

## Bylaw No. 2022 - 43

### RM of Edenwold No. 158

#### A Bylaw to Establish a Mail-In Ballot Voting System

Whereas, pursuant to Clause 92(1) of *The Local Government Elections Act*, 2015, a municipality may establish a mail-in ballot voting system for the purpose of receiving ballots in an election.

The Council of the Rural Municipality of Edenwold No. 158, in the Province of Saskatchewan, enacts as follows:

#### 1. DEFINITIONS

In this Bylaw, including this section:

- 1.1 **Act** shall mean *The Local Government Elections Act*, 2015, as repealed and replaced from time to time.
- 1.2 **Administrator** shall mean the employee or representative of the Municipality tasked with enforcing this Bylaw, or their delegate.
- 1.3 **Ballot Kit** shall mean a kit a voter may use to vote by mail, and shall include:
  - a. a means of accessing this Bylaw;
  - b. the ballots to which the voter is entitled;
  - c. a ballot security envelope, bearing the information described in Appendix C, attached to and forming part of this Bylaw;
  - d. a voter confirmation envelope, bearing the information described in Appendix D, attached to and forming part of this Bylaw;
  - e. an outer envelope, addressed to the Returning Officer and bearing the words "Mail-In Ballot" on its face, with postage paid for by the Municipality;
  - f. appropriate directions to voters; and
  - g. a list of candidates seeking election if the Municipality uses a blank ballot.
- 1.4 **Council** shall mean the Council of the Municipality.
- 1.5 **Declaration of Person Requesting a Mail-In Ballot** shall mean a Declaration of Person Requesting a Mail-In Ballot as outlined in Form C of the Regulations, attached to and forming part of this Bylaw as Appendix B.
- 1.6 **Deputy Returning Officer** shall mean a deputy returning officer appointed pursuant to Section 48 of the Act.
- 1.7 **Enumerator** shall mean an enumerator appointed pursuant to Section 54 of the Act.
- 1.8 **Municipality** shall mean the Rural Municipality of Edenwold No. 158.
- 1.9 **Regulations** shall mean *The Local Government Election Regulations*, 2015, as repealed and replaced from time to time.
- 1.10 **Returning Officer** shall mean:
  - a. the Administrator of the Municipality;
  - b. a person appointed by Council pursuant to Section 47 of the Act; or
  - c. a person appointed pursuant to Section 62 of *The Municipalities Act*, 2005, as repealed and replaced from time to time.
- 1.11 **Voter** shall mean a person described in Section 36 of the Act who is eligible to vote in a municipal election in the Municipality.




- 1.12 **Voter's Registration Form** shall mean the Voter's Registration Form and Poll Book – Mail-In Ballot as outlined in Form R of the Regulations and modified as provided for within this Bylaw, attached to and forming part of this Bylaw as Appendix A.

## **2. GENERAL REGULATIONS**

- 2.1 This Bylaw may be referred to as the 'Mail-In Ballot Bylaw'.

## **3. APPLICATION PROCESS**

- 3.1 A voter who wishes to vote by mail shall apply for a ballot kit by filling out and submitting to the Returning Officer:
- a Voter's Registration Form; and
  - a Declaration of Person Requesting a Mail-In Ballot.
- 3.2 Voter's Registration Forms and Declarations of Person Requesting a Mail-In Ballot may be witnessed by:
- the Returning Officer;
  - the Deputy Returning Officer;
  - the Enumerator;
  - any other person authorized to sign oaths; or
  - any other person.
- 3.3 A voter who wishes to vote by mail shall apply:
- In-person at the Municipal Office at 100 Hutchence Road, Emerald Park SK;
  - by mail to the Municipal Office at 100 Hutchence Road, Emerald Park SK, S4L 1C6; or
  - by email to the Municipality's general email address.
- 3.4 Pursuant to 3.3, a voter shall apply no later than 1 days before election day.
- 3.5 Upon receiving a Voter's Registration Form and Declaration of Person Requesting a Mail-In Ballot, the Returning Officer shall note the date of approval in the appropriate area in the Voter's Registration Form.

