

Local Government Election Guide

For Saskatchewan Municipalities

Effective 1 January 2020

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1. Municipal Elections

Introduction

This guide has been prepared to assist elected officials to carry out the duties and responsibilities of holding municipal elections. It is based on the election provisions contained in:

- *The Local Government Election Act, 2015* (LGEA);
- *The Local Government Election Regulations, 2015* (LGEA Regs.);
- *The Cities Act* (CA);
- *The Municipalities Act* (MA); and
- *The Northern Municipalities Act, 2010* (NMA).

Please note that this guide has no legal authority. It is intended for reference purposes only and not as a replacement for the actual legislation. Three flow charts have been created: Process – Prior to Election Day; Process - Voting; and Process - After Close of Advance Polls and Polls. These charts provide a general overview of the local election process. It is intended to be used with the material in this guide and the actual legislation.

Throughout this guide, relevant legislation and regulation section numbers are included to guide municipal election officials to the appropriate legislated authority. It is important to ensure that the most recent copy of the legislation and regulations are used, which can be downloaded free of charge from <https://publications.saskatchewan.ca/#/home>.

Commonly Used Acronyms

1. EO Election Official (includes RO, DRO, NO, PC)
2. RO Returning Officer
3. DRO Deputy Returning Officer
4. NO Nomination Officer
5. PC Poll Clerk
6. NM Northern Municipality
7. RV Resort Village
8. RM Rural Municipality
9. S. Section
10. CA *The Cities Act*
11. LGEA *The Local Government Election Act, 2015*
12. LGEA Regs. *The Local Government Election Regulations, 2015*
13. MA *The Municipalities Act*
14. NMA *The Northern Municipalities Act, 2010*



Definitions

Definitions are available in each act that is referenced in this guide.

2. Preliminary Election Procedures

General Information - s. 10

General elections are held for each office every four years. RMs hold an election for selected divisions every two years, however, each council member holds office for a four-year term. The next general municipal elections will be as follows:

2020 General Election

Affecting all cities, towns, villages, and RMs (for reeve and odd-numbered division councillors)

Monday, November 9th - ELECTION DAY polls open 9:00 a.m. - 8:00 p.m.*

**Election Day is the second Wednesday of November, every four years unless election day falls on a statutory holiday. In that case, election day will be held on the Monday of that week*

Northern Municipalities

Councils in NMs have the option to hold their general election earlier than Monday, November 9 but only if they make their decision at least 90 days' prior. Only the following dates are available to choose from:

- the second last Wednesday in September;
- the last Wednesday in September; or
- the first Wednesday in October.

Resort Villages Only - last Saturday of July, every four years

Saturday, July 25th – ELECTION DAY 9:00 a.m. - 8:00 p.m.

2022 General Election

Affecting RMs only for even-numbered division councillors - second Wednesday of November, every four years

Wednesday, November 9th - ELECTION DAY 9:00 a.m. - 8:00 p.m.

2024 General Election

Affecting all cities, towns, villages, and RMs (for reeve and odd-numbered division councillors) - second Wednesday of November, every four years

Wednesday, November 13th - ELECTION DAY 9:00 a.m. - 8:00 p.m.

Northern Municipalities

Councils in NMs have the option to hold their general election earlier than Wednesday, November 13 but only if they make their decision at least 90 days' prior. Only the following dates are available to choose from:

- the second last Wednesday in September;
- the last Wednesday in September; or
- the first Wednesday in October.

Resort Villages Only - last Saturday of July, every four years

Saturday, July 27th - ELECTION DAY 9:00 a.m. - 8:00 p.m.

By-elections shall be held on Wednesdays for cities, towns, villages and RMs and Saturdays for RVs.

Terms of Office - s. 16

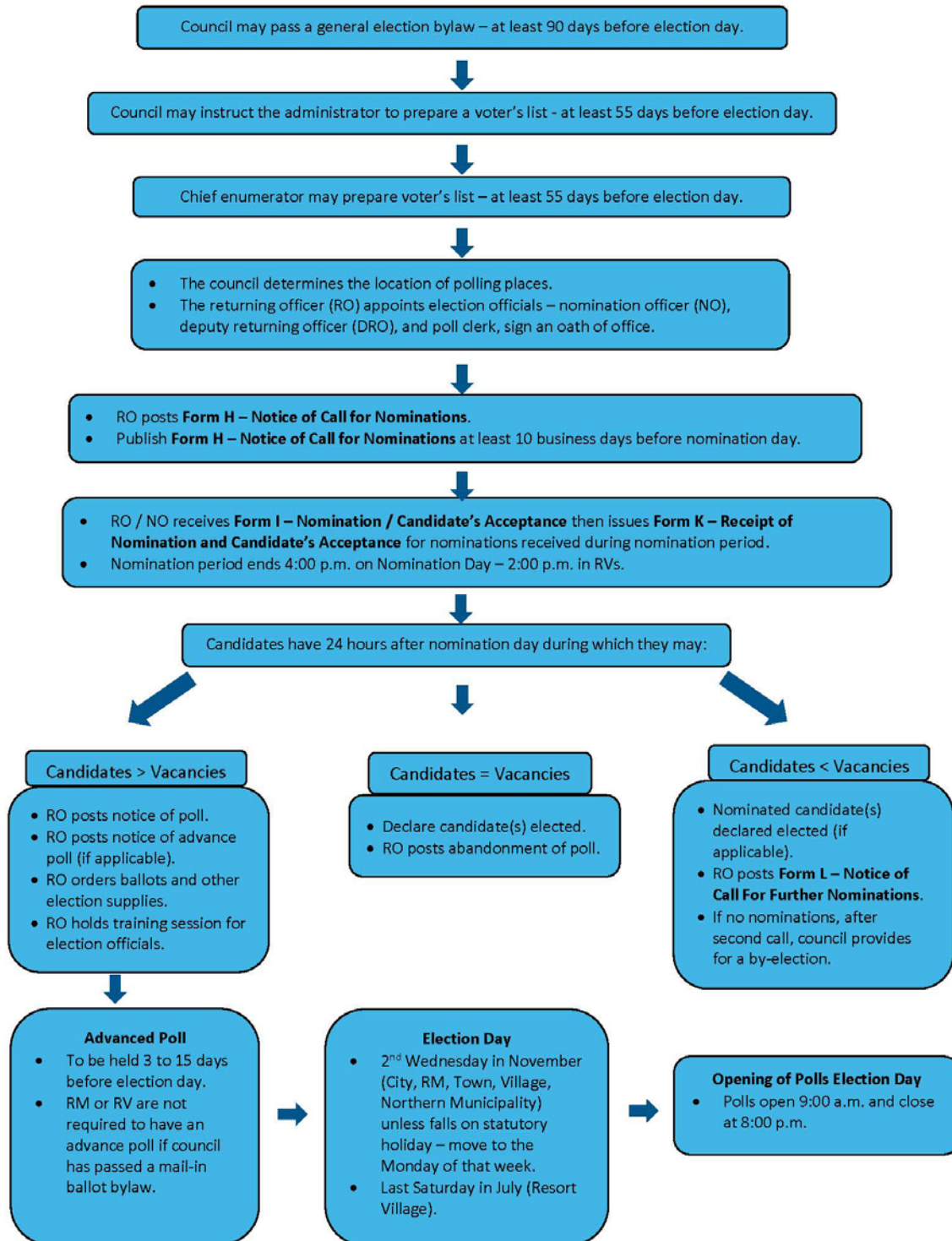
Terms of office for council members, including mayor or reeve, begin at the first meeting of council following the general election. Incumbent members of council remain in office until the first meeting of council after the election.

