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**CANDIDATES INFORMATION  
BOOKLET**

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**Estevan Municipal Election**

**November 9, 2020**

# **ESTEVAN 2020 CIVIC ELECTION**

## **CANDIDATE INFORMATION BOOKLET**

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## FORWARD

This document has been prepared as a guide to assist individuals in seeking election or re-election to the office of municipal Council or School Board Trustee. The material presented here highlights provisions of *The Local Government Election Act*, which has a direct impact on the activities of election candidates.

The information in this guide is general and has been provided as a reference for candidates. Nothing in this material relieves candidates from the responsibilities of complying with the statutory provisions. For all specific provisions, it is suggested candidates refer to:

- *The Local Government Elections Act*
- *The Cities Act*
- *The Education Act*
- The City of Estevan Campaign Disclosure Bylaw
- Code of Ethics Bylaw

Copies of the *Acts* are available from the Queen's Printer, 8th floor, 1874 Scarth Street, Regina, Saskatchewan, and online at [www.qp.gov.sk.ca](http://www.qp.gov.sk.ca). Bylaws may be obtained from the City Clerk at City Hall, 1102-4<sup>th</sup> Street, Estevan, SK.

If you have any questions please contact Judy Pilloud, Returning Officer at 306-634-1852.

## **IMPORTANT DATES**

### **Nomination Period**

The Nomination period is Monday August 31, 2020 to Wednesday October 7, 2020. **The deadline to file nomination papers is 4 p.m., Wednesday October 7, 2020.**

Nomination papers will be accepted during normal business hours 8 a.m. to 4:30 p.m. Monday to Friday, with the exception of Nomination Day October 7, 2020 when they will be accepted only between 9 a.m. and 4 p.m.

### **Nomination Papers**

To be nominated for an elected position, a person must file nomination papers with the Returning Officer or designate during the specified nomination period.

Nomination papers must state the name and address of the person nominated and the office for which the person is being nominated.

### **Application Criteria**

For the position of Mayor, the application must be signed by at least 5 voters of the municipality.

For the position of Councillor, the application must be signed by at least 5 voters of the ward in which the candidate is seeking nomination.

**No person can be nominated as both Mayor and Councillor of the same municipality**

**Nomination signees cannot endorse more than one candidate or the nomination papers will be disqualified.**

Nomination papers are not valid unless the candidate's acceptance of nomination statement is signed by the person being nominated, witnessed by two people only one

person can be nominated for election on each nomination paper. A voter may sign the nomination papers of more than one person. Candidates cannot nominate themselves.

**The onus to file bona fide nomination papers is on the person being nominated. City Clerk or Election staff is not eligible to witness the nomination statement.**

*(Refer to Sections 67, 68, 69, and 70 of The Local Government Elections Act.)*

When the completed nomination papers are filed with the Returning Officer or designate, a receipt shall be issued to the candidate or their Agent on receiving the nomination papers.

### **Posting**

All nomination papers filed with the Returning Officer or designate are open to inspection by any person. Copies will be posted in the office of the city clerk and any public member requesting a copy will be provided.

### **Withdrawal**

Persons who have been nominated may withdraw their nomination at any time during the nomination period, up to the close of nominations. The requirement to withdraw is for the Returning Officer to receive a written request to withdraw signed by the nominee and witnessed by two people or the Returning Officer or Associate Returning Officer.

**A request to withdraw a nomination must be filed with the Returning Officer or Associated Returning Officer by 4 p.m. on Thursday, October 8, 2020 at City Hall.**

## **ADVANCE POLL**

An advance poll will be available for eligible electors at City Hall, City of Estevan, 1102 4<sup>th</sup> Street, at the following times:

October 26, 27, 28, 29 and 30

November 2, 3, 4 and 5.

Estevan Start Up – Spectra Financial (403A – 9<sup>th</sup> Avenue)

October 28 and 30 and November 4

City Hall (1102 – 4<sup>th</sup> Street)

Drive Thru Location (TBA)

The advance poll is intended for qualified electors who:

1. anticipate being unable to vote on Election Day.

## **ELECTION DAY**

Election Day is Monday, November 9, 2020.

All regular polls will be open from 8:00 a.m. to 8:00 p.m.

## **ELECTION RESULTS**

On election night candidates may call 306-634-1805 for unofficial information on election results.

Election results will be officially declared by the returning officer at 2:00 p.m. on Tuesday, November 10, 2020 in the Council Chambers of City Hall.

## QUALIFICATIONS OF CANDIDATES

### MUNICIPAL CANDIDATES

A person may be nominated in a municipal election if he or she meets requirements relating to age, citizenship, residency, or property. A candidate must be:

1. at least 18 years old on Election Day;
2. a Canadian citizen;
3. a Saskatchewan resident for the past 6 months; and
4. a resident of the City of Estevan for the past 3 months.

Persons who are not qualified to be nominated or elected as a member of council include:

- a judge of a court
- an auditor or solicitor of the municipality

Persons having an interest in a contract with the municipality are not disqualified from holding office as a member of council but would be advised to disclose any interests on the Public Disclosure Statement.

Before seeking nomination to council, employees of:

- the City of Estevan;
- a board of commission (appointed by City Council);
- a board of education; or,
- a joint board of education (as defined in *The Education Act, 1995*) must obtain a leave of absence in accordance with subsection 80 (2) of *The Labour Standards Act*. If the employee is successful in being elected to council, the person is deemed to have resigned from his or her employment on the day before the day he or she was elected.