## **4. PROVIDING BALLOTS TO VOTERS**

- 4.1 Notwithstanding Section 41 of the Regulations, the Returning Officer may authorize the use of blank ballots if, in their opinion, the expected delivery date of printed ballots will adversely affect the ability of voters to vote by mail.
- 4.2 Notwithstanding 4.1, all ballots issued to persons voting by mail shall be identical.
- 4.3 The Returning Officer shall:
- ensure the outer envelope is addressed to the Returning Officer at the correct postal address;
  - on the voter confirmation envelope:
    - print the name of the voter;
    - identify the division in which the voter is entitled to vote; and
    - identify the ballots provided to the voter;
  - on a ballot for the office of councillor, indicate the maximum number of candidates for whom a voter can vote in figures and in words if a blank ballot is used;




- d. on a ballot for the office of councillor, indicate the division number in which the voter is entitled to vote; and
  - e. place their initials on the box on the reverse side of the ballots provided to the voter.
- 4.4 The Returning Officer shall provide a ballot kit to a voter who has completed and submitted a Voter's Registration Form and Declaration of Person Requesting a Mail-In Ballot pursuant to this Bylaw.
- 4.5 Pursuant to 4.4, ballot kits shall be provided after the Notice of Poll is issued.
- 4.6 Pursuant to 4.4, the Returning Officer, upon providing a ballot kit, shall make the following entries to the poll book:
  - a. those required pursuant to Section 107 of the Act; and
  - b. the date on which the ballot kit was provided to the voter.
- 4.7 Pursuant to 4.4, after providing a ballot kit to a voter, the voter is deemed to have voted and is not entitled to vote at any other poll.

## **5. RECEIVING BALLOTS FROM VOTERS**

- 5.1 Voters are required to:
  - a. insert marked ballots into the ballot security envelope;
  - b. seal the ballot security envelope and insert it into the voter confirmation envelope;
  - c. date and sign the voter confirmation envelope;
  - d. seal the voter confirmation envelope and insert it into the outer envelope; and
  - e. return the outer envelope in its original form to the Returning Officer by mail, courier, in-person, or any other means.
- 5.2 The Returning Officer shall ensure there is a ballot box which shall contain only mail-in ballots from the time mail-in ballots are received until the close of polls on election day.
- 5.3 Upon receipt of an outer envelope containing a voter's ballot on or before the close of poll on election day, the Returning Officer shall:
  - a. open the outer envelope and remove the voter confirmation envelope;
  - b. record in the poll book the date on which the envelope was received; and
  - c. deposit the voter confirmation envelope in the mail-in ballot box.
- 5.4 The Returning Officer shall designate at least one Deputy Returning Officer who will receive mail-in ballots prior to the close of polls on election day.
- 5.5 Prior to the close of polls on election day, the Returning Officer shall deliver the following materials to the Deputy Returning Officer designated pursuant to 5.4:
  - a. the ballot box containing all ballots received by mail;
  - b. the application kits from all voters who applied for a mail-in ballot; and
  - c. any ballots received by the Returning Officer after the above materials have been delivered to the Deputy Returning Officer.




## **6. OBJECTIONS BY CANDIDATES & AGENTS**

- 6.1 On election day, any candidate or candidate's agent may examine the Voter's Registration Form or Declaration of Person Requesting a Mail-In Ballot filed by a person who applied for a mail-in ballot.
- 6.2 A candidate or candidate's agent retains the right to object to a person's entitlement to vote if that person votes by mail.
- 6.3 On the objection of a candidate or a candidate's agent to the entitlement of a person voting by mail, the Returning Officer shall make necessary entries in the poll book pursuant to Clause 112(1)(b), (c), and (d) of the Act.