- In municipalities other than cities, the first meeting of the council following the general election is held within 31 days after the date of election at a time, date and place determined by the administrator; and
- In cities, the first meeting of council following a general election is held on the day the city holds a regularly scheduled council meeting, provided that meeting occurs within 31 days after the date of general election.

RMs are divided into divisions and urban municipalities may be divided into wards. A ward or division is a geographic subdivision of a municipality created to ensure each geographic area is represented on the municipal council. The voters within the ward will elect a specified number of councillors, usually one. The voters within a division will elect one councillor. If an urban municipality is not divided into wards, councillors are elected at large. All voters from a municipality choose from among the candidates for the office of mayor or reeve.

All forms can be found at
[Publications Saskatchewan.](#)

Process– Prior to Election Day Flow Chart



3. Council Duties - S. 24, 33, 52, 83, 92

Council is legislatively required to determine certain matters regarding a forthcoming election or by-election. Council shall:

- set the remuneration to be paid to EOs;
- pay all or the municipality's share of the costs incurred in holding the election;
- direct the RO to establish an advance poll or a mail-in-ballot system in a RM or RV in accordance with the general election bylaw;
- set the date for a by-election; and
- name one or more polling places within Saskatchewan for each division in a RM.

Council Powers - S. 9.1, 34, 47, 55

Council has discretionary authority to act respecting certain aspects of the election. Council may (legislative deadlines apply):

At least **180 days** before a general election: (S. 80 MA, S. 54 CA, S. 99 NMA)

- pass a bylaw to change the size of council in an urban municipality or a northern municipality (does not apply to by-elections).

At least **90 days** before election day:

- appoint a person other than the administrator as the RO;
- pass a general election bylaw if council determines other methods for providing notice instead of newspaper; and
- pass a Criminal Record Check bylaw. (S. 89.1 MA, S. 63.1 CA, S. 104 NMA)

At least **60 days** before a general election:

- pass a bylaw to require disclosure of campaign contributions and expenses, and/or to establish election campaign limits.

At least **55 days** before a general election:

- pass a bylaw to specify that the names on the ballots be arranged in random order or rotational order; and
- provide for enumeration of voters and the preparation of a voter's list.

Council may (no specific legislated deadline):

- pass a bylaw to use vote counting machines;
- provide for a mail-in ballot voting system, by bylaw;
- establish a polling place in a hospital, personal care facility, or other similar institution;
- provide for homebound voting;
- direct the RO to establish one or more advance polls in a RM or RV;
- provide for one or more polling places located outside of the resort village in a resort village; and
- appoint another person to act in the capacity of the RO if the RO is unable to perform his/her duties.

Quick Tip:

A best practice is to include all items in your general election bylaw for the required 90 days' notice.

General Election Bylaw - s. 9.1

Council may establish a general election bylaw. If council chooses, they can combine all election-related bylaws into one. The general election bylaw must be passed at least 90 days before the general election. Items council may include in the general election bylaw are:

- methods for providing public notice (required to be in the general election bylaw);
- disclosure of campaign contributions and finances;
- addition of the candidate's occupation to the nomination paper and ballot;
- rules for the deposit required with nomination papers in an urban municipality with a population over 20,000;
- use of voting machines, voting recorder, optical scanning vote tabulators or other similar devices;
- form of ballots;
- establishment of advance polls or mail-in-ballot for RM and RV;
- distribution and authorization of advertisements;
- naming one or more polling place within Saskatchewan for each division;
- procedures for homebound voting;
- preparation of voter's list; and
- setting the remuneration paid to each EO.

Polling Places (RM) - s. 24

The council of a RM shall name one or more polling places within Saskatchewan for each division.

Criteria for Polling Areas and Places - s. 25

One polling place may be used as the polling place for two or more polling areas. Polling areas must be established and polling places must be named in such a way that:

- all polling areas contain an equal number of voters;
- each voter may vote at one polling place on all matters on which he/she is entitled to vote;
- there is at least one polling place situated within or close to each polling area;
- a polling place is located, if possible, in a place allowing convenient access to persons who have a disability;
- a polling place is located in each municipality (if practical); and
- if wards are established, each polling area is within only one ward.

Inaccessible Polling Place – s. 124

Whenever possible, the polling place should be accessible for people with a physical disability or limited mobility. "Curbside voting" applies to situations where the voter is immediately outside the polling place, however, he/she cannot access the polling place because of a physical disability or limited mobility.

The voter can make a request to the DRO to take their vote at some other location in order to make it accessible (e.g. from their parked vehicle outside the polling place). The request may be verbal or written.

The DRO has the following authority in this situation:

- to temporarily suspend proceedings in the polling place:
 - voters in the polling place who have received ballots are permitted to vote before suspending proceedings; and
 - other voters who may attend during this time are informed that voting is temporarily suspended;
- to lock the polling place to secure the materials in the polling place during this time;
- to invite candidates and agents in attendance to witness the proceedings; and
- to proceed to the alternate polling place (the voter's car or other location) with a voter's registration form, the poll book, the ballots to which the voter may be entitled, a pencil for use by the voter, and the ballot box.

Procedures for voting are the same as they would be within the polling place. For example, the voter completes [Form R - Voter's Registration Form](#) and presents identification to election officials, the ballot exchange procedures are the same, and the ballot is deposited in the ballot box.

Change of Polling Place - s. 26

If any polling place named becomes unavailable, the RO shall:

- name another place as an alternate polling place; and
- post notice as to the change at the original polling place.

Hospital and Personal Care Facility - s. 29

A council may provide for a polling place to be held in a hospital, a personal care facility, or a similar institution so people who are receiving care at those facilities can vote. This may apply to either the poll on election day or an advance poll. Council has authority to set the duration of a poll in a hospital or a personal care facility. The poll must be open for a minimum of one hour.

4. Election Officials - s. 46-53

All EOs are appointed by the RO. Legislation requires:

- one or more DROs for each polling place, including advance polls;
- one or more PCs for each polling place, including advance polls; and
- enumerators, if a voter's list is prepared.

It is important that EOs carry out their duties in a professional, non-partisan manner. They:

- cannot be a candidate in the municipal election;
- do not need to be electors in the municipality; and
- should be at least 18 years of age because they are signing documents such as their election official oath or affirmation.

Quick Tip:

EOs do not require to be eligible voters in the election.

