

BYLAW NO. 07-2024

AN ELECTION BYLAW

A BYLAW TO PROVIDE FOR CONSOLIDATING THE RULES AND REGULATIONS TO RUN A MUNICIPAL ELECTION IN THE RURAL MUNICIPALITY OF KEYS NO 303

The Council for the Rural Municipality of Keys No 303 in the Province of Saskatchewan enacts as follows:

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Section 1

INTERPRETATION

- 4) This Bylaw shall be known as the Elections Bylaw.
- a) The Authority for this Bylaw lies with *The Local Government Election Act, 2015*, and amendments.

b) This Bylaw is designed to list the common timelines, regulations and Forms in *The Local Government Election Act, 2015*, and to address matters which Council may decide by bylaw or resolution. This is not designed as a substitute for *The Local Government Election Act, 2015*.

c) This Bylaw will not address votes on bylaws, referendums, resolutions or questions.

5) **DEFINITIONS**

- a) In this Bylaw:
- i) “Council” shall mean The Council of The Rural Municipality of Keys No 303;

ii) “Minister” shall mean the Minister of Government Relations in the Province of Saskatchewan;

iii) “Municipality” shall mean The Rural Municipality of Keys No 303;

iv) “The Election Act” shall mean *The Local Government Election Act 2015* plus amendments;

v) Definitions within *The Local Government Election Act, 2015* shall apply here.

SCHEDULES

- b) The Schedules attached to this bylaw shall form part of this bylaw.

SEVERABILITY

- c) In the event of a decision of court that any part of this bylaw is illegal, void, or unenforceable, that decision will affect that portion of the bylaw and not the remainder of the bylaw.

Section 2

ELECTION PROCEDURES

6) **DIVISION BOUNDARIES**

- a) There are 6 divisions in the Rural Municipality of Keys as follows:
- i) Division 1 shall be all of Township 31, Range 01 plus Section 01 to section 18 of Township 32, Range 01;

ii) Division 2 shall be all of Township 31, Range 02 plus Section 01 to Section 18 of Township 32, Range 02;

iii) Division 3 shall be all of Township 31, Range 03 plus Section 01 to Section 18 of Township 32, Range 03;

iv) Division 4 shall be all of Township 33, Range 01 plus Section 19 to Section 36 of Township 32, Range 01;

v) Division 5 shall be all of Township 33, Range 02 plus Section 19 to Section 36 of Township 32, Range 02;

vi) Division 6 shall be all of Township 33, Range 03 plus Section 19 to Section 36 of Township 32, Range 03 including the Organized Hamlet of Crystal Lake and Section NE 24 and SE, NE 25 Township 33, Range 04.

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12) BALLOTS AND BALLOT BOXES

- a) The Ballots:
 - i) Shall be in the prescribed Form N, as in Schedule EL 06-01.
 - ii) In the event of multiple positions being elected on the same day, each position’s ballot shall be in a different color.
 - iii) Names on the Ballots shall be “LAST NAME, FIRST NAME” in alphabetical order of the last name.
 - iv) Section 90 of the Election Act allows for voting machines by bylaw. The Municipality shall not use voting machines for election purposes.
- b) Ballot Boxes:
 - i) The same ballot box may be used for both Advanced Polls and Regular Poll.
 - ii) The same ballot box may be used for multiple polls in the event of multiple positions being elected on the same day.

13) MAIL-IN BALLOTS

- a) As per section 92 of the Election Act, the Municipality shall adopt the mail-in ballot system for the purpose of receiving ballots in an election as described in this section:
 - i) Application Process
 - (1) In front of the Returning Officer or election official designated by the Returning Officer, each person wishing to receive a mail-in ballot shall fill out:
 - (a) Form C- The Declaration of Person Requesting, as in Schedule EL 03-01; and
 - (b) Form R- Registration Form, as in Schedule EL 06-02.
 - ii) Any person who wishes to vote by mail shall apply in person to the office of the Municipality between one hundred and forty-two (142) days prior to Election Day and the day before the date of the Advanced Poll.
 - iii) Providing Ballots
 - (1) Notwithstanding section 41 of the Election Act, the Returning Officer may authorize the use of blank ballots, as in Schedule EL 06-01, if in the Returning Officer’s opinion, the expected delivery date of the printed ballots will adversely affect the ability of voters to vote by mail.
 - (a) All ballots issued to persons voting by mail shall be identical.
 - (2) The ballot kit shall consist of:
 - (a) The Ballot, with the Returning Officer’s initial in the box on the reverse side of the ballot or ballots provided to the voter;
 - (i) In the case of section 13(a)(iii)(1) being used, a list of candidates who are seeking election;
 - (b) A ballot security envelope, bearing the information as described in Schedule EL 03-02;
 - (c) A voter confirmation envelope, bearing the information as described in Schedule EL 03-03;
 - (d) An outer envelope, addressed to the Returning Officer and bearing the information as described in Schedule EL 03-04; and
 - (e) Appropriate directions to voters, bearing the information as described in Schedule EL 03-05.
 - (f) The ballot kit shall either be given to the voter in person, if available, or by regular mail to the address given on Form C in Schedule EL 03-01;
 - (g) Once the ballot kit has been provided to the voter, the voter is deemed to have voted and is not entitled to vote at any other poll.
 - (3) Voter Requirements
 - (a) Voters are required to:
 - (i) Insert marked ballots into the ballot security envelope;
 - (ii) Seal the ballot security envelope;
 - (iii) Date and sign the voter confirmation envelope;
 - (iv) Seal the voter confirmation envelope and insert into outer envelope; and
 - (v) Mail or hand deliver the package to the Municipal Office.