## **7. COUNTING BALLOTS**

- 7.1 Mail-in ballots shall be counted after the close of polls on election day.
- 7.2 Where the Returning Officer believes the number of voters who voted by mail is small and, as a result, it may be possible to determine for which candidate any of the voters voted, the Returning Officer may direct the Deputy Returning Officer to include the mail-in ballots in the same ballot box used for polling on election day.
- 7.3 The Deputy Returning Officer:
  - a. shall open the mail-in ballot box in the presence of persons authorized to be in the polling place pursuant to Section 134 of the Act;
  - b. examine each voter confirmation envelope in the ballot box and allow each other person in attendance at the polling place to view the voter's signature on the voter confirmation envelope; and
  - c. may reject a voter confirmation envelope if the signature of the voter is missing;
  - d. pursuant to (c), if the voter confirmation envelope is accepted, extract the ballot security envelope and examine it for any tears or unauthorized markings;
  - e. pursuant to (d), if the ballot security envelope:
    - i. contains any tears or unauthorized markings, reject the ballot security envelope; or
    - ii. is accepted, deposit the ballot security envelope into a container or another ballot box;
  - f. pursuant to (d) and (e), after all ballot security envelopes have been dealt with, extract the ballots from the ballot security envelopes and proceed with counting the ballots in accordance with Sections 129 to 132 of the Act.
- 7.4 The Deputy Returning Officer shall deem spoiled those ballots which were sent to voters by the Returning Officer but were not returned to the Returning Officer prior to the close of polls on election day and shall, pursuant to Clause 118(2) of the Act, reference this fact in the report of the count of the votes.
- 7.5 The mail-in ballots and any forms used in conjunction with voting by mail, including the voter confirmation envelopes opened by the Deputy Returning Officer pursuant to 7.3(e) shall be placed in packets in the same manner as other ballots pursuant to Section 136 of the Act.
- 7.6 The Deputy Returning Officer shall place the packets described in 7.5, along with the poll book and any other forms used in conjunction with voting by mail, in the ballot box.
- 7.7 The Returning Officer or Administrator shall retain all ballots and other forms used in conjunction with voting by mail with other election materials pursuant to Section 142 of the Act.




- 7.8 Upon receipt of a ballot after the close of polls on election day, the Returning Officer or the Administrator shall:
- write "deemed spoiled" on the outer envelope;
  - record the date said ballot came into their possession;
  - initial the entry; and
  - retain it with, but not in, the ballot box described in Section 142 of the Act, unless said ballot can be deposited in the ballot box within unsealing the ballot box.

#### **8. INSPECTION, ENFORCEMENT, AND PENALTIES**

- 8.1 The administration and enforcement of this Bylaw is hereby delegated to the Returning Officer and the Administrator.
- 8.2 Any person contravening any section of this Bylaw shall be guilty of an offence and is liable on summary conviction to the penalties provided for in Section 184 of the Act.
- 8.3 All disputes arising from the administration of this Bylaw shall be referred to the Provincial Court, and the Provincial Court shall be the final authority in all cases.

#### **9. SEVERABILITY**

- 9.1 This Bylaw shall not be construed to hold the Municipality or its agents responsible or liable for any damage to persons or property caused by the administration of the Bylaw.
- 9.2 If a court of competent jurisdiction should declare any part, section, sentence, clause, phrase, or other portion of this Bylaw to be invalid, that portion shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw. The part, section, sentence, clause, phrase, or other portion of this Bylaw is to be deemed a separate, distinct, and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

#### **10. COMING INTO FORCE**

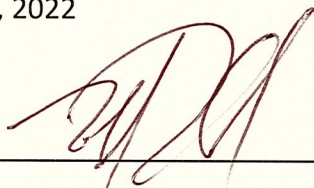
- 10.1 This Bylaw shall come into force and take effect on the final passing thereof.

1<sup>st</sup> Reading: June 28<sup>th</sup>, 2022

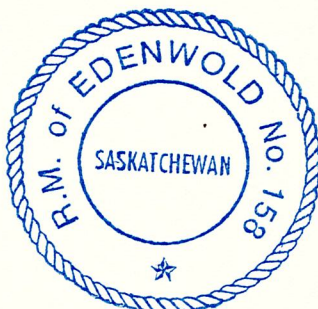
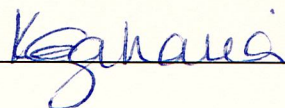
2<sup>nd</sup> Reading: August 9<sup>th</sup>, 2022

3<sup>rd</sup> Reading: August 9<sup>th</sup>, 2022

Reeve:



Administrator:



CERTIFIED A TRUE AND CORRECT COPY OF  
Bylaw No. 2022-43  
Keghania, Administrator  
DATED AT EMERALD PARK, SASK.  
THIS 9<sup>th</sup> DAY OF August, 2022



**Form R - Voter's Registration Form and Poll Book – Mail-In Ballot***[Subsections 96(2) and 121(2) of the Act]*Name: \_\_\_\_\_  
(Print)Mailing Address: \_\_\_\_\_  
(Print)

Election held in: Rural Municipality of Edenwold No. 158 Division No. \_\_\_\_\_

Complete the following by placing an **X** in the box to the left of each statement that is correct:

- ☐ a) I am a Canadian citizen.
- ☐ b) I am the full age of 18 years or will attain the full age of 18 years on or before election day.
- ☐ c) I have not already voted in this election.