EOs are required to maintain secrecy throughout the election process:

- the EO must keep the information of voters (including voter information) documentation and identification confidential;
- EOs are not to disclose or make use of the information or document other than for the purposes of providing a ballot to the person; and
- no EO or voter is allowed in the area where a voter marks their ballot.

RO Duties - S. 47

Unless council appoints someone other than the administrator to be the RO, the administrator will be the RO for the municipal elections. Such appointment must be made at least 90 days before election day.

The RO is the person responsible for all matters relating to the election including:

- appointing all other EOs (DRO, PC and NO) by completing [Form D – Appointment of Election Official](#);
- ensuring all EOs complete [Form E – Oath, Affirmation or Declaration of Election Official](#);
- posting the required prescribed forms:
 - [Form H – Notice of Call for Nominations](#); and
 - [Form L – Notice of Call for Further Nominations](#);
- posting the required non-prescribed forms:
 - Notice of Poll;
 - Notice of Abandonment of Poll; and
 - Notice of Advance Poll;
- receiving nominations;
- establishing one or more advance polls in a village, town, or city;
- for RMs only, supplying an EO with a [Form S – Transfer Certificate](#) in the event they are to vote at another poll in a division; and
- receiving and declaring election results.

ROs may be asked to determine if a person is an eligible candidate or elector. EOs should be prepared to explain eligibility criteria, however, **EOs should avoid determining a person’s right to vote or seek office. Candidates and electors are personally responsible to determine their eligibility.**

The RO may also choose to appoint:

- NOs to receive nominations and issue receipts on behalf of the RO;
- constables to maintain order at a polling place; and
- any other officials deemed necessary to conduct the election.

Due to public perception, ROs should avoid appointing a person as an election official who is related to a candidate or who is a known close associate of a candidate.

Each polling place must have at least a DRO and a PC. The DRO and the PC cannot be the same person. The RO may act as the DRO for a municipality with population of less than 200, or only one polling place.

Quick Tip:

Is more than one person in the office expected to receive nomination papers?

RO can appoint them as an NO.

DRO - s. 48

The DRO must be the same person when using the same ballot box for the advance poll(s) and election day. If the DRO can only act at the advance poll it is recommended to use a different ballot box for election day. The DRO is responsible for the operation of the assigned polling place. To do this, the DRO:

- sets up the polling place;
- posts required notices and signs;
- ensures voters complete voter registration forms (unless a voter's list is used);
- provides assistance to voters with disabilities;
- keeps track of ballots;
- provides direction to candidates and agents;
- counts the ballots after the poll is closed;
- makes the final decision to approve or reject a ballot;
- completes required forms;
- closes the poll; and
- turns over all election materials to the RO.

PC - s. 48, 51

The PC reports to the DRO. The PC assists the DRO with:

- setting up and opening the polling place;
- the conduct of the vote;
- allowing voters to cast their ballots in an orderly fashion;
- counting of ballots; and
- closing the poll.

Notice Requirements - s. 9

Notices are required to be posted in the municipal office, and the office of the RO (if different than the municipal office).

In addition to the above, notices are to be published:

- in one or more public locations within the municipality or if wards are established, posted in one or more location in each ward; and
- in at least one issue of a newspaper that circulates within the municipality.

If council is in the opinion that it is not feasible or practical to post public notice in a newspaper and in accordance with their general election bylaw, they may choose to:

- distribute notice by mail;
- publish on a website or publicly distribute by other electronic means; or
- distribute by any other means as long as notice is given within the same time frame and frequency as required in the LGEA.

5. Nomination Process - S. 66-82

Call for Nominations - S. 66

Nomination day in cities, towns, villages and RMs is the 5th Wednesday before election day, or the 5th Saturday before election day for a RV. NM nominations are on the Wednesday that is five weeks before election day. At least 10 business days before nomination day, the RO will call for nominations. This is done by preparing [Form H – Notice of Call for Nominations](#) and posting it in the manner described in the Notice Requirement section of this guide.

Nominations for candidates will be received at the specified location (usually the municipal office):

- during normal office hours after posting the call for nominations until nomination day begins; and
- between 9:00 a.m. - 4:00 p.m. on nomination day in a village, town, city, NM or RM (including lunch hour); or
- between 11:00 a.m. - 2:00 p.m. on nomination day in a RV.

Receiving Nominations - S. 67, 68, 42, 34

Nomination forms may be obtained from the municipal office or from another source. EOs must accept a **completed** prescribed [Form I – Nomination \(front\)](#) and [Candidate's Acceptance \(back\)](#). A complete form will:

1. Have the correct number of nominators:

NOMINATORS NEEDED - NO WARDS				
Population	Cities	Towns	Villages	Resort Villages
Over 20,000	25	N/A	N/A	N/A
under 20,000	5	5	5	5
NOMINATORS NEEDED - WARDS *				
Population	Cities	Towns	Villages	Resort Villages
Over 20,000	25	N/A	N/	N/A
under 20,000	N/A	5	5	5

* Nominators (eligible voters) must be from the ward that the candidate is seeking office

NOMINATORS NEEDED IN RM	
Councillor	Two eligible voters of the division the candidate is seeking office
Reeve	Two eligible voters of the RM

2. Have a completed Candidate's Acceptance including witness signatures:

- the form must be signed by the candidate and witnessed by two people; who do not need to be voters or nominators; and
- the RO or NO may wish to avoid witnessing the candidates' acceptance. This is not prohibited by legislation; but signing the nomination form may lead to questions about whether the witness signature was completed before or after the nomination form was received.

3. **Include a criminal record check** – if required by bylaw.
4. **Provide a deposit of \$100.00:**
 - if the municipality has a population of more than 20,000; or
 - if the municipality has a bylaw requiring candidates to provide a deposit; and
 - the deposit may be refunded following election day if the candidate and the candidate’s manager have complied with;
 - the Act and regulations; and
 - the provisions in the bylaw; if passed; regarding establishing disclosure requirement of campaign contributions and expenses.
5. **Include a public disclosure statement:**

Nominees are required to attach a completed public disclosure statement to the nomination paper. If the public disclosure statement is not attached, the NO shall not accept the nomination paper.

The RO or a NO has **no authority** to reject a fully completed nomination form regardless of belief or knowledge that the candidate is not qualified and/or has been nominated by ineligible voters. It is **not** the responsibility of the RO or NO to determine a candidate’s qualifications to seek office. The responsibility falls to the candidate who must attest to his/her eligibility in his/her acceptance and signing of the nomination paper.

Filing the Nomination Paper - S. 69, 70, 75

A nomination form may be submitted to an authorized election official by:

- personal service by the candidate or a person acting on the candidate’s behalf;
- registered or ordinary mail;
- fax;
- email; or
- as otherwise specified by the RO.

The EO accepts [Form I – Nomination \(front\)](#) and [Candidate’s Acceptance \(back\)](#) where all aspects of the form are complete and issues a [Form K – Receipt of Nomination and Candidate’s Acceptance](#).