## **SCHOOL BOARD CANDIDATES**

A person is qualified to be nominated as a member of the public if the person:

1. is the full age of 18 years or will be on election day;
2. is a Canadian citizen; and has resided in Saskatchewan for at least six months;
3. is not disqualified by the *Local Government Election Act, the Education Act, 1995* or any other Act from holding office for which the candidate is nominated.
4. Has resided for at least three months in or on land now in the South East Cornerstone School Division No. 209.

\*A person who is under a contract of employment with a board of education is not eligible to be nominated as a candidate for election as a member of the board during the period that the contract is in force.

## **RULES OF RESIDENCE**

The following are the rules of residence, as set out in Section 3 of *The Local Government Election Act*:

3. For the purposes of this Act:
  - (a) the residence of a person is the place in which the person's habitation is fixed and to which, when that person is absent from that place, he or she has the intention of returning;
  - (b) a person who is temporarily absent from the place where the person's habitation is fixed does not lose his or her residence;
  - (c) no person, while he or she remains in the Saskatchewan, loses his or her residence until he or she has acquired another residence;
  - (d) no person has more than one residence in Saskatchewan and, if the person has more than one home in the Saskatchewan, he shall elect one home as his or her residence.

# **Bylaw 2012-1889**

## **The Campaign Disclosure Bylaw**

Whereas *The Local Government Election Act*, S.S. 1982-83, c. L-30.1, provides that a council may, by bylaw, establish disclosure requirements respecting campaign contributions and expenses;

And Whereas the Council of The City of Estevan is desirous of enacting such a bylaw;

Now Therefore the Council of The City of Estevan enacts:

### **Part I**

#### **Short Title and Interpretation**

##### **Short Title**

1. This Bylaw may be cited as The Campaign Disclosure Bylaw.

##### **Definitions**

2. In this Bylaw:
  - (a) “campaign contribution” means any money paid, or any donation in kind provided, to or for the benefit of a candidate during the election contribution period for the purpose of financing an election campaign, including revenue raised from a fund-raising event by the sale of tickets or otherwise, but does not include volunteer labour or services;
  - (b) “campaign expense” means the cost of goods and services and the value of any donation in kind, used by or for the benefit of the candidate during the election expenses period for the purpose of a candidate’s election campaign, regardless of whether those costs are incurred, or the donation

in kind provided, before, during or after the election expenses period, but does not include volunteer labour or services;

- (c) “candidate” means a person nominated in accordance with *The Local Government Election Act* for election to Council;
- (d) “Chartered Accountant” means a member in good standing of the Institute of Chartered Accountants of Saskatchewan;
- (e) “City” means The City of Estevan;
- (f) “Clerk” means the City Clerk of The City of Estevan appointed pursuant to Section 85 of *The Cities Act*;
- (g) “contributor” means an individual, organization or corporation providing a campaign contribution;
- (h) “Council” means the Council of The City of Estevan;
- (i) “donation in kind” means the fair market value of goods and services donated or provided by or on behalf of a candidate for the purpose of an election but does not include volunteer labour or services;
- (j) “election advertising” means the fair market value of goods and services donated or provided by or on behalf of a candidate for the purpose of an election but does not include volunteer labour or services;
- (k) “election contribution period” means:
  - (i) in the case of the general election to be held on October 24, 2012, the period beginning August 1, 2012 and ending on December 31, 2012;
  - (ii) in the case of all subsequent general elections, the period between January 1st of the year following the preceding general election and ending on December 31st of the year of the next general election; and
  - (iii) in the case of a by-election to fill a vacancy on Council, the period beginning on the day following the meeting at which Council decides to hold the by-election and ending 60 days following election day;

- (l) “election expenses period” means:
  - (i) in the case of a general election, the period beginning on August 1 of an election year and ending on October 31st of an election year; and
  - (ii) in the case of a by-election to fill a vacancy on Council, the period beginning on the day following the meeting at which Council decides to hold the by-election and ending 10 days following election day;
- (m) “fund-raising event” means events or activities held for the purpose of raising funds for an election campaign of the person by whom or on whose behalf the function is held;
- (n) “registered charity” means a registered charity within the meaning of the *Income Tax Act*;
- (o) “Returning Officer” means the returning officer within the meaning of *The Local Government Election Act*; and
- (p) “volunteer labour or services” means labour or services provided for no remuneration but does not include labour or services provided by an individual:
  - (i) if the individual is self-employed and the labour or services provided are normally sold or otherwise charged for by that individual; or
  - (ii) if the individual is being paid by an employer, individual or organization for providing the labour or services.

## **Part II**

### **Election Expenses and Contributions**

#### **Candidate to Keep Records**

- 3. (1) A candidate for election to Council shall keep complete and proper accounting records of all campaign contributions and all campaign expenses.

- (2) Without limiting the generality of subsection (1), the candidate is responsible to ensure that:
  - (a) proper records are kept of receipts and expenses;
  - (b) a record is kept of the value of every campaign contribution, whether in the form of money, goods or services, and of the name and address of the contributor; and
  - (c) all records kept in accordance with this Section remain in the possession and under the control of the candidate at all times.

