount or Final Addition

Appeal from decision of judge on recount

150(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 final 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 King’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 King’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 King’s Bench shall recount the ballot papers or such of them as are the subject of appeal, or shall review the final addition, as the case may be, 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 King’s Bench may direct by and to whom the costs of the appeal shall be paid.

R.S.S. 1930, c.4, s.149; R.S.S. 1940, c.4, s.150.

ELECTION RETURN

When return made

151(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 final addition, immediately after the receipt of the certificate of the result, transmit a return (form 30) 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.

R.S.S. 1930, c.4, s.150; R.S.S. 1940, c.4, s.151.

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

152(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 stamp furnished him for stamping the ballot papers;
(c) all the envelopes containing ballot papers in his possession;
(d) declarations of inability to read or to mark;
(e) poll books; and
(f) all other documents sent to him by the deputy returning officers.
(2) The returning officer shall indorse 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 electoral division for which the election was held; and shall affix to the outside of the package a label showing distinctly the electoral division 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 31) 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.

R.S.S. 1930, c.4, s.151; R.S.S. 1940, c.4, s.152.

FAILURE TO MAKE RETURN

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

153(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 King’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 King’s Bench Act and the rules made thereunder shall apply to the application.

(4) Nothing in this section contained shall affect or impair any other right or remedy of the person aggrieved.

R.S.S. 1930, c.4, s.152; R.S.S. 1940, c.4, s.153.

PUBLICATION OF RETURN

Notice in Gazette

154 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.

R.S.S. 1930, c.4, s.153; R.S.S. 1940, c.4, s.154.
CUSTODY OF ELECTION PAPERS

How long retained and when destroyed

155(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 152 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) The Clerk of the Executive Council shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to the bye-elections are kept.

(3) 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”.

R.S.S. 1930, c.4, s.154; R.S.S. 1940, c.4, s.155.

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

Inspection of documents other than ballot papers

156(1) All documents other than ballot papers, forwarded by a returning officer pursuant to this Act to the 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.

R.S.S. 1930, c.4, s.155; R.S.S. 1940, c.4, s.156.

Inspection of ballot papers

157(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 King’s 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 King’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.

R.S.S. 1930, c.4, s.156; R.S.S. 1940, c.4, s.157.
Evidence as to documents, ballot papers, etc.

158 Where an order is made by a judge of the Court of King’s Bench for the production by the Clerk of the 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 indorsement appearing on an envelope containing ballot papers so produced shall be evidence that the contents are what they are stated to be by the indorsement.

R.S.S. 1930, c.4, s.157; R.S.S. 1940, c.4, s.158.

PRESERVATION OF THE PEACE

Returning officers conservators of the peace

159 Returning officers and deputy returning officers, 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.

R.S.S. 1930, c.4, s.158; R.S.S. 1940, c.4, s.159.

Constables and justices of the peace

160 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.

R.S.S. 1930, c.4, s.159; R.S.S. 1940, c.4, s.160.

Special constables sworn in in certain cases

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

R.S.S. 1930, c.4, s.160; R.S.S. 1940, c.4, s.161.

Arrest and imprisonment on verbal order

162 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.

R.S.S. 1930, c.4, s.161; R.S.S. 1940, c.4, s.162.

Delivery up of weapons on nominations and polling days

163 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.

R.S.S. 1930, c.4, s.162; R.S.S 1940, c.4, s.163.
Armed persons not to come within one mile of nomination or polling place

164 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 so to do by lawful authority.

R.S.S. 1930, c.4, s.163; R.S.S. 1940, c.4, s.164.

SECRECY OF PROCEEDINGS

Maintaining secrecy of proceedings

165 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.

R.S.S. 1930, c.4, s.164; R.S.S. 1940, c.4, s.165.

Interference with voters

166(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.

R.S.S. 1930, c.4, s.165; R.S.S. 1940, c.4, s.166.

Inducing voter to display ballot after marking

167 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.

R.S.S. 1930, c.4, s.166; R.S.S. 1940, c.4, s.167.