After receiving a nomination, the EO will:

- make a copy of the receipt issued and attach the copy to the nomination form;
- make a copy of the nomination form for public inspection;
- post a copy of each nomination form, public disclosure statement, and criminal record check (if required by bylaw) in the municipal office;
- store the original nomination form in a secure location; and
- retain the nomination form and all attached information for the duration of the term of office.

Withdrawing a Nomination - S. 76

A candidate may withdraw his/her nomination by providing the RO or NO with a written declaration during normal office hours until 24 hours after the close of nomination day. In a RV, the withdrawal

period will close at 2:00 p.m. on the Monday following nomination day.

The statement of withdrawal (not a prescribed form) must be signed by the candidate and witnessed by: two witnesses; or the RO or NO. The name of a person who withdraws his/her nomination must not appear on the ballot.

Nomination Outcomes - S. 77-78

Following the period for withdrawal of nominations, the RO must assess the outcome for each office. Possibilities are: number of candidates greater than vacancies; number of candidates equal to vacancies; or number of candidates less than vacancies.

6. Candidates and Vacancies

Candidates - S. 42

CANDIDATE ELIGIBILITY		
(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/she submits the nomination paper and public disclosure statement; (d) has resided in Saskatchewan for at least six consecutive months immediately preceding the date on which he/she submitted the nomination paper; and		
URBAN (city, town or village)	URBAN (resort village)	RURAL (rural municipality)
(i) 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/she submitted the nomination paper.	(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/she submitted the nomination paper; or	(i) resides in Saskatchewan; and (ii) is eligible to vote in the rural municipality.
	(B) is the assessed person with respect to property in the resort village, or on property now situated in the resort village, pursuant to section 207 in <i>The Municipalities Act</i> , for at least three consecutive months immediately preceding the date on which he/she submitted the nomination paper; or	
	C) is the spouse of a person mentioned in paragraph (A) or (B).	

Incumbent - S. 71-72

A member of council whose term of office expires with the upcoming general election is not required to resign from his/her current position to seek election.

In an urban municipality or NM:

- a person cannot be nominated or elected as both a mayor and a councillor, or as a councillor in more than one ward in a municipality that is divided into wards.

In a RM:

- a person cannot be elected as a councillor in more than one division, or as a councillor of a division and as the reeve of a RM;
- a councillor for an even-numbered division must resign to be a candidate for the office of reeve in a general election because the term of office continues beyond the upcoming election date; and
- resignations must be in writing and given to the administrator. Resignations cannot be withdrawn after delivery to the administrator.

Vacancy - S. 15

Where there is a vacancy that occurs after January 1 in the year of a general election the council may proceed by holding a by-election before the general election or decide to fill the vacancy at the general election.

Number of Candidates > Number of Vacancies = Vote Required - S. 81

Where there are more candidates than vacancies for an office, the RO will:

- declare a vote will be held by posting a notice of poll;
- name when, where, and for what offices the vote will be held;
- name when and where the results of the vote will be declared; and
- post a Notice of Poll (non-prescribed form).

The RO may also post a Notice of Advance Poll (not a prescribed form).

Number of Candidates = Number of Vacancies = Candidates Acclaimed - S. 77

The RO will:

- acclaim candidates when the number of candidates is equal to the number of vacancies to be filled;
- declare the candidate to be elected; and
- post a Notice of Abandonment of Poll (not a prescribed form).

The term of office for acclaimed candidates begins in a:

- general election, at the first meeting of council following election day; or
- by-election, immediately upon signing the oath as the seat is vacant.

Number of Candidates < Number of Vacancies = Call for Further Nominations - S. 77

The RO will need to call for further nominations in the following situations:

1. there are no candidates nominated for an office (mayor/reeve; ward/division councillor):
 - o the RO will post [Form L – Notice of Call for Further Nominations](#); and
2. the number of candidates nominated is less than the number to be elected to an office (councillors elected at large). The RO will:
 - o declare any nominated candidates to be acclaimed; and
 - o post [Form L – Notice of Call for Further Nominations](#).

Nominations are received by the RO or NO during normal office hours after the withdrawal period until:

- 4:00 p.m. on the second Wednesday following the close of the withdrawal period; or
- 2:00 p.m. on the second Saturday following the close of the withdrawal period in a RV.

Candidates nominated as a result of the call for further nominations do not have a legislated ability to withdraw a nomination after it has been filed.

If the nominations received after the call for further nominations does not successfully fill the office, the council will begin the election process from the beginning by setting an election day and providing for a by-election at the next regular meeting:

- in a village, town, city or RM, nomination day and election day will be a Wednesday; and
- in a RV, nomination day and election day will be a Saturday.

When posting notices, refer to using methods described in the Notice Requirements section of this guide.

Disqualification - s. 43

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

- a judge of a court; and
- the auditor or solicitor of the municipality.

An employee must obtain a leave of absence in accordance with clause 2-54(1)(a) of *The Saskatchewan Employment Act* before seeking nomination to council, if he/she is employed by:

- the municipality; and/or
- a board or commission (appointed by a council).

If the employee is elected to council, the person is deemed to have resigned from his/her employment on the day before the day he/she were declared elected. If the employee is not elected to council, he/she may resume employment immediately after the election.

A person is not eligible to be nominated if the person is disqualified pursuant to the LGEA or disqualified pursuant to Part VIII of the CA, the MA and the MMA.

Exceptions to Disqualifications - S. 43

People who have a contract with the municipality are not disqualified from holding office as a member of council.

Specific circumstances such as bankruptcies, past criminal histories, or indebtedness to the municipality may cause voters to question a candidate's eligibility, however, candidates are **not** disqualified because of these factors.

Quick Tip:

Count ballots after receiving from printer before election day.

Death of a Candidate - S. 79, 80

If a candidate dies before the close of the withdrawal period for nominations, the election proceeds as if the deceased candidate was not nominated. The candidate's name will not be on the ballot.

If a candidate dies before the close of voting on election day, the candidate is deemed to have withdrawn and:

- if there are more remaining candidates than vacancies for office, a vote is required and the election proceeds;
- if the number of remaining candidates is equal to the number of vacancies for the office in question, the RO immediately declares the remaining candidates as elected; or
- if the number of remaining candidates is less than vacancies, the election process needs to start again.

Rights of Candidates and Agents - S. 104, 112, S. 171-173 and S. 176

Candidates and agents must make a declaration in prescribed [Form U – Declaration of Candidate or Agent](#), before exercising their duties or functions at the polling place. Each candidate:

- may appoint up to two agents in writing using prescribed [Form T – Appointment of Candidate's Agent](#):
 - the appointment form must be presented to the DRO at the polling place.

Candidates and agents have the right to:

- obtain a copy of the voter's list, if one was prepared;
- be in the polling place to observe proceedings while voters are voting; and
- object to the entitlement of any voter intending to vote; and they may:
 - examine a voter's evidence of identity; and
 - request verification of vouching procedure.