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- (4) Upon Receiving the Ballot Package, the Returning Officer shall:
 - (a) Ensure the voter confirmation envelope is signed by the voter;
 - (b) Record on Form R, as previously signed by the Voter, the date which the envelope was received; and
 - (c) Deposit the voter confirmation envelope into the ballot box.
 - (d) All ballot packages shall be returned to the Returning Officer by:
 - (i) If by mail, the closure of the polls on Election Day; or
 - (ii) If by person, the closure of the polls on Election Day.
 - (iii) Any ballots received afterwards are deemed to be spoiled and will remain unopened in the voter confirmation envelope.
 - (e) The Returning Officer shall designate one deputy returning officer who will receive the mail-in ballot box containing the ballots prior to the close of polls on Election Day.
- (5) Objections by Candidates or Agents
 - (a) On Election Day, any candidate or candidate's agent may examine any application package filed;
 - (b) Any candidate or candidate's agent may object to any person's entitlement to vote if that person voted by mail at which time, the objection shall be written on the poll book.
- (6) Counting Ballots
 - (a) The Deputy Returning Officer shall be responsible to count the mail-in ballots.
 - (b) If the Returning Officer is of the opinion that the number of voters who voted by mail are small and as a result it may be possible to determine who any voter voted for, the returning officer may direct the deputy returning officer to include the mail-in ballots in the in the same box used for the polling on Election Day.
 - (c) Each confirmation envelope shall be inspected to determine if the voter's signature is missing, which would deem the ballot spoilt.
 - (d) The Deputy Returning Officer shall extract the ballot security envelope and examine for tears or unauthorized markings, which would be deemed spoilt if there is.
 - (e) If accepted by the Deputy Returning Officer, the ballot security envelope shall be placed into a container or other ballot box with the other ballot security envelopes received.
 - (f) Once all the valid ballot security envelopes are in the ballot box, the Deputy Returning Officer shall open the ballot security envelopes and:
 - (i) If using the same ballot box as Election Day, place the ballots into the ballot box from election day, shake the box and proceed to count as per procedures; or
 - (ii) If not using the same ballot box, shall place all ballots into a ballot box, shake it and proceed to count as per procedures.
 - (g) The envelopes received in this section shall be placed with Form R at the end of the election and shall be kept and eventually destroyed as per the Election Act.

14) ELECTION OFFICIALS

- a) Prior to starting their position, every Election Official shall sign Form E, as in Schedule EL 04-02.
- b) Returning Officer
 - i) The Returning Officer shall be the Administrator of the Municipality unless a resolution is passed by Council at least 90 days prior to the call of the election.
 - ii) In the event that the Administrator, or appointed Returning Officer, cannot fulfill their duties, Council shall appoint a replacement.
 - iii) The Returning Officer shall appoint all other Election Officials by using Form D as in Schedule EL 04-01.
 - iv) The Returning Officer shall accept all completed Form I, Nomination Form and Acceptance, and shall give a receipt as Form K as In Schedule EL 02-05.
- c) Deputy Returning Officer
 - i) As per the Election Act, there shall be one Deputy Returning Officer appointed at each of the Polling Places at each of the Advanced Poll(s) and Regular Poll(s).
 - ii) Duties are listed in 101 (2) of The Election Act.

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- d) Poll Clerk
 - i) As per the Election Act, there shall be one Poll Clerk appointed at each of the Polling Places at each of the Advanced Poll(s) and Regular Poll(s).
- e) Indemnities
 - i) All election officials shall be paid at the same rate as the daily indemnity of Council.
 - ii) There shall be no mileage paid except in the event that the Returning Officer has to set Polling Places outside the Town of Canora. The rate shall be at the same rate as Council.