### **Candidate's Statement of Election Expenses and Contributions**

- 4. (1) A candidate shall disclose his or her campaign contributions and expenses in accordance with this Section.
- (2) A candidate shall file a Statement of Election Expenses/Contributions with the Returning Officer:
  - (a) in the case of a general election, on or before the first working day of May in the year immediately following the year in which an election is held; or
  - (b) in the case of a by-election, not less than 180 days following election day.
- (3) A Statement of Election Expenses/Contributions shall include:
  - (a) in the case of all candidates for election to Council:
    - (i) a Statutory Declaration in writing in the form prescribed in Schedule "A" to this Bylaw providing a statement of the total campaign contributions and the total campaign expenses of the candidate for that election campaign;
    - (ii) a list in writing in the form prescribed in Schedule "B" to this Bylaw that shall include the following information in relation to election contributions:
      - (A) the name of each contributor whose cumulative campaign contribution exceeded \$250.00;

- (B) the cumulative amount that each of the named contributors has given to the candidate; and
  - (C) if no contributor's cumulative campaign contribution exceeded \$250.00, a notation to that effect; and
- (b) in the case of all candidates for mayor, in addition to the documents referred to in clause (a), a statement in writing in the form prescribed in Schedule "C" to this Bylaw, properly attested by the candidate, providing details of the campaign revenues and campaign expenses incurred by the candidate during the election expenses period.

### **False or Misleading Statement**

5. No candidate shall file with the Returning Officer a false, misleading or incomplete Statement of Campaign Expenses/Contributions.

### **Contributions from Fund-Raising Events**

6. (1) The net proceeds from a fund-raising event shall be considered a campaign contribution and shall be reported by a candidate to the Returning Officer as a campaign contribution in the candidate's Statement of Campaign Expenses/Contributions.
- (2) Expenses incurred in holding a fund-raising event shall not be considered a campaign expense for the purposes of this Bylaw.
- (3) If money is given in response to a general collection or money is solicited from persons in attendance at a fund-raising event, the gross amount collected shall be recorded and reported by the candidate to the Returning Officer as a campaign contribution in the candidate's Statement of Campaign Expenses/Contributions.

- (4) Money paid to attend a fund-raising event, or money given in response to a general collection or money solicited from a person in attendance at a fund-raising event shall not be included in the contributor's cumulative campaign contribution to a candidate.

### **Anonymous Contributions**

7. (1) No candidate shall accept an anonymous campaign contribution except those received at a fund-raising event.
- (2) If a candidate receives an anonymous campaign contribution, except those received at a fund-raising event, the candidate shall ensure that the contribution shall not be used or spent, but shall be donated to a registered charity of the candidate's choice within 30 days of the receipt of the contribution.

### **Publication of Disclosure Statements**

8. (1) All documents filed with the Returning Officer pursuant to this Bylaw are public documents and, upon the expiration of the time prescribed by this Bylaw for filing the documents, may, on request, be inspected at the office of the Clerk during regular office hours.
- (2) The Clerk shall retain the documents referred to in subsection (1) in accordance with the City's records retention and disposal schedule established pursuant to Section 90 of *The Cities Act*.
- (3) The Returning Officer shall forward to Council for its information, a report summarizing the campaign contributions and campaign expenses of each candidate, listing the names of any candidates who fail to file the required disclosure statements pursuant to Sections 4 and 5.
- (4) The Clerk shall post in a conspicuous place a summary of the campaign contributions and expenses of each candidate, with a list of the names of

any candidates who fail to file the required disclosure statements pursuant to Sections 4 and 5.

### **Retention of Records by Candidate**

9. All records of a candidate shall be retained by that candidate for a period of one year following the date on which the candidate's Statement of Campaign Expenses/Contributions was required to be filed.

## **Part III**

### **Election Disclosure Complaints**

#### **Complaints Investigation Agency**

10. Council hereby designates the Estevan Police Service as the agency to investigate complaints pursuant to this Bylaw.

#### **Duties**

11. The Estevan Police Service shall be responsible to investigate any complaint that a candidate has filed a false, misleading or incomplete disclosure of election contributions or expenses.

#### **Complaint**

12. (1) A complaint that a candidate has filed a false, misleading or incomplete disclosure of election contributions or expenses shall be in writing and shall contain:
  - (a) the name, mailing address and telephone number of the complainant;



- (b) the name of the candidate who is the subject of the complaint;
  - (c) the nature of the complaint and the material facts upon which the complaint is made; and
  - (d) the name, address and telephone number of any person that may have information that will assist in the investigation of the complaint.
- (2) A complaint pursuant to subsection (1) shall be filed with the Clerk.
  - (3) Upon receipt of a complaint, the Clerk shall forward the complaint to the Estevan Police Service.

### **Referral from Returning Officer**

- 13. If, in the opinion of the Returning Officer, a candidate's disclosure of election contributions and expenses is, on its face, irregular or suspicious, the Returning Officer may refer the matter to the Estevan Police Service for investigation notwithstanding that no formal complaint has been filed with the Clerk

### **Investigation**

- 14. (1) Upon receipt of a complaint, the Estevan Police Service shall:
  - (a) contact the complainant and acknowledge receipt of the complaint;
  - (b) advise the complainant about the procedures that will be followed in investigating the complaint; and
  - (c) obtain from the complainant any information required to investigate the complaint.
- (2) In addition to the requirements of subsection (1), the Estevan Police Service shall notify the candidate that is the subject of the complaint that a complaint has been received and shall provide the candidate with a copy of the complaint.