Candidates or agents do not have any authority to:

- directly question a voter;
- attempt to influence a voter;
- enter the polling place after the polls close; or
- canvass or solicit votes or persuade a person not to vote within 100 metres of a polling place.

Candidates and agents may enter and leave the polling place at their pleasure during the hours the poll is open. Candidates or one of their agents may arrange to attend the polling place prior to the

close of voting in order to observe the ballot count.

Candidates and agents are obliged to maintain the secrecy of the voting at the polling place. Failure to do so is an offence under the LGEA.

7. Preparing for Election Day

Election Supplies Checklist - s. 93

See appendix A

Prior to Opening of Polls - s. 101

The RO provides each DRO with the supplies required to conduct the election. The RO may also serve as the DRO in a municipality with a population of less than 200, or when there is only one polling place.

The DRO should review the supplies received to make sure that everything they need has been provided. It is important to count the number of ballots and verify all information on ballots is correct. The quantity of ballots may differ slightly from the number of ballots ordered; if this occurs and is not recognized, the EOs will not be able to reconcile the ballot count after voting is finished.

The DRO will perform the following duties before opening of poll:

- arrive at the polling place at least:
 - 15 minutes before the opening of the polls in a RM; or
 - 30 minutes before the opening of polls in an urban municipality;
- place voting compartments to ensure voters will be able to mark their ballots without being seen;
- post copies of [Form O – Directions for Voting](#) and [Form P \(S. 185.1, 185.11, 185.21, and 185.22\)](#) outside the entrance of the polling place and in each of the voting compartments;
- post a copy of [S. 181](#) of the LGEA at the entrance of the polling place if a voter's list is not being used;
- if a voter's list is being used, and a certificate has been supplied, make entries in the poll book; and
- provide a black lead pencil in each voting compartment.

It is recommended the DRO:

- inspect the polling place for unauthorized election materials and remove such material posted, for example, campaign notice;
- examine nearby properties to ensure there are no campaign signs within 100 meters of the polling place:
 - if a sign is present, notify the candidate and request that they remove the sign prior to the poll opening; and
 - there is no authority in the LGEA for EOs to enforce legislation; and
- provide a space for candidates and agents to observe the election proceedings. If attending the duration of the poll or the count, the candidates and/or agents shall, before entering the polling place, fill out [Form U – Declaration of Candidate or Agent](#) which is an oath, affirmation or declaration of secrecy during the proceedings.

The polling place should:

- be set up to ensure easy entry and exit of voters during peak times;
- provide a clear view of the ballot box and voting procedures;
- make sure candidates and agents are not placed in close proximity to the electors; and
- avoid placing candidates and agents at the same table as the election officials.

The placement of the table for EOs should provide the officials with a good view of all areas in the polling place.

Advance Poll - S. 83-87

An advance poll provides voters the opportunity to vote at a time prior to the actual election day. An advance poll must be open at least three days, but not more than 15 days, before election day. As noted earlier:

- advance polls are required in legislation for villages, towns, cities, and NMs;
- RVs and RMs are required to have either an advance poll or a mail-in-ballot; and
- RO sets the day(s) and hours(s) for the advance poll(s) to be open.

The ballot box used in an advance poll may be used at any other advance poll or at the poll on election day if the DRO feels voter secrecy may be compromised due to low voter participation. At the close of the advance poll, the DRO shall seal the ballot box by placing tape across the slot and then unsealing on election day, witnessed by the first voter.

Note: Voter's no longer need to be "eligible" to vote in advance or declare he/she will be absent on election day. It can simply be for convenience.

Mail-In Ballot Voting System - S. 92, S. 18 LGEA Regs.

Council may establish a mail-in ballot voting system by bylaw. RVs and RMs are required to have a mail-in-ballot if they do not have an advance poll. The bylaw:

- cannot provide additional time for ballots to be received:
 - any ballots received after the close of polls on election day are deemed to be spoiled ballots and they are to be dealt with in the same manner as other spoiled ballots;
- sets a process to maintain the secrecy of mail-in ballots:
 - the process used is not expressly described in legislation. It is up to the municipality to design its system to maximize voting opportunities for voters and minimize risks to voter secrecy;
- describes how ballots are counted, after the close of polls on election day;
- allows for candidates or candidates agents to inspect the voter's registration forms and declarations; and
- details the retention and destruction of the mail-in-ballots and forms. [S. 142](#)

[The Government of Saskatchewan](#) website includes a draft bylaw to establish a mail-in voting system that is closely based on the system used by Elections Saskatchewan. The draft bylaw suggests using [Form R – Voter's Registration Form and Poll Book](#) and modifying the form to record:

- an address to which a ballot would be mailed, if it is different than the elector's usual address; and
- important deadlines, namely:
 - when the application for mail-in ballot is accepted;
 - when ballots will be sent to the elector; and

- when the ballots are to be returned to the RO.

Voters applying to use the mail-in voting system must complete [Form C – Declaration of Person Requesting Mail-in Ballot](#) and [Form R – Voter’s Registration Form and Poll Book](#) to register. The voter must also establish his/her identity to the satisfaction of the RO or other person authorized in the bylaw. After reviewing the application, the RO will mail out a ballot package to the voter. Voters using the mail-in voting system must ensure the RO receives their ballots no later than the close of polls on election day.

Ballots received by mail may arrive over a prolonged period. During this time, access to the ballot box must be strictly controlled. It will be necessary to have a ballot box to hold ballots from the day they are received until election day. The RO maintains custody of the ballot box and the poll book until election day.

Depending on the number of voters who voted by mail, the mail-in ballots:

- may be treated as a separate poll:
 - the DRO will prepare a [Form Z – Deputy RO’s Statement of Results](#), for the mail-in ballots only;
 - or
- may be combined with other ballots cast on election day if the number of voters who voted by mail is relatively low and voter secrecy may be compromised:
 - in this situation, the [Form Z – Deputy RO’s Statement of Results](#) will include mail-in ballots and ballots cast at the polling place on election day.

The draft bylaw highlights options which should be considered by the municipality as it designs the mail-in voting system. As with any bylaw, it is good administrative practice to consult with the municipality’s solicitor prior to enacting the bylaw.

Election Day - s. 100-104

Polls are required to be open between 9:00 a.m. and 8:00 p.m. on election day. The RO may open polls earlier than 9:00 a.m. After the poll opens, the DRO will show people who are present that the ballot box is empty prior to closing and sealing the box. If the ballot box has previously been used at an advance poll, the DRO will remove the seal from the slot of the ballot box in the presence of the EOs, voters and/or any candidates and agents present.

The ballot box should be visible to:

- the DRO and PC;
- candidates and agents; and
- voters.

Access to the polling place is restricted to:

- EOs;
- candidates;
- not more than two agents for each candidate;
- people who are voting or waiting to vote; and
- an escort or assistant to a voter with a disability or limited ability, or an interpreter or sign language interpreter.