15) VOTERS

- a) Section 36(1) of the Election Act provides the eligibility for voting in the Municipality. As such a person must be:
 - i) A Canadian Citizen;
 - ii) At least 18 years of age; and
 - iii) At least one of the following:
 - (1) Has resided in the Municipality, or on land now within the Municipality, for at least three consecutive months immediately preceding the day of the election;
 - (2) Is the registered owner of property within the Municipality for at least three consecutive months immediately preceding the day of the election;
 - (3) Is the assessed person as per section 207 of *The Municipalities Act*;
 - (4) Is a Spouse of Subsection (1) or (2) of this Section;
 - (5) Is a chief executive officer of a duly incorporated co-operative, corporation or a religious association that has assessed property within the Municipality that is not exempt from taxation.
 - iv) Each voter can only vote once for their appointed division councilor and once for reeve.
 - (1) As per Section 39 of the Election Act, the division which a voter votes is determined by the following order:
 - (a) If a person lives in the Municipality, they shall vote in that division;
 - (b) If a person has property in only one division, they shall vote in that division;
 - (c) If a person has property in more than one division, it shall be the division with the highest combined assessed value. If the person in this clause wishes to vote for another division, they shall write a letter to the Administrator prior to September 1 and may only do so once every 4 years.
 - v) To obtain a ballot, each voter shall:
 - (1) present one piece of identification which contains a photograph of the voter or two pieces of approved identification without photographs so long as one has their address, as in Schedule EL 06-04; or
 - (2) If a voter does not have the prescribed identification, another eligible voter who knows them can vouch for their identify by using Form B as in Schedule EL 06-03; and
 - (3) fill out FORM R as in Schedule EL 06-02.

16) VOTER'S LIST

- a) The Municipality shall not have a voter's list, nor is there any list available for distribution other than a Municipal Map.

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17) CANDIDATES

- a) As per section 42 of the Election Act, to become a Candidate in the municipal election, a person:
 - i) Must be a voter of the Municipality;
 - ii) Must not be disqualified pursuant to section 43 of the Election Act, or any other Act;
 - iii) Must Reside in Saskatchewan;
 - iv) Shall submit the Nomination Form as in Schedule EL 02-01. This Form shall be given to the Returning Officer prior to closure of the nomination period.
- b) Disclosure of Election Expenses
 - i) Section 34 of the Election Act allows Council to establish disclosure requirements respecting contributions and expenses and to establish election campaign limits.
 - (1) There will be no requirements for candidates to disclose contributions or expenses for a Municipal Election at this time.
- c) As per section 103 and section 104, during the Advanced Poll and the Election Day Poll, each candidate may have up to two people, including themselves, attending each polling place.
 - i) Prior to any agent being able to attend the poll, the Candidate shall sign Form T, as in Schedule EL 04-04.
 - ii) Any candidate, or candidate's agent, who attends the polling place with the intent of staying must sign the prescribed Form U as in Schedule EL 04-04.
 - iii) The candidates or the agents may not talk directly to voters at the polling place during the election.

18) ADVERTISING

- a) Call for Nomination
 - i) Shall be Form H, as in Schedule EL 01-01.
 - ii) Shall be posted in the Municipal Office; and
 - iii) Shall be posted in the Canora Courier, Kamsack Times and Preeceville Progress; and
 - iv) Shall be posted on the Municipal Website.
- b) Nomination Papers shall be posted:
 - i) At the Municipal Office.
- c) Abandonment of Poll
 - i) Shall be the Abandonment of Poll Form, as in Schedule EL 01-02.
 - ii) Shall be posted in the Municipal Office; and
 - iii) Shall be posted in the Canora Courier, Kamsack Times and Preeceville Progress; and
 - iv) Shall be posted on the Municipal Website.
- d) Notice of Vote
 - i) Shall be the Notice of Vote Form, as in Schedule EL 01-04.
 - ii) Shall be posted in the Municipal Office; and
 - iii) Shall be posted in the Canora Courier, Kamsack Times and Preeceville Progress; and
 - iv) Shall be posted on the Municipal Website.
- e) Notice of Advanced Poll
 - i) Shall be the Advanced Poll Form, as in Schedule 01-02.
 - ii) Shall be posted in the Municipal Office; and
 - iii) Shall be posted in the Canora Courier, Kamsack Times and Preeceville Progress; and
 - iv) Shall be posted on the Municipal Website.

