

GUIDANCE FOR LOBBYISTS DURING AN ELECTION

With the Saskatchewan general provincial election coming up in October 2024 it is important for you to be aware of certain dates and processes that may affect your lobbying activities. This bulletin is written to provide guidance for Lobbyists about their responsibilities in relation to the upcoming Saskatchewan Provincial Election.

DATES OF SIGNIFICANCE

There are certain dates you should be aware of as they relate to your job and that of public office holders.

September 30, 2024 – the Writ will likely be issued, signifying the official start of the 28 day election period.

October 28, 2024 - Election Day

November 20, 2024 – Returns of the Writ which officially declares elected candidates as new members of the Saskatchewan Legislative Assembly

HOW CAN THIS AFFECT MY JOB AS A LOBBYIST?

WHO IS A PUBLIC OFFICE HOLDER?

Once the Writ drops, regular MLAs are no longer considered public office holders. However, the Premier, Cabinet and their respective staffs still retain their public office holder designation.

It is acceptable for you to continue lobbying Ministers, the Premier and staff that retain their public office holder designation. However, some lobbying and/or political activities may put the public office holder in a conflict situation or affect your post-election employment options.

If a candidate is also a public office holder (for example, a Chief of Staff or Deputy Minister) and the communication is lobbying related, then you are required to include that communication in your lobbying registration.

LOBBYING ACTIVITIES

It is acceptable for lobbyists to lobby during an election period, but you must register your lobbying activities in the Saskatchewan Lobbyists Registry in accordance with the Act.

It is also acceptable for lobbyists to participate in political activities. However, these activities fall along a risk spectrum with some activities being higher risk than others for putting a member in a real or perceived conflict of interest.

VOLUNTEER ACTIVITIES

The Lobbyists Act does not prohibit volunteering for a candidate or party.

However, it is important for Lobbyists to remember that their activities can affect members if they are elected. Volunteer activities fall along a spectrum of risk largely associated with the candidate/member. It is up to each candidate/member to decide what is acceptable to them.

Lobbyists can display campaign signs and *attend* a fundraiser with little to no risk of a conflict, other activities may put members in a real or perceived conflict of interest.

Activities such as serving on a member's campaign team, *organizing* a political fundraiser, preparing advertising or communication plans or providing other services are all higher risk activities that have the potential to put a member in a conflict of interest if the lobbyist is currently lobbying or lobbies the Member once re-elected.

Lobbyists who actively canvass on the Members behalf, act as scrutineers or have significant interaction with the Member during an election campaign may also give rise to the perception of a conflict if they continue to lobby that same Member once he/she is re-elected.

Contributions to a Candidate or Registered Political Party

The Election Act, 1996 sets out the rules individuals must follow when making a contribution to a candidate or registered political party, including donations of goods and services as a donation in kind.

Elections Saskatchewan oversees and enforces these rules. Please contact them for further clarification at 1-877-958-8683

AFTER ELECTION ACTIVITIES

If you are thinking of working on a transition team s.9 and s.10 of *The Lobbyists Act* would be triggered and affect your ability to lobby.

As a member of a transition team or as a contract employee you would be considered a public office holder and subject to s.9 prohibitions upon the completion of your term/contract.

s.9 Prohibitions on former public office holders lobbying

s.9(3) Subject to subsection (4), no former public office holder who was formerly employed in the office of a minister of the Crown or the office of a former minister of the Crown shall lobby the ministry or government institution for which the minister or former minister was responsible for a period of 6 months after the date on which he or she ceases to be employed in the office.

s.9(4) No former public office holder who was formerly employed in the premier's office or in a former premier's office shall lobby a ministry or government institution for a period of 6 months after the date on which he or she ceases to be employed in the office.

s. 10 Prohibitions respecting contracting

10(1) In this section, "contract for providing paid advice" means an agreement or other arrangement under which a person directly or indirectly receives or is to receive payment for providing advice to the Government of Saskatchewan or a government institution.

s.10(3) No person shall lobby on a subject-matter if that person, or another person associated with that person, holds a contract for providing paid advice on the same subject-matter.

s.10(4) No person shall enter into a contract for providing paid advice on subject-matter if that person, or another person associated with that person, lobbies on the same subject-matter.

If you are unsure if a lobbyist should be communicating with you, or would like clarification on a specific circumstance, please do not hesitate to contact the Conflict of Interest Commissioner/Registrar of Lobbyists.

www.sasklobbyistregistry.ca

info@sasklobbyistregistry.ca

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