Voter not to display marked ballot

168 Subject to the provisions of section 93, a voter shall not show his ballot paper, when marked, to any person so as allow the name of the candidate for whom he voted to be known.

R.S.S. 1930, c.4, s.167; R.S.S. 1940, c.4, s.168.

Oath of secrecy

169 Every returning officer and every officer, 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 32).

R.S.S. 1930, c.4, s.168; R.S.S. 1940, c.4, s.169.

Proceedings where officers aware of violation of secrecy

170(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.

R.S.S. 1930, c.4. s.169; R.S.S. 1940, c.4, s.170.

No one compellable to disclose his vote

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

R.S.S. 1930, c.4, s.170; R.S.S. 1940, c.4, s.171

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS

Bribery, who guilty of/Penalty

172(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 gift or offer 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 for the promise of 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;

shall be 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.

R.S.S. 1930, c.4, s.171; 1940, c.4, s.172
Furnishing entertainment

173(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 the provisions of this section shall be guilty of a corrupt practice and shall incur a fine not exceeding $100.

R.S.S. 1930, c.4, s.172; R.S.S. 1940, c.4, s.173.

Certain contributions forbidden

174(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 after his nomination or selection as aforesaid, and before the holding of the poll, if any, at the election, 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 this section shall be deemed to be a corrupt practice within the meaning of this Act and of The Controverted Elections Act.

R.S.S. 1930, c.4, s.173; R.S.S. 1940, c.4, s.174.

Treating

175(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, shall be 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.

R.S.S. 1930, c.4, s.173; R.S.S. 1940, c.4, s.174.

Wagering or betting

176(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 electoral division or in any part thereof, or on any event or contingency relating to the election, shall be 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 electoral division or in any part thereof, or on any event or contingency relating to the election, shall be 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 electoral division or in any part thereof or on any event or contingency relating thereto, shall be guilty of a corrupt practice.

R.S.S. 1930, c.4, s.175; R.S.S. 1940, c.4, s.176.

Conveying voters to poll

177(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, shall be 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 shall not apply to the carrying of voters to the poll in the conveyance mentioned in clause (e) of subsection (2) of section 213.

(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, shall be 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) “Conveyance” for the purpose of this section shall include a horse, team, carriage, cab, vehicle, boat or vessel.

R.S.S. 1930, c.4, s.176; R.S.S. 1940, c.4, c.177.

Providing refreshments on nomination day or polling day

178 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 shall be a corrupt practice and the person so offending shall incur a fine of $10.

R.S.S. 1930, c.4, s.177; R.S.S. 1940, c.4, s.178.
Undue influence

179(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 practises 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, shall be guilty of a corrupt practice and shall be 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.

R.S.S. 1930, c.4, s.178; R.S.S. 1940, c.4, s.179.

Personation

180(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;

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

R.S.S. 1930, c.4, s.179; R.S.S. 1940, c.4, s.180.

Procuring appointment as deputy returning officer or poll clerk by fraud

181 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;

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

R.S.S. 1930, c.4, s.180; R.S.S. 1940, c.4, s.181.

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

182 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 shall be guilty of a corrupt practice and shall incur a fine of $400.

R.S.S. 1930, c.4, s.181; R.S.S. 1940, c.4, s.182.
Voting by persons not entitled to vote

183 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, shall be guilty of a corrupt practice and shall incur a fine of not less than $50 nor more than $200.

R.S.S. 1930, c.4, s.182; R.S.S. 1940, c.4, s.183.

Publishing false statement of withdrawal of candidate

184 A person who before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or securing the election of another candidate, shall be guilty of a corrupt practice and shall incur a fine of not less than $50 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.

R.S.S. 1930, c.4, s.183; R.S.S. 1940, c.4, s.184.

False statement as to character or conduct of candidate

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

R.S.S. 1930, c.4, s.184; R.S.S. 1940, c.4, s.185.