On the day of the election, I: *(place an X in one of the following boxes)*

- ☐ a) have resided in the rural municipality or on land now in the rural municipality for at least three consecutive months immediately preceding the day of the election;
- ☐ b) am the registered owner or purchaser (pursuant to a bona fide agreement for sale) of land in the rural municipality;
- ☐ c) am assessed with respect to land in the rural municipality pursuant to a lease, licence, permit, or contract in agreement with the registered owner;
- ☐ d) am assessed with respect to an improvement in the rural municipality;
- ☐ e) am the holder of a permit in the rural municipality with respect to a trailer or mobile home;
- ☐ f) am the spouse of a person described in clauses (b), (c), (d) or (e);
- ☐ g) am the chief executive officer of a duly incorporated co-operative, corporation, or religious association that is assessed on the last revised assessment roll with respect to property in the rural municipality that is not exempt from taxation.

I declare that I am a voter entitled to vote in Division No. \_\_\_\_\_ of the Rural Municipality of Edenwold No. 158.

I declare that the information given by me with respect to the above statements is true in all respects.

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

Witness: \_\_\_\_\_ Voter: \_\_\_\_\_  
*(Returning Officer, Deputy Returning Officer, Enumerator,  
other person authorized to sign oaths, or any other person)*

Mail-In Ballot Date Information			Voted With Respect To		
Date of acceptance	Date kit provided to voter	Date ballot received	Reeve	Councillor	Objection

Remarks: \_\_\_\_\_ Entry No.: \_\_\_\_\_




## Form C – Declaration of Person Requesting a Mail-In Ballot

[Subsections 96 of the Act and Clause 18(1)(a) of the Regulations]

Declaration of Absentee Voter.

Complete the following by placing an **X** in the box to the left of each statement that is correct:

- ☐ 1) I am qualified to vote in Division \_\_\_\_\_.
- ☐ 2) I have completed a Voter's Registration Form.
- ☐ 3) I request that a mail-in ballot be issued to me.

I make this solemn declaration conscientiously and believing it to be true and knowing that it is of the same force and effect as if made under oath/affirmation and by virtue of the *Canada Evidence Act*.

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Signature of person requesting a mail-in ballot)

Phone number or email address of person requesting a mail-in ballot:

\_\_\_\_\_

I have witnessed the signature of the person named above and am satisfied the person's identity has been established pursuant to *The Local Government Election Act, 2015*, and the Regulations.

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

\_\_\_\_\_  
(Signature of Returning Officer, Deputy Returning Officer, Enumerator,  
other person authorized to sign oaths, or any other person)

Phone number or email address of person witnessing this form:

\_\_\_\_\_

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## Appendix C – Ballot Security Envelope

The following text shall be printed on a ballot security envelope:

BALLOT(S) ONLY.

The ballot(s) contained within this envelope will be rejected if this envelope:

- is torn;
- bears any unauthorized markings; or
- contains materials other than ballots.

## Appendix D – Voter Confirmation Envelope

The following text shall be printed on a voter confirmation envelope:

TO BE COMPLETED BY THE VOTER:

**Insert sealed ballot envelope in this envelope, seal, and complete the following certificate.**

I certify that I am entitled to vote in this election pursuant to *The Local Government Election Act*, 2015, and that enclosed in this envelope is a ballot envelope that contains the ballot(s) received by me and marked by me.

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

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(Signature of Voter)

OFFICE USE ONLY.

Name of Voter: \_\_\_\_\_

Ballot(s) included:

- [ ] Office of Reeve
- [ ] Office of Councillor, Division \_\_\_\_\_

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