



## **A Guide for Candidates**

### **Saskatchewan Métis Election May 29, 2021**

This Guide tells you what you must do to be a candidate. It's a summary of the laws for candidates in the *Saskatchewan Métis Elections Act, 2007*.

This Guide is not a legal document. If you want to be a candidate, you should read the *Saskatchewan Métis Elections Act, 2007*.

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# 1. Candidate Qualifications

## *Who can be a candidate?*

- A candidate must be:
  - qualified to vote<sup>1</sup> in the election for which they are seeking office;
  - supported by at least 5 eligible voters who have completed the Nominator's form;
  
- A candidate may run for only one office. If a candidate is nominated for more than one office, **all of his or her nominations are void** – and the candidate is no longer able to be a candidate for any office.

## *Who cannot be a candidate?*

- A person cannot be a candidate if he or she:
  - is not qualified to vote in the election;
  - holds elected office pursuant to the *Elections Act, 1996* (Saskatchewan), the *Local Government Election Act* (Saskatchewan) or the *Canada Elections Act*;
  - is a member of the Senate (Canada);
  - is a judge of any court, other than a citizenship court;
  - is an election officer or member of the staff of the Office of the Chief Electoral Officer;
  - is not a resident of Saskatchewan;
  - is confined to a penal or correctional institution and serving a sentence of confinement that extends to at least election day;
  - has committed an offence in relation to elections within the previous

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<sup>1</sup> An individual who:

- a) is registered as a Métis citizen under the *Citizenship Act* and has received a Métis citizenship card issued by the Registrar appointed by the Métis Nation Legislative Assembly to administer the Central Registry under the *Citizenship Act*, or
- b) has submitted an application for registration to the Registrar appointed by the Métis Nation Legislative Assembly to administer the Central Registry under the *Citizenship Act* before March 30, 2021 and has received a letter from the Registrar stating that a preliminary review indicates the person is eligible to be registered as a Métis citizen under that Act;

is an eligible voter and entitled to vote during an election, if on election day, the person is:

- c) at least 16 years of age;
- d) a resident of Saskatchewan for at least six months prior to election day; and
- e) in the case of an election for a Regional Representative, ordinarily resident in the Region.

*(amended February 20, 2021)*

- 10 years; or
  - has committed an indictable offence within the previous five years.
- As a candidate you must not sign any document that would, if elected:
    - require you to resign your seat in the Provincial Métis Council at the request of another;
    - be an undated resignation from the Provincial Métis Council; or
    - require you to follow a course of action that would prevent you from acting freely in the Provincial Métis Council.
  - If after being elected a candidate is found to be ineligible, the election for that position is void.

***What happens if a candidate dies?***

- If a candidate dies after nominations close and before the polls close on election day:
  - the election is cancelled for that office; and
  - a new election process begins for that office

***What does 'elected by acclamation' mean?***

- If there is only candidate nominated for a position when nominations close, there is no vote and the candidate is elected by acclamation.
- If another candidate removes their name and you are the only candidate left, you are elected by acclamation.

***What happens if a candidate changes his or her mind?***

- If you are nominated and decide you don't want to be a candidate, you must write a letter to the Chief Electoral Officer indicating that you are withdrawing from the election.
- Two voters must also take an oath and sign the letter.
- You must deliver the letter to the Chief Electoral Officer by 5 pm April 29, 2021 - the day nominations close.
- Your \$100 deposit is non-refundable.

***In what order do candidates' names appear on the ballot?***

- Candidates' names are listed in alphabetical order (by last name) on the ballot.

- If you have the same first and last name as another candidate, the Chief Electoral Officer uses your other names to distinguish the two candidates.

## 2. Nomination Process

### *How does a person get nominated?*

- To be nominated you must:
  - fill out your official nomination papers correctly;
  - file your nomination papers with the Chief Electoral Officer (or designate) between 9:00 am April 24th and 2:00 pm April 29<sup>th</sup>, 2021;
  - pay a \$100 deposit when you file your papers; and
  - attach a recent (within the past 6 months) copy of a Canadian Police Information Centre (CPIC) criminal record check document proving that you have not
    - committed an offence in relation to elections within the previous 10 years; or
    - committed an indictable offence within the previous five years.

### *What information goes on the nomination papers?*

- Candidates must provide:
  - name;
  - birthdate;
  - home address; and
  - contact information.
- Candidates also must indicate the way they want their name to appear on the ballot.
- Candidates must sign and take an oath or affirmation that they are eligible to be a candidate.
- A candidate seeking election as a Regional Representative may only be a candidate in the Region in which they reside.
- Candidates must have at least 5 eligible voters nominate them as a candidate
  - Candidate for Executive Member: Any eligible Métis voter who resides in Saskatchewan can sign as a nominator for a candidate for election as an Executive Member of the Provincial Métis Council, i.e. President, Vice-President, Secretary or Treasurer.

- Candidate for Regional Representative: Only an eligible Métis voter who resides in the Region can sign as a nominator for a candidate for election as a Regional Representative Member of the Provincial Métis Council.
- Candidates also need a witness to see each nominator sign the form. Witness(es) sign a declaration that they know the nominators. The nominators and the witnesses sign at the same time, in front of each other. Anyone, other than the candidate, can witness the nominator's signature.