CONSEQUENCES OF CORRUPT PRACTICES

Candidate guilty of corrupt practice

186 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 shall, except in the case mentioned in section 187, be void.

R.S.S. 1930, c.4, s.185; R.S.S. 1940, c.4, s.186.

When candidate not personally guilty and offence unimportant

187 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 such 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.

R.S.S. 1930, c.4, s.186; R.S.S. 1940, c.4, s.187.
ELECTIONS

188(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 187.

189(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.

Where second election held as result of protest

190 If an election is set aside and a second election held, 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 as by law to involve the penalties and disabilities mentioned in section 187.

R.S.S. 1930, c.4, s.188; R.S.S. 1940, c.4, s.189.

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

191 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 an act constituting in law a corrupt practice, the election of such candidate shall be void.

R.S.S. 1930, c.4, s.188; R.S.S. 1940, c.4, s.190.
Removal of disqualification on proof that it was procured by perjury

192 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.

R.S.S. 1930, c.4, s.191; R.S.S. 1940, c.4, s.192.

Executory contracts arising out of elections void

193 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, shall be void.

R.S.S. 1930, c.4, s.192; R.S.S. 1940, c.4, s.193.

No penalty where party charged has prosecuted a party jointly liable

194 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.

R.S.S. 1930, c.4, s.193; R.S.S. 1940, c.4, s.194.

OFFENCES AND PENALTIES

Returning officers, etc., wilfully falsifying or altering list of voters

195 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 pool book who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book, shall be guilty of a corrupt practice and shall incur a fine of $2,000 and shall also on conviction be imprisoned for one year.

R.S.S. 1930, c.4, s.194; R.S.S. 1940, c.4, s.195

Offences relating to ballot papers

196 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 any 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 stamp for any purpose other than the stamping of ballot papers or not being a returning officer fraudulently has in his possession any such stamp 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 shall be 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, with or without hard labour, and in the case of any other person to imprisonment for a term not less than three months nor more than one year, with or without hard labour.

R.S.S. 1930, c.4, s.195; 1938, c.5, s.4; R.S.S. 1940, c.4, s.196.

Persons unlawfully destroying documents

197 (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) shall be guilty of a corrupt practice and shall incur a fine of $2,000 and shall also on conviction he imprisoned for one year.

R.S.S. 1930, c.4, s.196; R.S.S. 1940, c.4, s.197.
Persons covering up, taking down notices

198(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, shall be 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, with or without hard labour. If the person so offending is a registrar, deputy registrar, returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged under the provisions of this Act, he shall be 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, with or without hard labour.

(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.

R.S.S. 1930, c.4, s.197; R.S.S. 1940, c.4, s.198.

Officers neglecting duties

199(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 119 to 126 shall for each refusal or neglect incur a fine not exceeding $200.

R.S.S. 1930, c.4, s.198; R.S.S. 1940, c.4, s.199.

Wilful misconduct in counting ballots, etc.

200 A deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a fine of $200 and one month’s imprisonment.

R.S.S. 1930, c.4, s.199; R.S.S. 1940, c.4, s.200.

Refusing to give up arms

201 A person who upon demand refuses to deliver up to a returning officer or deputy returning officer any weapon as provided in section 163 shall incur a fine of $20.

R.S.S. 1930, c.4, s.200; R.S.S. 1940, c.4, s.201.

Carrying arms

202 A person offending against any of the provisions of section 164 shall incur a fine of $100.

R.S.S. 1930, c.4, s.201; R.S.S. 1940, c.4, s.202.

Violating secrecy

203 A person who acts in contravention of section 165, 166, 167 or 168 shall be liable to imprisonment for a term not exceeding six months.

R.S.S. 1930, c.4, s.202; R.S.S. 1940, c.4, s.203.
Offending officers liable to persons aggrieved

204 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.

R.S.S. 1930, c.4, s.203; R.S.S. 1940, c.4, s.204.

Printed documents to bear name of printer

205 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 or of its printer and 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, shall be guilty of an offence and liable to a fine of not less than $25 nor more than $200.