Quick Tip:

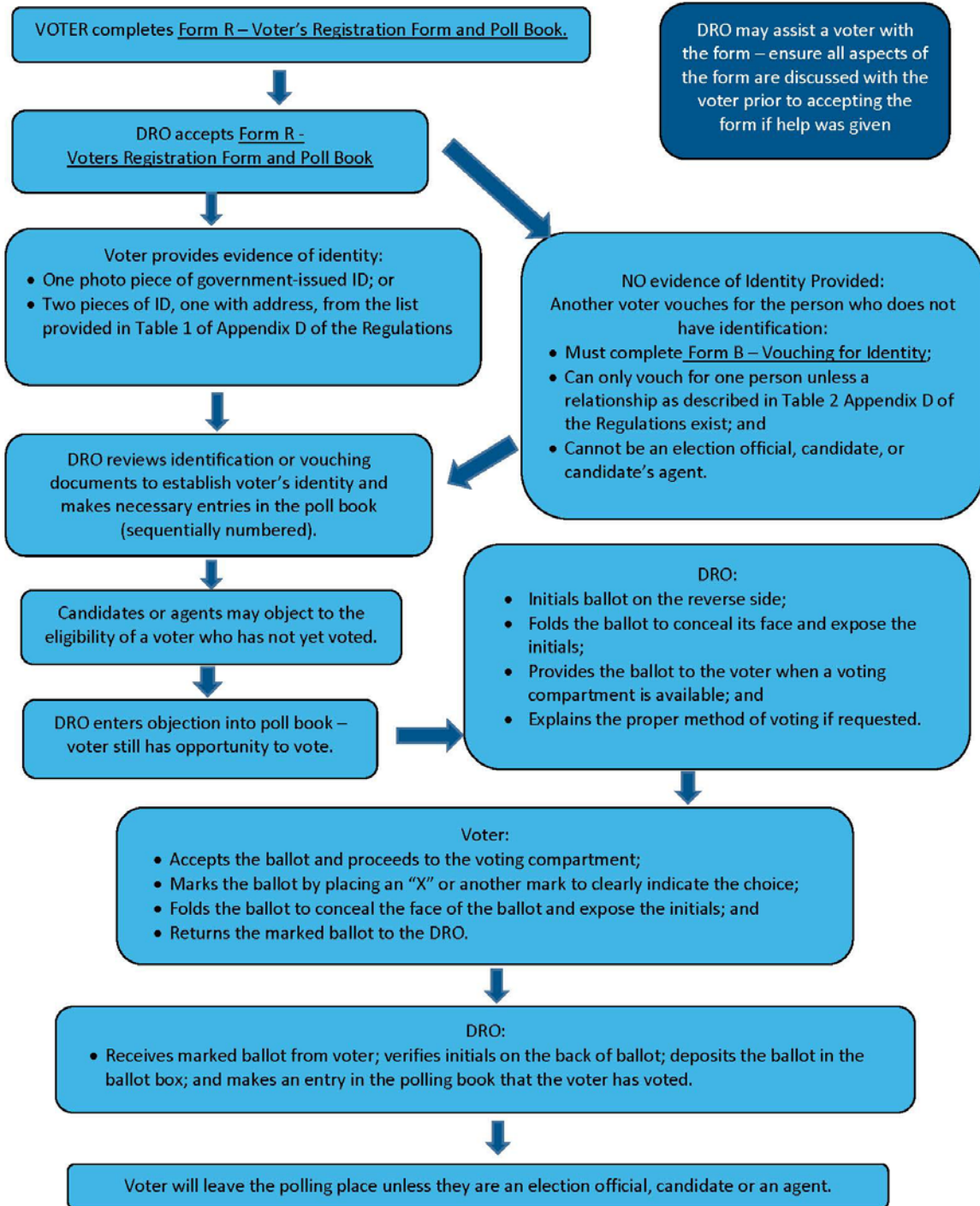
The Legislation Act allows the modification of forms.

The DRO should check the voting compartments periodically to make sure that:

- the pencil has not been removed;
- the notices posted by the DRO have not been removed or defaced; and
- materials have not been left by a previous voter.

All forms can be found at
[Publications Saskatchewan.](#)

Voting Process Flow Chart



8. Voters

VOTER ELIGIBILITY		
<p>(a) is a Canadian citizen;</p> <p>(b) is at least 18 years of age;</p>		
URBAN (city, town or village)	URBAN (resort village)	RURAL (rural municipality)
(c) has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election; and	(i) has resided in the resort village, or on land now in the resort village, for at least three consecutive months immediately preceding the day of the election;	(i) has 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;
(i) has resided in the municipality, or on land now in the municipality, for at least three consecutive months immediately preceding the day of the election; or	(ii) 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 <i>the Municipalities Act</i> for at least three consecutive months immediately preceding the day of the election; or	(i.1) is the registered owner of property in the rural municipality, or property now situated in the municipality;
(ii) is the owner of assessable land situated in the municipality, or land now situated in the municipality, for at least three consecutive months immediately preceding the day of the election.	(iii) is the spouse of a person mentioned in subclause (i), or (ii).	(ii) is the assessed person with respect to property situated in the rural municipality, or property now in the rural municipality, pursuant to section 207 of <i>The Municipalities Act</i> ;
		(iii) is the occupant of a trailer or mobile home in the municipality that is the object of a permit required pursuant to section 306 of <i>The Municipalities Act</i> ;
		(iv) is the spouse of a person mentioned in subclause (ii) or (iii); or
		(v) is 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.

Voter Eligibility - s. 36

Eligible voters can vote once during an election if they are a voter in the municipality. Voters may need an explanation for the difference between the use of the [Form F – Voter’s List](#) and [Form R – Voter’s Registration Form](#) and a voters list.

The day of the vote the voter shall:

- see the DRO to fill out [Form R – Voter’s Registration Form](#) or see if the voter’s name is on [Form F – Voter’s List](#);
- receive a ballot from the DRO;
- proceed to the voting compartment provided for voting;
- place a mark clearly indicating the candidate (or candidates) chosen;
- fold the ballot so the initials of the DRO are showing;
- leave the voting compartment, not showing the ballot and deliver the folded ballot to the DRO with the DRO initials showing, who will then place the ballot in the ballot box; and
- leave the polling place.

Voting in Wards (Urban) - s. 38

If a city, town, resort village or village is divided into wards, a voter is eligible to vote in the ward where he/she resides. The voter may vote for the councillor of the ward or the mayor. If the voter does not reside in the municipality, they may vote in the ward where they own land. If a city, town, resort village or village is **not** divided into wards a voter is eligible to vote for mayor and up to as many councillors as are needed to fill the vacancy.

Non-residents who want to vote and owns land in more than one ward vote only in the ward where they have the highest assessment. The voter must obtain a certificate from the municipal assessor stating which ward they are entitled to vote in. The certificate is presented to the DRO when registering to vote.

Voting in RM Divisions - s. 39

Each voter in a RM is entitled to vote for the reeve **and** for one division councillor. The administrator must notify voters of the division they are entitled to vote by:

- indicating the division number on the assessment notice; and
- indicating the division number on the tax notice.