- (3) The Estevan Police Service shall obtain from the candidate any information required to investigate the complaint.
- (4) In carrying out an investigation, the Estevan Police Service may inspect, at all reasonable times, all books, documents and accounting records of the candidate.
- (5) The Estevan Police Service may make copies of anything referred to in subsection (4).
- (6) Every candidate that is the subject of an investigation by the Estevan Police Service shall cause all books, documents and accounting records pertaining to the candidate's election campaign to be available for inspection by the Estevan Police Service at all reasonable times.
- (7) If a person refuses to allow or interferes with an inspection described in subsection (4), the Estevan Police Service may apply to a justice of the peace or a provincial court judge for a warrant authorizing a person named in the warrant to:
  - (a) enter the property and carry out the inspection authorized by this Bylaw; and
  - (b) search for and seize anything relevant to the subject matter of the warrant.
- (8) No candidate or person acting on behalf of a candidate shall:
  - (a) fail to comply with any reasonable request of the Estevan Police Service;
  - (b) knowingly make any false or misleading statement to the Estevan Police Service; or
  - (c) obstruct or interfere with the Estevan Police Service.
- (9) No complainant pursuant to this Bylaw shall:
  - (a) fail to comply with any reasonable request of the Estevan Police Service;
  - (b) knowingly make a false or misleading complaint to the Estevan Police Service; or
  - (c) obstruct or interfere with the Estevan Police Service.

## **Decisions**

15. (1) After completion of the investigation, the Estevan Police Service may:
  - (a) dismiss the complaint; or
  - (b) uphold the complaint.
- (2) After a decision is made pursuant to subsection (1), the Estevan Police Service shall send to the complainant and the candidate a copy of the decision together with any written reasons for the decision.
- (3) The decision of the Estevan Police Service shall be final.
- (4) If the complaint is upheld, the Estevan Police Service shall send a copy of the decision to the Clerk with a recommendation that the matter be referred for review as to whether a prosecution is warranted.

## **Refusal to Investigate**

16. (1) The Estevan Police Service may refuse to investigate any complaint or may terminate an investigation of a complaint if:
  - (a) the complaint is received more than six months after the date for the filing of the Statement of Election Expenses/Contributions pursuant to subsection 4(2);
  - (b) in the opinion of the Estevan Police Service, the complaint is frivolous, vexatious, trivial or is made in bad faith; or
  - (c) in the opinion of the Estevan Police Service, the circumstances of the complaint do not warrant investigation.
- (2) The decision of the Estevan Police Service to refuse to investigate any complaint or to terminate an investigation of a complaint is final.

## **Report to Council**

17. Upon completing the investigation of all complaints arising out of a general election or a by-election, the Estevan Police Service shall submit a report to Council setting out:
- (a) the number of complaints received;
  - (b) the general nature of the complaints received; and
  - (c) the disposition or resolution of the complaints.

## **Confidentiality of Information**

18. (1) The report submitted by the Estevan Police Service pursuant to Section 20 shall be a matter of public record.
- (2) The particulars of all complaints and all information obtained by the Estevan Police Service shall be confidential unless the release of that information is required in accordance with the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*.

## **Records**

19. The particulars of all complaints and all information obtained by the Estevan Police Service shall become part of the records of the City and shall be kept in the office of the Clerk.

## **Part IV**

### **Enforcement**

#### **Offences and Penalties**

20. (1) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.00 and, in the case of a continuing offence, to a further fine of not more than \$5,000.00 for each day during which the offence continues.
- (2) A conviction for an offence under this Bylaw does not relieve the person convicted from complying with the Bylaw and the convicting judge may, in addition to any fine imposed, order the person to do any act or work, within the time specified by the judge in the order, to comply with the provisions of this Bylaw.
- (3) A person to whom an order is directed pursuant to subsection (2), who fails to comply with that order within the time specified by the judge, is guilty of any offence and liable on summary conviction to a fine of not more than \$5,000.00 for each day during which the non-compliance continues.
- (4) If a candidate is the subject of an investigation pursuant to this Bylaw and the candidate is convicted of an offence against this Bylaw based on information obtained pursuant to the investigation, the convicting court may order, in addition to any penalty imposed pursuant to this Bylaw, that the candidate pays all or any costs of the investigation.

#### **Disqualification from Office**

21. (1) In addition to the penalties set out in Section 23, if a candidate who is elected contravenes any provision of this Bylaw, the candidate is disqualified from Council and shall resign immediately.

- (2) Notwithstanding subsection (1), where on application a judge of the Court of Queen’s Bench is of the opinion that the disqualification of the candidate arose through inadvertence or by reason of an honest mistake, the candidate shall not be required to resign.

**Part V  
Miscellaneous**

**Coming Into Force**

22. This Bylaw shall come into force on the day of its final passing.

**CITY OF ESTEVAN**

\_\_\_\_\_  
**Roy Ludwig, Mayor**

\_\_\_\_\_  
**Judy Pilloud, City Clerk**

Read a first time this \_\_\_\_ day of \_\_\_\_\_, 2020.

Read a second time this \_\_\_\_ day of \_\_\_\_\_, 2020.