R.S.S. 1930, c.4, s.204; R.S.S. 1940, c.4, s.205.

PROSECUTIONS

Proceedings for enforcement of Act

206 (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 Part XV of the Criminal Code.

Provided that proceedings in respect of violations of section 196 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 shall lie from a conviction or order made by a district court judge under the provisions of this section.

R.S.S. 1930, c.4, s.205; R.S.S. 1940, c.4, s.206.

Writ need not be produced at trial

207 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.

R.S.S. 1930, c.4, s.206; R.S.S. 1940, c.4, s.207.

Certificate of returning officer sufficient proof of election

208 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 parol evidence.

R.S.S. 1930, c.4, s.207; R.S.S. 1940, c.4, s.208.

Pecuniary penalty belongs to consolidated fund

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

R.S.S. 1930, c.4, s.208; R.S.S. 1940, c.4, s.209.
Court may allow person to intervene  
 210 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.

R.S.S. 1930, c.4, s.209; R.S.S. 1940, c.4, s.210.

Limitation of proceedings  
211 Proceedings under sections 206, 207, 208, 209 and 210 shall be commenced within six months next after the violation of this Act was committed, whether by act or omission, and not afterwards.

R.S.S. 1930, c.4, s.210; R.S.S. 1940, c.4, s.211.

ELECTION EXPENSES

Appointment of official agent  
212(1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before the nomination day.

(2) In the event of the death or 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.

R.S.S. 1930, c.4, s.211; R.S.S. 1940, c.4, s.212.

Payment of personal expenses of candidate  
213(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, on account of the election, otherwise than through his official agent.

(2) “Personal expenses” shall include 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 electoral division, 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 177;

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

R.S.S. 1930, c.4, s.212; R.S.S. 1940, c.4, s.213.

Claims on candidate in respect of any election

214(1) A person who has 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.

R.S.S. 1930, c.4, s.213; R.S.S. 1940, c.4, s.214.

Payment of lawful accounts rendered after one month from election

215 Notwithstanding anything in section 214 contained, a claim which would have been payable if sent in within one month of the day of the declaration may if approved by the judge be paid by the candidate through his official agent after that time. All claims allowed by the judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published.

R.S.S. 1930, c.4, s.214; R.S.S. 1940, c.4, s.215.
Publication and inspection of election expenses

216(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 by 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 delivered with the bills and vouchers relating thereto to the returning officer.

(2) Within fourteen days after receiving the statement, the returning officer shall publish at the expense of the candidate an abstract thereof in a newspaper published or circulating in the electoral division, and shall mail a copy of the said statement 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 exceeding $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.

R.S.S. 1930, c.4, s.215; R.S.S. 1940, c.4, s.216.

FEES AND EXPENSES

Compensation and expenses to be fixed by Lieutenant Governor in Council

217 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.

R.S.S. 1930, c.4, s.216; R.S.S. 1940, c.4, s.217.

Payments of accounts

218 All accounts for compensation for services and expenses payable under the provisions of section 217 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.

R.S.S. 1930, c.4, s.217; R.S.S. 1940, c.4, s.218.
SCHEDULE

FORM 1

(Section 17 (2))

APPOINTMENT OF ENUMERATOR BY RETURNING OFFICER

I hereby appoint ___________________________ of _________________________ P.O.,
to act as enumerator for the following polling subdivisions:

for the election to be held in the electoral division of _________________________ on
(date of election).

Dated at _____________________ this _____ day of _______________, 19_____.

.................................
Returning Officer.

FORM 2

(Section 18)

OATH OF ENUMERATOR

I, the undersigned, I.J., appointed enumerator for Polling Subdivision No. _____ (or
as the case may be) of the Electoral Division of _________________________ in the
Province of Saskatchewan, do solemnly swear (or being one of the persons permitted
by law to affirm in civil cases, solemnly affirm) that I will act faithfully in the capacity
of enumerator without partiality, fear, favour or affection. So help me God.