***What are the rules to file nomination papers?***

- Candidates must file their nomination papers with the Chief Electoral Officer (or designate) between 9:00 am April 24th, 2021 and 2:00 pm April 29th, 2021.
- It is recommended that candidates file their nomination papers early in the process, so that they will have time to make any corrections that may be necessary.
- Candidates pay a \$100 deposit when they file their papers. You can pay only with a money order or a certified cheque.
- The recent Canadian Police Information Centre (CPIC) criminal record check document must be attached.
- The Chief Electoral Officer (or his or her designate) will accept your nomination papers if the candidate:
  - is an eligible candidate;
  - is nominated for just one position;
  - completes their nomination papers correctly;
  - attaches a CPIC check; and
  - includes the \$100.00 deposit.
- If a candidate has not completed their nomination papers properly, they can correct, complete or replace them before nominations close.
- When the Chief Electoral Officer (or his or her designate) accepts a candidate's nomination papers, the candidate will get a certificate to say they are a qualified candidate.

### 3. Financial Rules

Candidates may campaign for support and spend money during the election period to encourage voters to support them. The money pays for things such as brochures, buttons, signs, advertising and travel to different communities in the region or throughout the Province.

#### ***What are the rules to contribute money or services to a candidate?***

- People who give money or provide services to a candidate's campaign can contribute at any time and in any amount. There are no limits or restrictions on contributions.

#### ***What are the rules to give tax receipts?***

- Money contributed to a candidate's campaign is not tax deductible.
- A candidate cannot give a tax receipt to people who contribute money to their campaign.

#### ***What happens if there is money left over at the end of the campaign?***

- There are no rules on this. You may want to ask the person who contributed the money what they want you to do with it or you may decide to contribute the surplus funds to a charity.

### 4. Important Dates to Remember

<b>Date</b>	<b>What happens on that day?</b>
<b>April 24</b>	Chief Electoral Officer issues the Declaration of Election
<b>April 24</b>	First day to can file candidate nomination papers
<b>April 29</b>	Last day to file candidate nomination papers. The deadline is 2 pm
<b>May 14</b>	First day to register and vote in the offices of the Regional Returning Officers
<b>May 21</b>	Last day to vote in the Regional Returning Office
<b>May 22</b>	Mobile polls held

<b>May 22</b>	Advance Poll: 12 noon to 8 pm
<b>May 29</b>	Election Day - Polls open from 9 am to 8 pm

## **5. Election Period Information**

### ***What are the rules about campaign materials and advertising?***

- All campaign materials and advertising must display the candidate's name.
- No one can remove, cover up, damage, or change campaign material, unless they have the candidate's authority.
- No one can put any campaign material on the land or building at the polling station.
- Candidate's and their representatives cannot wear, use, or show any campaign material at the polling station.
- Candidates must remove all campaign material by 10 days after Election Day.

### ***What is the Election Notice? When do candidates get it?***

- The Election Notice gives you the name and address of each candidate seeking office in your Region. Your Regional Returning Officer sends you the Election Notice following the close of nominations.
- The location of polling stations will be included in the Election Notice and listed on the Chief Electoral Officer's website [www.mnselection.ca](http://www.mnselection.ca)

### ***How do candidates get information on who voted?***

- The Regional Returning Officer will send each candidate a copy of the names of those who have voted at the office of the Regional Returning Officer, the advance poll, and mobile polls as soon as possible after May 22<sup>th</sup>, 2021.

## 6. Election Day

### *What are the rules about campaign materials on Election Day?*

- Candidates are not allowed to have any campaign materials inside or outside the polling station on Election Day.

### *What are candidates and their representatives allowed to do at the polling station on Election Day?*

- Candidates are allowed to have one representative at a time at each polling station, unless the candidate is there in person. It is either the candidate or the representative, not both.
- Candidates and their representative may observe the voting process and the vote count. Neither may interfere with voters or election officers.
- When a representative first arrives at the polling station, he or she must give their official authorization to the Deputy Returning Officer. The candidate must sign the authorization form. Each representative must carry their own authorization form.
- Candidates and representatives may arrive at the polling stations 15 minutes before polls open to:
  - watch the election officer's count and initial the ballots; and
  - inspect the ballots and other official papers for the poll.
- Candidates and representatives record information from the polling record (when election officials are not busy attending to voters).

### *What is a candidate or representative allowed to do when the Deputy Returning Officer counts the ballots?*

- Candidates and representatives can observe and keep track of the count as the Deputy Returning Officer counts the ballots.
- The Deputy Returning Officer is the **only** person who handles the ballots.
- Candidates and representatives must always respect and not interfere with the election officers.
- Candidates and representative may disagree when the Deputy Returning Officer accepts or rejects a ballot. Tell the Deputy Returning Officer why



you object. The Deputy Returning Officer will record your objection and decide whether to accept or reject the ballot. The Deputy Returning Officer's decision is final.