Read a third time and passed this \_\_\_\_ day of \_\_\_\_\_, 2020.

## QUALIFICATIONS OF ELECTORS

The following are the rules for qualified electors as set out in Section 42 (1) of *The Local Government Election Act*:

42(1) A person is eligible to be nominated as a candidate in a municipal election and to hold office as a member of council if the person:

- (a) is at least 18 years of age on the day of the election;
- (b) is not disqualified pursuant to this or any other Act;
- (c) is a Canadian citizen at the time that he or she submits the nomination paper;

### 28 c. L-30.11 LOCAL GOVERNMENT ELECTION, 2015

(d) has resided in Saskatchewan for at least six consecutive months immediately preceding the date on which he or she submitted the nomination paper and:

(i) in the case of a municipality other than a rural municipality or a resort village, has resided in that municipality, or on land now in that municipality, for at least three consecutive months immediately preceding the date on which he or she submitted the nomination paper; or

(ii) in the case of a resort village:

(A) has resided in that resort village, or on land now in that resort village, for at least three consecutive months immediately preceding the date on which he or she submitted the nomination paper; or

(B) is the assessed person with respect to property in the resort village, or property now situated in the resort village, pursuant to section 207 of The Municipalities Act, for at least three consecutive months immediately preceding the date on which he or she submitted the nomination paper; or

(C) is the spouse of a person mentioned in paragraph (A) or (B); and (e) in a rural municipality, subject to subsection 72(1): (i) resides in Saskatchewan; and (ii) is eligible to vote in the rural municipality. (2) The Lieutenant Governor in Council may make regulations respecting any other matter necessary for determining a person's eligibility as a candidate.

**An elector may vote only once during an election.**

A common question asked concerning the qualification of electors involves the eligibility of university students to vote in the municipality where they are attending school. Students would be eligible to vote at the election in the City in which they attend University if they had lived in Saskatchewan for six months and in the City for three months immediately prior to Election Day. These students would also be eligible to vote at their normal residences (their home towns), and would have to determine at which location they wished to vote. Such students would not be able to vote at both locations.

**One vote per elector – exception**

A person who qualifies as an elector of a municipality in which he or she resides and as an elector of another municipality in which he or she is the owner of assessable land for at least three consecutive months immediately preceding the day of the election, and has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election, is entitled to vote at both:

- (a) an election in the municipality in which he or she resides; and
- (b) an election in the municipality in which he or she is the owner of assessable land for at least three consecutive months immediately preceding the day of the election

**ELECTION INQUIRIES MAY ALSO BE REFERRED TO  
CITY HALL AT 306-634-1852 or  
cityclerk@estevan.ca**



## NOMINATION PAPERS

### APPLICATION

To be nominated for an election position, a person must file a nomination paper with the returning officer or his designate, either personally, or by agent during the specified nomination period (see **Important Dates** section for information on the nomination period).

#### **Requirements:**

- A nomination form must be in writing, in the prescribed form:
  - Form I ~ Nomination/Candidate's Acceptance**  
(Municipal population < 20,000)
    - Nomination forms may be obtained from the municipal office, or from some other source (i.e. another municipality, downloaded from the internet or hand-written).
- A nomination form will include the candidate's civic or legal address on which the candidate's right to vote is based. Each nominator must include his or her civic or legal address. A mailing address, consisting solely of a post office box number, is insufficient.
- The "Candidates Acceptance" portion of the nomination form must be completed, signed and witnessed by two people.
- For the position of mayor, the application must be signed by at least five (5) electors of the municipality.
- For the position of councillor the application must be signed by at least five (5) electors of the municipality.
- For the position as a member of the Public School board and separate school board, the application must be signed by at least ten (10) electors of the public school division.

- The paper must state the name and address of each nominator and in the case of the school boards must state that each nominator is an elector of the school division for which the person is being nominated.
- The nomination paper is not valid unless the candidate's acceptance statement is signed by the person being nominated and witnessed by two persons.
- Must include Criminal Records check valid 30 days previous.
- Must include Public Disclosure Statement.

**Other provisions respecting nomination forms:**

- Only one person can be nominated on each form.
- A voter may sign nomination forms for more than one candidate.
- No candidate can nominate himself or herself.
- Nomination forms can be presented to the returning officer or a nomination officer by the candidate or a person acting on his or her behalf.
- No person can be nominated as both mayor and councilor of the same municipality.

**\*It is NOT the responsibility of the returning officer to determine a candidate's qualifications to seek office; that onus falls to the candidate. Any person who knowingly signs a false statement of acceptance is guilty of an offence and if convicted, is liable to a fine and removal from council.**

**NOMINATION PAPERS WILL BE ACCEPTED BY THE RETURNING OFFICER OR THEIR DESIGNATE, IN THE CITY CLERK'S OFFICE AT CITY HALL:**

**From August 31<sup>st</sup>, 2020 to October 7<sup>th</sup>, 2020 between the**

**Hours of 8:00 a.m. and 4:30 p.m.**

**and,**

**October 7<sup>th</sup>, 2020 (Nomination Day) between the**

**hours of 9:00 a.m. and 4:00 p.m.**

## **WITHDRAWAL OF NOMINATION**

Candidates may withdraw their nomination by providing the returning officer with a written declaration during the period from the receipt of the person's nomination until 24 hours after the close of the nomination period. The withdrawal declaration, which is not a prescribed form, must be in writing and signed by the person and witnessed by either:

- the returning officer; or
- two persons who are not elected officials

**A REQUEST TO WITHDRAW A NOMINATION MUST BE FILED WITH THE RETURNING OFFICER BY 4:00 P.M. ON THURSDAY, OCTOBER 8, 2020.**

## **FORM OF BALLOT**

The ballot for all offices will contain, the names only of all duly nominated candidates arranged in alphabetical order of their surnames.