I. J.,
Enumerator.

FORM 3

(Section 19 and 22)

LIST OF VOTERS

Electoral Division of _________________________
Polling Subdivision No. _________________________
(or as the case may be.)

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Occupation or addition</th>
<th>Residence</th>
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<tbody>
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</table>
I certify that the foregoing is a true copy of the voters’ list in Polling Subdivision No. _____ (or as the case may be) of the Electoral Division of ____________ as prepared by me for use in the election now pending of a member (or members, as the case may be), of the Legislative Assembly of Saskatchewan for the said electoral division.

I. J.,
Enumerator.

(Here the enumerator shall make any addition to the list which he finds necessary.)

I certify that the foregoing is a corrected list of the voters in Polling Subdivision No. _____ (or as the case may be) of the Electoral Division of ____________ as revised (or, if no correction is made, as finally approved) by me this _____ day of ____________ 19 ____. 

I. J.,
Enumerator.

FORM 4
(Section 28)
WRIT OF ELECTION

Canada:
Province of Saskatchewan.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas, King. Defender of the Faith, Emperor of India.

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 bye 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 Electoral Division of ____________ (in case of a bye 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.
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 the year of our Lord 19_____.

By order,

.................................................................................................

Clerk of the Executive Council.

Indorsement.

Received the within writ on ___________________________ being the _______ day of ________________, 19_____.

A. B.,

Returning Officer.

____________________

FORM 5

(Section 29)

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 a 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, with or without hard labour; 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, with or without hard labour.

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.
### FORM 6

*(Section 31)*

**Poll Book**

<table>
<thead>
<tr>
<th>Consecutive Number</th>
<th>Names of Voters</th>
<th>Place of Residence</th>
<th>Occupation</th>
<th>Objection</th>
<th>Sworn or Affirmed</th>
<th>Refused to Swear or Affirm or to Answer</th>
<th>Voted</th>
<th>To Indicate that Voter has Voted</th>
<th>Remarks</th>
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### FORM 7

*(Section 40 and 48)*

**Oath of Returning Officer**

I, A. B., Returning Officer for the Electoral Division of ____________, swear (or solemnly affirm) that I am legally qualified to act as returning officer for the said electoral division, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me

at the _____ of _____ in the Province

of Saskatchewan this _________

day of _________, 19____.

A. B.,

Returning Officer.

A Commissioner, etc.

(or as the case may be).
ELECTIONS

c. 4

FORM 8

(Section 41 and 65)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND PLACE FOR THE NOMINATION OF CANDIDATES AND THE DAY FOR OPENING THE POLL

PROCLAMATION

Electoral Division of ________________________________

Public notice is hereby given that in obedience to His Majesty’s writ to me directed and bearing 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 electoral division of ___________ on the ___ day of _____________ 19___, from noon until two o’clock in the afternoon, for the purpose of nominating 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 nine o’clock in the forenoon until five o’clock in the afternoon as follows:

For the Polling Subdivision 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 subdivisions and polling places in the electoral division).

And further that at (describe place where votes will be added up) on the ___ day of _____________ at the hour of ___, I shall open the ballot boxes, add up the votes given for the several candidates and declare to be elected the one (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.

God Save the King.

Given under my hand at ____________, this ___ day of ____________, in the year 19__.

A. B.,

Returning Officer.
FORM 9

(Section 44)

Commission of Election Clerk

To E. F. (set forth his residence and occupation).

In my capacity of returning officer for the Electoral Division of ____________ I hereby appoint you to be my election clerk to act in that capacity at the approaching election for the said electoral division, 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 10

(Section 45)

Oath of Election Clerk

I, E. F., appointed election clerk for the Electoral Division 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 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 11  
(Section 57)  
NOMINATION PAPER  

We, the undersigned voters of the Electoral Division of _______________________ hereby 
nominate (name, residence and occupation of the person nominated and present location 
if absent from the electoral division) as a candidate at the election now about to be 
held of a member to represent the said electoral division in the Legislative Assembly 
of Saskatchewan. (If the person nominated is absent from the electoral division 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 57 of The Saskatchewan Election 
Act).  