The division where a person is eligible to vote is determined by the first applicable clause:

1. the division where the voter resides;
2. the division where the voter owns assessed property; or
3. the division where the voter holds a permit as the occupant of a trailer or mobile home.

If a voter owns assessed property in more than one division, but does not live in the municipality, he/she is eligible to vote in the division where the voter has the highest total assessment. If the total assessment is equal, the person will vote in the lowest numbered division:

- a voter who owns assessed property in one or more divisions and does not live in the municipality, may choose to designate one of those divisions as the division in which he/she wishes to vote by providing written notice to the administrator on or before the first of September in any year; and

- the voter is bound by the notice so long as he/she has property in those same divisions. Where a voter has property in one division and his/her spouse has property in another division, either of them may designate one of those divisions as the division in which they wish to vote by providing written notice to the administrator on or before the first of September in any year:
- both persons are bound by the notice so long as they have property in those same divisions; and
- the notice may be amended to select another division, however, the amendment does not take effect for at least four years.

Remember, this can only be done if a voter does not reside in the RM.

Form F – Voter’s List - S. 54-65

Voter’s lists are not commonly used by most Saskatchewan municipalities. The information in this section applies only when council has decided to create and use a voter’s list for an upcoming general election and any by-elections held in the subsequent four years. In order to have a voter’s list:

- the resolution to prepare it must be passed at least 55 days before election day; and
- the RO is the chief enumerator responsible for the enumeration:
 - council may appoint someone other than the RO to be the chief enumerator; and
 - the chief enumerator may appoint assistants to enumerate names and to prepare and revise the voter’s list.

The council of a municipality may choose to share the voter’s list with any officer appointed by federal or provincial sources.

The voter’s list shall be prepared in prescribed [Form F – Voter’s List](#). The form includes:

- sequential numbering;
- the name of the voter;
- the voter’s address or legal land description;
- the division where the voter can vote in a RM;
- the ward where the voter can vote in an urban municipality divided into wards; and
- whether the voter is eligible to vote in respect of the public or separate school division.

Note: A voter is deemed eligible to vote in the public school division if no indication is provided.

At least 31 days before election day, the chief enumerator posts a copy of [Form F – Voter’s List](#) and [Form G – Notice of Application for Revision of Voter’s List](#), in the office of the administrator, in the school division office and in any other public place he/she deems necessary. If the municipality is divided into wards, at least one set of these documents must be posted in a conspicuous place in each ward. These forms do not need to be published in the newspaper.

At least 15 business days before election day, voters may apply to the chief enumerator to amend the voter’s list. A person may apply to:

- have the name of a person (including their own) struck from the voter’s list, on the grounds that the person is not a qualified elector. Applications must:
 - be in writing; and
 - specify the grounds on which the person is deemed not eligible.
- correct an error or omission in the voter’s list by filing a voter’s registration form setting out the information necessary to correct the error or omission. Applicants are those persons:

- who are qualified as a voter, but whose name is not on the voter's list;
- whose name is listed in error on the voter's list;
- whose designation as a voter of the public school division or separate school division is incorrect; or
- whose name is listed in the incorrect division, ward, or polling place on the voter's list.

The chief enumerator will perform the following:

- prepare a revised voter's list by considering all applications received to (at least 10 days before election day);
 - strike any name from the list; or
 - correct any error on the list;
- amend the voter's list accordingly by initialing and dating each change made;
- serve a notice to people who have been deleted from the original voter's list informing them of the deletion along with a written statement of the qualifications of a voter:
 - notices are to be served either personally or by registered mail; and
- correct any apparent errors on the list and initial and date each change.

Candidates in an election may request a copy of the voter's list for use during election campaigning.

Objections to a Voter - s. 112

Candidates or agents may object to the eligibility of a voter who has not yet voted. Objections are directed to the DRO, not to the voter. A candidate or agent is not required to provide a reason for the objection. An objection does not automatically disqualify the voter.

After an objection is made, the DRO will:

- enter the objection in the poll book, including the name of the person raising the objection and initial the note; and
- ask the voter to complete [Form R - Voter's Registration Form](#) if they have not already done so:
 - if [Form R - Voter's Registration Form](#) has already been completed, the DRO may want to review the form with the voter and request verbal confirmation for each item; and
 - if the voter declines to complete a voter's registration form, or if the voter changes the information on the form in a way that disqualifies the person from voting, the person cannot receive a ballot and would be asked to leave the polling place after the DRO provides information about eligibility criteria to help direct the person to the correct municipal election.

In addition to objecting to a voter, a candidate or an agent may request to:

- see the identification provided by the voter to the EOs:
 - the DRO shall ask the voter to show the offered identification to the candidate or agent; and
- verify that the vouching procedures were followed:
 - the DRO would review and verify with the candidate or agent the procedures regarding establishing a voter's identity.

9. Special Situations

Forfeiture of Vote or Declined Ballot - s. 117

A person forfeits their right to vote if the voter:

- leaves or attempts to leave without returning the ballot to the DRO;
- intentionally marks the ballot in a way that a clear choice is not indicated; or
- returns the ballot to the DRO stating he/she declines to vote.

The DRO will:

- record the forfeiture or declined ballot in the poll book along with the reason;
- write “declined” or “forfeited” on the ballot and place it in one of the envelopes provided by the RO; and
- mark the envelope to identify it contains “Forfeited and Declined Ballots”.

Spoiled Ballot - s. 118

If a person accidentally spoils a ballot, the DRO provides a replacement ballot. Examples of spoiled ballots may include things such as accidentally tearing the ballot or realizing too many candidates have been voted for.

The DRO will:

- write “spoiled” on the spoiled ballot;
- take measures to ensure no person can see if or how the ballot was marked;
- place the spoiled ballot in one of the envelopes provided by the RO; and
- mark the envelope to identify it contains “Spoiled Ballots”.

Voters with a Disability or Limited Mobility - s. 123

Voters may request assistance if they are unable to read or are otherwise unable to vote in the manner described in the LGEA. The voter must complete [Form V – Declaration of Voter Unable to Vote](#) in the manner described by the LGEA. After the voter has completed [Form V – Declaration of Voter Unable to Vote](#) either:

- request the DRO to assist the voter marking the ballot, within or outside the voting compartment, in accordance with the voter’s wishes that could be in the presence of the PC and candidate’s agents; or
- if the voter is accompanied by a friend, the DRO shall permit that person to accompany the voter to the voting compartment:
 - the friend must complete [Form X – Declaration of Friend](#); and
 - a person may act as a friend to no more than two voters.

The DRO shall note particulars in the poll book including:

- the reason why the ballot was marked for the voter;
- who marked the ballot for the voter (e.g. the DRO or name of friend); and
- the word “declared” after the name of the voter and the friend if applicable.