"Where a candidate requests, the ballot shall show in brackets:

- (i) a name by which he is commonly known,

**\*The information printed on the ballots regarding each candidate will be based on the information provided on the candidates acceptance form. Candidates are, therefore, encouraged to complete the form carefully.**

## **ADVERTISING AND PROMOTION ACTIVITIES**

The following Section of *The Local Government Election Act* applies to promotional matter;

182(1) In this section:

(a) “advertisement” means any of the following that refers to any election or promotes the candidacy of a particular person:

(i) a visual publication, display or representation consisting of images or text;

(ii) any audio publication or representation;

(iii) any advertisement, hand bill, placard, poster, circular or circular letter pamphlet;

(iv) any electronic or digital display;

(v) any radio or television broadcast that refers to any election or promotes the candidacy of a particular person; (b) “distribute” means to do any of the following: (i) print, or produce by any other process; (ii) publish; (iii) distribute by mail or otherwise; (iv) post; (v) disseminate or broadcast. (2) No person shall distribute or cause to be distributed any advertisement that promotes the candidacy of a particular person unless there is included in, or unless there appears on the face of the advertisement: (a) the name of the candidate on behalf of whom the advertisement is distributed; and (b) the name of the person who has authorized its printing, display and distribution. (3) Every person who distributes an advertisement in a manner that is not in accordance with subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000, to imprisonment for a term of not more than two years or to both.

Persons entitled to be in polling place

103 During the hours that the poll is open for the purposes of voting, only the following persons are entitled to be present in the polling place with respect to each polling area:

- (a) any election official who has been duly appointed and assigned duties in conducting the poll;
- (b) each candidate for the office with respect to which the vote is being held;
- (c) not more than two duly authorized agents of a candidate;
- (d) any person who is acting as an escort or assistant to a voter who requires the person's services pursuant to sections 123 and 125;
- (e) any voter waiting to cast his or her ballot.

Offence re false statement by candidate

179 (1) No person shall sign a candidate's acceptance form that contains a false statement.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

(3) If a person convicted of an offence pursuant to subsection (1) has been elected, that person's election is void, and the council or board shall immediately declare the office to which that person was elected vacant and provide for the holding of a by-election in accordance with section 11.

General offences

184 Every person who contravenes any provision of this Act, the regulations or any bylaw adopted pursuant to this Act for which no other penalty is provided is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000, to imprisonment for a term of not more than two years or to both.

#### “5.4 **Sign Permit Exceptions**

5.4.1 The following signs shall be exempt from obtaining a sign permit, but must comply with all other applicable regulatory requirements of the Sign Bylaw.

5.4.1 d) Election Signs

5.6 h) Election signs shall not be placed in City owned or controlled properties and all elections signs must be removed within seven (7) calendar days following the day of the election.”

*Note: The above exemptions shall apply only to the requirements of the permit, and shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance.*

### **CANDIDATES’ AGENTS**

Each candidate may appoint one or more agents in writing using the prescribed Form T ~ Appointment of Candidate's Agent, to attend polling places on their behalf. The appointment form is to be presented to the deputy returning officer at the polling place.

- Candidates may appoint any number of agents however, at any one time only two agents per candidate plus candidates themselves may be in attendance at a polling place while voting is taking place.
- During the ballot count, either a candidate or one agent may be in attendance.

Candidates or agents are required to make a declaration in prescribed Form S ~ Declaration of Candidate or Agent, prior to exercising their duties or functions at the polling place. This declaration is made before the deputy returning officer at the polling station.

Candidates rights are described under Section 104 of the Act.

Candidates or agents do not have any authority to:

- directly question an elector; or
- attempt to influence a voter.

Candidates or agents may object to an elector who has not yet voted. Objections are directed to the deputy returning officer, not to the elector. A candidate or agent is not required to provide any reason for the objection, although one may be offered. An objection to an elector does not automatically disqualify the elector.

- The deputy returning officer will enter the objection in the poll book, including the name of the person raising the objection, and initial the notation.
- The deputy returning officer will ask the elector to complete a voter's registration form if they have not already done so.
- In cases where a voter's registration form has already been completed, the deputy returning officer may consider reviewing the form with the elector, item by item, and requesting verbal confirmation of each point.
- The deputy returning officer may consider including a notation in the poll book that the elector confirmed the information on the voter's registration form.
- If the elector declines to complete a voter's registration form, or if the elector changes information on the initial form which effectively disqualifies the person from voting, the person cannot receive a ballot and would be asked to leave the polling place.

### **COUNTING OF BALLOTS**

During the counting process, the deputy returning officer should be the only person to actually handle the ballots. The deputy returning officer should take sufficient time to examine each ballot to determine if the ballot should be accepted or rejected.