Signed in the presence of __________________________________________  

Signature of witness to candidate’s 
Signature E.F. } .................................................................  

Signature of Candidate.  

FORM 12  
(Section 63)  
WITHDRAWAL OF CANDIDATE  

Electoral Division of _____________________________________________  

I, _________________, a candidate nominated for the above electoral division hereby 
withdraw.  

Dated at _______________ this _____ day of ______________, 19_____.  

.................................................................  

Signature of Candidate.  

FORM 13

(Section 65)

Election Notice

Notice of Poll Being Granted and of Candidates Nominated

Electoral Division of ______________________________, to wit:

Public notice is hereby given to the voters of the electoral division aforesaid that a poll has been demanded at the election now pending for the said electoral division 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 place of residence and occupation);
2. Mary Roe (here insert place of residence and occupation);
3. Geoffrey Stiles (here insert 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 ________________ this _____ day of _________________, in the year 19____.

A. B.,
Returning Officer.

FORM 14

(Section 66)

Commission of Deputy Returning Officer

To G. H., (insert his residence and occupation)

In my capacity of returning officer for the Electoral Division of ______________________________ I hereby appoint you to be deputy returning officer for Polling Place No. _____ of Polling Subdivision No. _____ (or as the case may be) in the said electoral division, 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 nine 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 places 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 15

(Section 67)

OATH OF DEPUTY RETURNING OFFICER

I, G. H., appointed deputy returning officer for Polling Place No. _____ of the ____________ (or as the case may be) of _______________ 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 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 16

(Section 71 (11))

AFFIDAVIT OF PRINTER

Electoral Division of ______________________________________________

I, _____________________________________________________________ , swear (or solemnly affirm):

1. That by direction of the returning officer for the above named electoral division 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 total number) ballot papers;

4. That I spoiled (insert total number) ballot papers numbered (insert numbers in consecutive order) and bound (or stitched) them in their proper places and notified the returning officer acordingly;

or

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 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 17

(Section 71 (2) and 91)

FORM OF BALLOT PAPER

Front

The black margin to the left is the counterfoil and the space to the left of the counterfoil is the stub.

1

BROWN, WM. R.

of Township _________ Range _____ West of ________ Meridian, Farmer.

2

HAMON, JANE

of the City of Regina, Spinster.

3

O’NEIL, JOSEPH

of the City of Regina, Gentleman.

4

SMITH, ALICE

of the City of Regina, Married Woman.

FORM OF BALLOT PAPER

Back

D.R.O. No.

No. 325 Poll Book

No. 325

R.O. Stamp
A voter is to vote for only one candidate unless more members than one are to be elected for the electoral division, in which case the voter must vote for as many candidates as are to be elected.

The voter shall go into one of the compartments and with the black lead pencil provided place a cross within the white space containing the name of the candidate or within the white 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 stamp 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 paper in the ballot box; the voter shall then forthwith leave the polling place.

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 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.
<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>BROWN, WM. R.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>of Township ___________ Range _____ West of ________ Meridian, Farmer.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>HAMON, JANE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of the City of Regina, Spinster.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>O'NEIL, JOSEPH</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of the City of Regina, Gentleman.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>SMITH, ALICE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of the City of Regina, Married Woman.</td>
</tr>
</tbody>
</table>

---

FORM 19

(Sections 74(1) and 77)

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 Subdivision No. ____ (or as the case may be) in the Electoral Division 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 20

(Section 74 (1))

OATH OF POLL CLERK

I, I. J., appointed poll clerk for Polling Place No. _____ of the Polling Subdivision No. _____ (or as the case may be) in the Electoral Division 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 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 21

(Sections 86, 103, 105, 106 and 107)

OATH OF VOTER

1. You do swear (a) that you are a British subject, that you are not an Indian or a person of the Chinese race, that you are of the full age of twenty-one years, and that you have resided in the Province of Saskatchewan for at least one year, and in this electoral division for at least three months, immediately preceding the _____ day of (here insert the date of the issue of the writ of election).