- The Deputy Returning Officers prepare the 'Statement of the Poll' after they count the ballots. They'll give you or your representative a copy. The Statement tells you the number of votes for each candidate and the number of rejected ballots for that poll.

## 7. Election Results

### *How do candidates know who won the election?*

- The Regional Returning Officer gets a Statement from each poll and totals the votes from all the polls in their Region. They prepare an election report to certify the number of votes for each candidate.
- Candidates get a copy of the election report from the Regional Returning Officer.
- Unofficial results of the election will be posted on the Chief Electoral Officer's website after the polls close on election night.

### *What happens if two candidates get the same number of votes?*

- If a candidate receives the same number of votes as another candidate or if the difference is less than 2% of the total votes, the Chief Electoral Officer must apply to the court for a recount.

Here are 2 examples:

Example 1	Example 2
1000 people voted.	500 people voted.
2% of 1000 is 20 votes.	2% of 500 is 10 votes.
The winning candidate must have at least 20 votes more than the candidate who came second. If not, there is a recount.	The winning candidate must have at least 10 votes more than the candidate who came second. If not, there is a recount.

### *What are candidates allowed to do during a recount?*

- Candidates, candidate's representative and their lawyer may be at a recount.
- If an application for a recount is considered to be scandalous, frivolous or vexatious, or otherwise an abuse of the court process, the court may award costs or make any other order against the applicant.

## 8. Election Offences

- The *Saskatchewan Métis Elections Act, 2007* is similar to other laws. If you break the law you can be punished.

### *What are the main types of election offences?*

- There are 5 basic types of offences in the *Saskatchewan Métis Elections Act, 2007*:
  - **Voting illegally.** Two examples:
    - voting when you are not eligible
    - voting more than once
  - **Improperly influencing other voters.** Two examples:
    - bribing a voter to vote a certain way or not to vote at all
    - by intimidation, influences the way a person votes or represents that voting is not secret
  - **Using information improperly.** Two examples:
    - if you use the voters list for anything except the election
    - publishing a false statement about the withdrawal of a candidate
  - **Crimes that involve candidates.** Two examples:
    - if you become a candidate and you know you are not eligible
    - if you are a candidate for more than one position
  - **Crimes that involve election officers.** Two examples:
    - if an election officer does not respect the secrecy of the vote
    - if a Deputy Returning Officer doesn't count the ballots the way the Act says they should be counted
- There are many ways to break the law for each type of offence. Read the *Saskatchewan Métis Elections Act, 2007* and make sure you follow the law.

**Knowingly making a false oath / affirmation is a serious criminal offence and may result in prosecution and conviction for perjury under the Criminal Code.**

### ***How are offenders punished?***

- If you break the *Saskatchewan Métis Elections Act, 2007* and you are found guilty, you will not be able to be a candidate for 10 years.
- **In addition, every person who commits perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.**

### ***Who can complain about offences or problems?***

- Any person who believes that a violation of the *Saskatchewan Métis Elections Act, 2007* has occurred can make a complaint. A complaint can be made after the election has been declared and must be made within 90 days following Election Day.

### ***Who investigates a complaint?***

- A Complaints Officer is appointed to investigate all complaints under the Act.
- Law enforcement agencies have the power and responsibility to enforce the *Criminal Code* for cases of perjury, e.g. a false oath or affirmation

## **9. Candidate's Checklist**

### **Before the election period begins**

- ❑ Consider finding a good campaign manager. You don't have to have a campaign manager, but it is a good idea.
- ❑ Find at least 5 eligible voters to sign your nomination papers. These signatures must be witnessed.
- ❑ Make your official request for your CPIC check.
- ❑ Get a copy of the *Saskatchewan Métis Elections Act, 2007* and read it.

### **The election period up to Election Day**

- ❑ Look on the election website [www.mnselection.ca](http://www.mnselection.ca) to download blank nomination papers and instructions or ask your Regional Returning Officer for a copy.

- ❑ Complete your nomination papers properly and ask the Chief Electoral Officer if you have a question.
- ❑ File your nomination papers on time and pay the \$100 deposit.
- ❑ It is preferable to file your nomination papers early so there will be enough time to make corrections if necessary.
- ❑ Look on the election website [www.mnselection.ca](http://www.mnselection.ca) to find the location of polling stations or ask your Regional Returning Officer.
- ❑ Look online or ask your Regional Returning Officer for a schedule of the mobile polls.
- ❑ Prepare and sign official authorization forms if you have representatives and want them to visit the polls. Each representative needs his or her own authorization form.
- ❑ Candidates and candidate's representatives can be at the polls 15 minutes before they open at 9am and stay for the count after the polls close at 8pm.

### **Election Day**

- ❑ Vote.
- ❑ Make sure you do not have any campaign materials at the polling station.
- ❑ Ask your representatives to get a copy of the Statement of the Poll from the Deputy Returning Officer when it is ready following the ballot count.
- ❑ Ask your Regional Returning Officer for a copy of the election report. The report will also be posted on the election website.

### **After Election Day**

- ❑ Take down all your campaign materials within 10 days following Election Day.
- ❑ Consider giving any money left over from your campaign to a charitable organization or back to the contributors.