Responsibility for counting or rejecting a ballot rests solely with the deputy returning officer. Decisions regarding the validity of a ballot should not be the subject of a debate.

- Decisions respecting a questionable ballot should be made immediately when the ballot is encountered rather than deferring until all other ballots have been counted.

After determining if the ballot is counted or rejected, the deputy returning officer will:

- announce the decision enabling the poll clerk to record those specifics on the tally sheet; and
- show the ballot to other election officials or observers.

- It is during this viewing opportunity a candidate or agent may object to the decision of the deputy returning officer.

Once all ballots have been reviewed and the rejected ballots removed, the ballots will be counted. After all ballots are counted, the results are recorded on Form AA ~ Deputy Returning Officer's Statement of Results for Voting Machines. Copies of the statement may then be provided to the candidate or agent if requested.

### **REQUEST FOR RECOUNT**

A recount may be requested if questionable ballots might impact the outcome of the election. The difference in votes between the successful candidate and the candidate having the next highest number of votes must be less than:

- the number of ballots counted but objected to; and
- the number of rejected ballots, excepting those with no vote marked.

If the margin is equal or greater, a recount is not available.

To request a recount, a candidate or any elector must apply to the returning officer within four business days of the declaration of election results. Prescribed Form MM ~ Notice of Request for Recount, is used to request a recount.

Upon receipt of the application for recount, the returning officer issues a certificate in prescribed Form NN ~ Certificate of Returning Officer which confirms the request.

- The Form NN ~ Certificate of Returning Officer, is presented to the Court of Queen's Bench which services the municipality. The Local Registrar at the Court will provide directions to the returning officer.
- A copy of Form NN ~ Certificate of Returning Officer, is provided to the person who requested the recount.
- The judge will set a time and location for the recount, which should occur within 10 business days of the request to the returning officer. The judge will identify persons who need to be served with information regarding the upcoming recount. After



being notified by the judge, the returning officer has four business days to serve the applicant and other identified persons.

Where the criteria outlined above cannot be met or in an instance where the returning officer fails to comply with a request for a recount, the elector or the candidate has 10 business days after the date on which the election results were declared to apply directly to a judge for a recount. Where it appears to the judge the deputy returning officer may have made errors during the vote count or the returning officer has improperly added the votes or failed to comply with a request, the judge shall appoint a time and place for the recount.

Section 160 (1) and (2) and (3).

Procedure for recount will be in accordance.

Division 2 Procedure.

**FORM T**

[Subsection 104 (1) of the Act]

**Appointment of Candidate's Agent**

This is to certify that \_\_\_\_\_  
(name)

of \_\_\_\_\_  
(address)

is authorized to attend at Polling Area No. \_\_\_\_\_ located at \_\_\_\_\_  
(address or place)

on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, as my agent.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(Candidate)

## Appendix C

### FORM P

[Clause 93(1)(d) and clause 101(2)(b) of the Act]

### Sections 185.1, 185.11, 185.21 and 185.22 of *The Local Government Election Act, 2015*

#### **Bribery**

**185.1** *A person is deemed to have committed the offence of bribery if that person:*

- (a) *or any other person on that person's behalf, directly or indirectly:*
  - (i) *gives, lends or agrees to give, lend, offer or promise money or valuable consideration, or gives, procures or agrees to give, procure, offer or promise any office, place or employment, to or for any voter or person in order to induce that voter or person to vote or refrain from voting at an election or on a bylaw or question; or*
  - (ii) *does any act described in subclause (i) on account of a voter having voted or having refrained from voting at an election or on a bylaw or question;*
- (b) *or any other person on that person's behalf, directly or indirectly, makes any gift, loan, offer, promise or agreement described in clause (a) to or for any person in order to induce that person to procure or defeat, or endeavour to procure or defeat:*
  - (i) *the election of a candidate;*
  - (ii) *the passing of a bylaw;*
  - (iii) *the result of a vote on a question; or*
  - (iv) *the vote of a voter at an election;*
- (c) *in return for a gift, loan, offer, promise, procurement or agreement, procures, defeats, engages, promises or endeavours to procure or defeat:*
  - (i) *the election of a candidate;*
  - (ii) *the passing of a bylaw;*
  - (iii) *the result of a vote on a question; or*
  - (iv) *the vote of a voter at an election;*
- (d) *advances, pays or causes to be paid money to or for the use of any other person, with the intent that the money or any part of it be spent in bribery at an election or at the voting on a bylaw or question, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part spent in bribery at an election or at the voting on the bylaw or question;*

- (e) or any other person on that person's behalf, before or during an election or before or during the voting on a bylaw or question, directly or indirectly, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for that person or any other person for:
  - (i) voting or agreeing to vote at the election or on the bylaw or question; or
  - (ii) refraining or agreeing to refrain from voting, at the election or on the bylaw or question;
- (f) or any other person on that person's behalf, after an election or the voting on a bylaw or question, directly or indirectly:
  - (i) receives any money or valuable consideration on account of any person having voted or refrained from voting; or
  - (ii) induces any other person to vote or refrain from voting at the election or on the bylaw or question; or
- (g) hires a vehicle for the purpose of transporting voters to or from the polls, or receives pay for the use of a vehicle for the purpose of transporting voters to and from a poll.