In case the voter has not been a resident of such electoral district for three months immediately prior to said date, as provided by subsection (2) of section 13 of The Saskatchewan Election Act, substitute the following:

That you were during three months of the year referred to in the next preceding paragraph in good faith a resident of and had your fixed habitation in the electoral division of (here insert the name of the electoral division within which the applicant seeks to vote);

2. That you are entitled to vote at this election at this polling place;

3. That you have not voted before at this election at this or any other polling place;

4. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election;

Or, at the option of the voter, in lieu of paragraph 4.
5. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire or conveyance or any service whatever connected with this election, except what has been bona fide earned by you and may be lawfully paid to you under The Saskatchewan Election Act by or through the returning officer or deputy returning officer or other proper public officer out of public moneys without committing a corrupt practice, and except what has been bona fide earned by you and has been or may be lawfully paid to and received by you or on behalf of the candidate or otherwise under The Saskatchewan Election Act and notwithstanding the receipt or expectation of which you are entitled by law to vote;

6. And that you have not, directly or indirectly, paid or promised anything to any person to induce him or her to vote or to refrain from voting at this election. So help you God.

Note—(a) If a voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm”.

FORM 22
(Section 93 (1) and (2))

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 23
(Section 93 (3))

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 22 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.
Electoral Divisions and Portions of Electoral Divisions Referred To

The electoral division of Regina City.
The electoral division of Saskatoon City.
The electoral division of Moose Jaw City.
The city of Prince Albert, in the electoral division of Prince Albert.
The city of Weyburn, in the electoral division of Weyburn.
The city of Swift Current, in the electoral division of Swift Current.
The city of North Battleford, in the electoral division of The Battlefords.
The city of Yorkton, in the electoral division of Yorkton.
The town of Melville, in the electoral division of Melville.
The town of Broadview, in the electoral division of Moosomin.
The town of Estevan, in the electoral division of Souris-Estevan.
The town of Kamsack, in the electoral division of Pelly.
The town of Canora, in the electoral division of Canora.
The town of Humboldt, in the electoral division of Humboldt.
The town of Sutherland, in the electoral division of Hanley.
The town of Assiniboia, in the electoral division of Bengough.
The town of Shaunavon, in the electoral division of Gull Lake.
The town of Wilkie, in the electoral division of Wilkie.
The town of Watrous, in the electoral division of Watrous.
The town of Arcola, in the electoral division of Cannington.
The town of Bredenbury, in the electoral division of Saltcoats.
The town of Biggar, in the electoral division of Biggar.
The town of Kindersley, in the electoral division of Kerrobert-Kindersley.
The town of Wolsely, in the electoral division of Qu’Appelle-Wolseley.
The town of Wynyard, in the electoral division of Wadena.
The town of Macklin, in the electoral division of Wilkie.
The town of Strasbourg, in the electoral division of Last Mountain.
The town of Outlook, in the electoral division of Rosetown.
The town of Kerrobert, in the electoral division of Kerrobert-Kindersley.
The town of Radville, in the electoral division of Weyburn.
The village of Neudorf, in the electoral division of Melville.
The village of Kipling, in the electoral division of Cannington.
The village of Avonlea, in the electoral division of Milestone.
The village of Hudson Bay Junction, in the electoral division of Tisdale.

---

**FORM 25**

*(Sections 123 (1) and 144)*

**STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS**

<table>
<thead>
<tr>
<th>Polling Place</th>
<th>Polling Subdivision No.</th>
<th>Electoral Division of</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Number of ballot papers received from the returning officer .................................................................
Number of ballots cast for .................................................................
Number of ballots cast for .................................................................
Number of ballots cast for .................................................................
Number of ballots cast for .................................................................
Number of ballots cast for .................................................................
Number of ballots cast for .................................................................
Number of ballots cast for .................................................................
Number of ballot papers declined .................................................................
Number of ballot papers taken from Polling place .................................................................
Number of ballot papers cancelled .................................................................
Number of ballots rejected .................................................................
Number of ballot papers not used and returned .................................................................
Totals ................................................................

We hereby certify that the above statement is correct.
Dated at ____________________, 19_____.

G. H.,
Deputy Returning Officer.

..................................................
Poll Clerk.

*(Candidates or agents may also sign.)*
FORM 26

(Section 123 (3))

CERTIFICATE TO BE DELIVERED TO CANDIDATES, ETC.

I, the undersigned, deputy returning officer for Polling Place No. _____ in Polling Subdivision No. _____ of _______________ in the Electoral Division of ______________ , do hereby certify that, at the election held this day, for a member to serve in the Legislative Assembly of Saskatchewan the hereinafter mentioned candidates received the number of ballots set opposite their respective names, viz.:

<table>
<thead>
<tr>
<th>NAMES OF CANDIDATES</th>
<th>NUMBER OF BALLOTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
and also that ____ ballot papers were rejected.

Dated at ________________ this _____ day of __________________ 19 ____.

G. H.,
Deputy Returning Officer.

FORM 27

(Section 125)

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL

I, _______________, poll clerk for Polling Place No. _____ in Polling Subdivision No. _____ of the Electoral Division 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 affirmed) before me
at __________ in the Province
of Saskatchewan this ____________
day of ___________, 19____.

I. J.,
Poll Clerk.

..............................
A Commissioner, etc.
(or as the case may be).
FORM 28

(Section 126 (4))

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER

I, ___________________, swear (or affirm) that I am the person whom ________________ deputy returning officer for Polling Place No. _____ of the ________ of ________ in the Electoral Division 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 affirmed) before me
at _____ in the Province
of Saskatchewan this ____________
day of ________________, 19______.

FORM 29

(Section 126 (5))

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL

I, ________________, deputy returning officer for Polling Place No. _____, in Polling Subdivision No. ______, of the Electoral Division 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 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 sealed by me in accordance with the provisions of The Saskatchewan Election Act and remained so locked and sealed while in my possession.

Sworn (or affirmed) before me
at _____ in the Province
of Saskatchewan this ____________
day of ________________, 19______.

....................................................

A Commissioner, etc.
(or as the case may be).
FORM 30
(Section 151 (1))

STATEMENT BY RETURNING OFFICER respecting Votes Polled and Ballot Papers used at the Polling Places of the Electoral Division of ______________ at the Election held on the ____ day ______________ , 19 ____ .

<table>
<thead>
<tr>
<th>Numbers and names of Polling Places</th>
<th>Names of candidates and number of votes polled for each</th>
<th>Voters at each polling place</th>
<th>Ballot papers sent out, and how disposed of in each polling place</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number of votes remaining unpolled</td>
<td>Total Number of votes polled</td>
<td>Number of names on the polling list</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
FOR HISTORICAL REFERENCE ONLY

FORM 31

(Section 152 (4))

AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING HIS RETURN TO THE CLERK OF THE EXECUTIVE COUNCIL

I, __________________, returning officer for the Electoral Division of __________ swear (or affirm):

1. That of the packets received by me as returning officer from the deputy returning officers in respect of the recent election for the said electoral division I have not opened or permitted to be opened any of the envelopes containing the ballot papers;

2. That I have not opened or permitted to be opened any of the packets so received except those authorized and directed to he opened by a returning officer under The Saskatchewan Election Act;

3. That none of the other packets 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);

4. That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said packets how any person voted;

5. 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 affirmed) before me
at _____ in the Province of Saskatchewan this ___________ day of ___________ , 19___.

.................................................................
A Commissioner, etc.
(or as the case may be).

.................................................................
A. B., Returning Officer.

FORM 32

(Section 169)

OATH OF SECRECY

Electoral Division 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 affirmed) before me
at _________ in the Province of Saskatchewan this _________
day of ________________, 19____.

A Commissioner, etc.
(or as the case may be).