### **Undue Influence**

**185.11(1)** In this section, "**threatens**" means:

- (a) makes use of or threatens to make use of any force, violence or restraint;
  - (b) inflicts or threatens the infliction personally or by or through any other person of any injury, damage, harm or loss; or
  - (c) in any manner practises intimidation.
- (2) A person is deemed to have committed the offence of undue influence if that person or any other person on that person's behalf, directly or indirectly:
- (a) threatens any person in order to induce or compel any person to vote or refrain from voting, or to vote for or against a particular candidate, bylaw or question, at an election, or on account of a voter having voted or refrained from voting at an election; or
  - (b) by abduction, duress or any fraudulent device or contrivance:
    - (i) impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter; or
    - (ii) compels, induces or prevails on a voter to give or refrain from giving the voter's vote, or to vote for or against a candidate, bylaw or question, at an election.

### **Forfeiture and disqualification**

**185.21** A candidate elected at an election who is found by a judge, on the hearing of a motion in the nature of a quo warranto, to be guilty of an act of bribery pursuant to section 185.1 or of using undue influence pursuant to section 185.11 forfeits the candidate's seat and is ineligible as a candidate at any election for 12 years.

**Penalty for bribery or undue influence**

*185.22(1) A person who is found guilty of an offence within the meaning of section 185.1 or 185.11 is:*

*(a) liable to a fine of not more than \$5,000, payable to the local jurisdiction on behalf of which the election was conducted; and*

*(b) disqualified from voting at any election or on any bylaw or question for the next four consecutive years.*

*(2) The penalty imposed in this section is recoverable with full costs of suit by any person who sues for the penalty in court, and a person against whom judgment is rendered is ineligible either as a candidate or a voter until the full amount of the penalty has been paid.*

*(3) The judge may direct that, in default of payment of the penalty and costs within the time fixed, the person against whom judgment is rendered must be imprisoned for the lesser of the following periods:*

*(a) 30 days; or*

*(b) until the day on which the penalty and costs are fully paid.*

*(4) In case of default of payment, the judge may issue a warrant for the arrest and imprisonment of the person against whom judgment is rendered in accordance with the judgment until the penalty and costs are fully paid.*

14 Feb 2020 SR 11/2020 s7.

**2016 CIVIC ELECTION - POLLING PLACE LIST**

1. Estevan Church of God 1920 Wellock Road  
\*Subject to change due to Covid-19.

**ADVANCED POLLS**

October 26, 27, 28, 29 and 30

November 2, 3, 4 and 5.

Estevan Start Up – Spectra Financial (403A – 9<sup>th</sup> Avenue)

October 28 and 30 and November 4

City Hall (1102 – 4<sup>th</sup> Street)

Drive Thru Location (TBA)

**Schedule “A”**

**Statutory Declaration of Candidates for  
Municipal Office within the City of Estevan  
with Campaign Expenses and Campaign Contributions**

I, \_\_\_\_\_ of \_\_\_\_\_  
(name) (address)

in the Province of Saskatchewan, do solemnly declare:

1. That I was a candidate for the position of Mayor/Councillor for The City of Estevan in the election held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

2. That the following is a true account of all the campaign expenses and campaign contributions of my election campaign in respect of the aforesaid election:

(a) Campaign Contributions: \$ \_\_\_\_\_

(b) Campaign Expenses: \$ \_\_\_\_\_

(c) Total Surplus (Deficit): \$ \_\_\_\_\_

3. That I have no reason to believe that any campaign expenses other than those listed above have been expended by me or with my authority and consent or by any person for the purpose of assisting me in the election.

4. That I make this solemn declaration conscientiously, believing it to be true and knowing that it is of

the same force and effect as if made under oath.

Declared before me at Estevan, in  
the Province of Saskatchewan

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of Candidate)

\_\_\_\_\_  
(to be declared before a Justice of the Peace, Notary  
Public, or a Commissioner of Oaths, etc.)





## Schedule "C"

### Statement of Campaign Revenues and Campaign Expenses for Candidates for Mayor with the City of Estevan

Candidate Name: \_\_\_\_\_

Campaign Period: From \_\_\_\_\_ to \_\_\_\_\_

**Campaign Period Revenues:**

**Campaign Contributions:**

Fundraising Functions \_\_\_\_\_

Cash Donations \_\_\_\_\_

Donations in Kind \_\_\_\_\_

Other (detail) \_\_\_\_\_

Total Contributions (to Schedule "A"): \_\_\_\_\_

Other Revenues (including interest & self contributions): \_\_\_\_\_

Total Campaign Period Revenues: \_\_\_\_\_

**Campaign Period Expenses:**

Nomination Deposit \_\_\_\_\_

Fundraising Costs \_\_\_\_\_

Advertising/Printing \_\_\_\_\_

Office/Facility Space Rental \_\_\_\_\_

Office Administration \_\_\_\_\_

Office Supplies & Equipment \_\_\_\_\_

Electoral Materials \_\_\_\_\_

Food & Beverages/Entertainment \_\_\_\_\_

Telephone/Communications/Utilities \_\_\_\_\_

Insurance \_\_\_\_\_

Distribution/Postage \_\_\_\_\_

Transportation \_\_\_\_\_

Other (detail) \_\_\_\_\_

Total Campaign Expenses (to Schedule "A") \_\_\_\_\_

41

Surplus (Deficit) of Campaign Revenues Over Campaign Expenses: \_\_\_\_\_