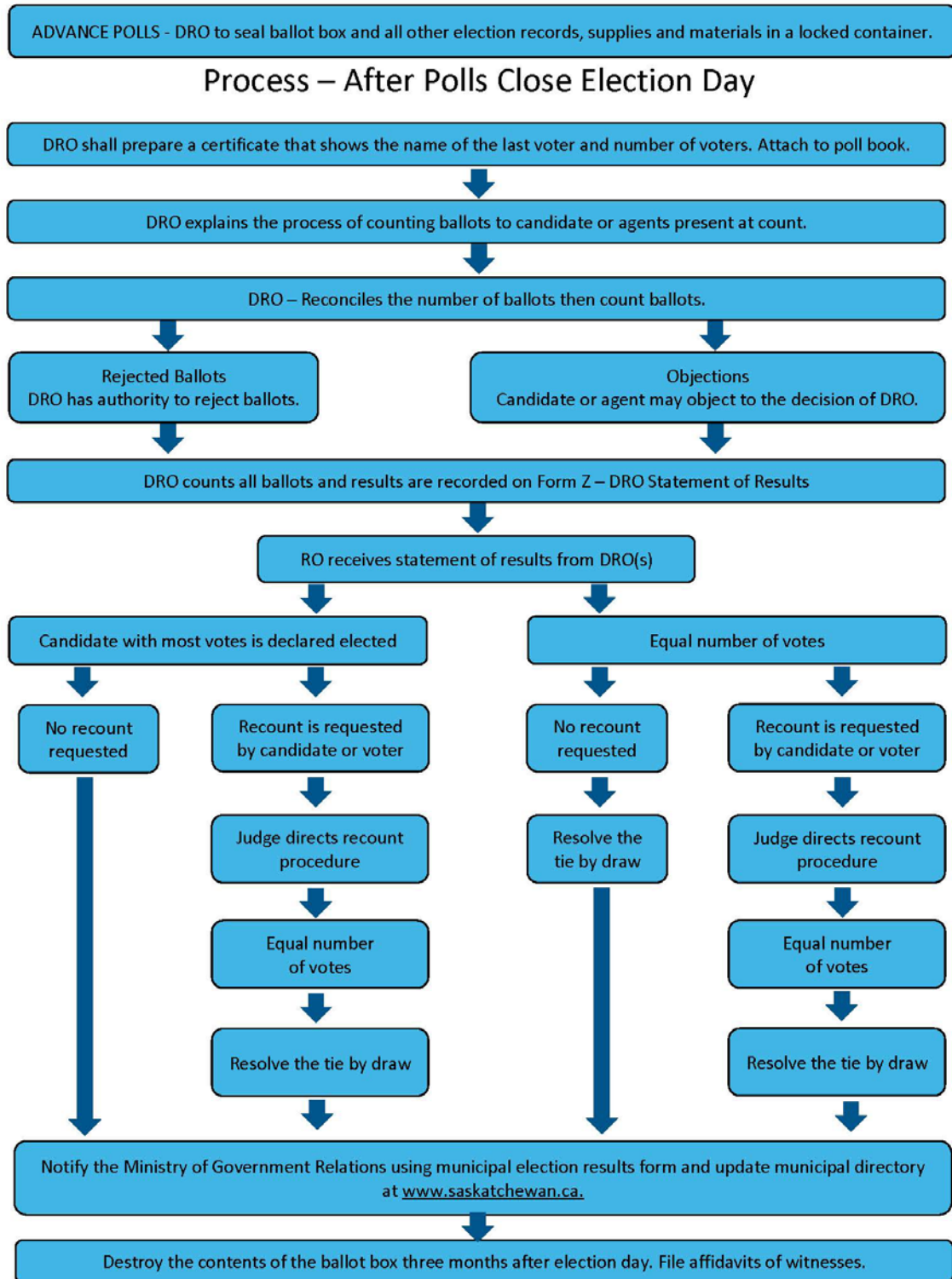
If the voter is visually impaired, the RO will provide [Form W – Template for Use of Visually Impaired Voters](#).

Interpreters - S. 125

If the voter requires an interpreter to translate a declaration or discussion, the interpreter must complete [Form Y – Declaration, Oath or Affirmation of Interpreter](#). A candidate or agent may not act as an interpreter. The DRO will mark in the poll book that the voter used an interpreter.

All forms can be found at [Publications Saskatchewan](#).

Process – After Polls Close (Advance Polls and Election Day)



10. Process After the Close of Poll - s. 128 -157

Preliminary

Any voters in the polling place at the time of closing are entitled to vote. No other voters should be permitted to enter the polling place after the polls close.

After the advance poll has closed the DRO shall:

- seal the ballot box in a manner so that no ballots can be deposited in the ballot box without breaking the seal and provide for its safekeeping;
- secure all election materials in a sealed container (if possible);
- prevent any person from having access to the ballot box or election supplies;
- if a voter’s list is used, prepare and deliver to the RO [Form M – Advance Poll List](#);
- if [Form R – Voter’s Registration Form and Poll Book](#) is used, enclose the forms in the secured container; and
- return ballot box and all election materials to the RO.

When the poll closes on election day at 8:00 p.m., the DRO will prepare a non-prescribed certificate after the last name entered into the poll book indicating the number of persons who voted at the poll on election day. If the poll is using the [Form R – Voter’s Registration Form and Poll Book](#), prepare the certificate on a blank sheet of paper and attach it to the completed forms to form the poll book. There may be multiple poll books if the ballot box contains ballots from another poll like an advance poll, an institutional poll, a mobile poll or mail-in ballots. A separate certificate should be prepared for each poll book.

Certificate of Voters

I certify that the number of voters who voted at the election in this polling place is [number, in words] and that [name of last voter] was the last person who voted at this polling place.

[Signature of Deputy RO]

Prior to counting the ballots, the DRO should have a discussion with candidates or agents in attendance to discuss:

- the ballot counting procedure;
- the right to object to a decision; and
- the procedure following registration of an objection.

Only the candidate or one of the candidate’s agents may be in attendance to observe the ballot count. This is different than the number of persons allowed to observe while voting takes place.

Verify the number of ballots at the polling station:

- count the number of unused ballots along with those that were spoiled or declined;
- add this number to the number of voters who cast ballots on election day; and
- the total should equal the number of ballots provided to the DRO when the poll opened.

Counting the Ballots - s. 128

After reconciling the number of ballots, the DRO will perform the following:

- open the ballot box;
- verify there are no ballots stuck within any interior flaps:
 - if separate ballot boxes are being used for each office the other boxes should remain sealed until the DRO is ready to count those ballots;
- verify that the number of ballots equal the number of voters in the poll book:
 - if the number of ballots is not equal to the number of voters, open the other ballot boxes to determine if a ballot was placed in the incorrect ballot box; and
- separate the ballots according to colour.

During the counting process, the DRO should:

- be the only person to actually handle the ballots;
- examine each ballot carefully to determine if the ballot should be accepted or rejected; and
- make a decision respecting a questionable ballot immediately rather than deferring the decision until all the other ballots have been counted:
 - in the event a problematic ballot is crucial to determining the outcome of the election, the objectivity of the DRO may be called into question.

After determining if the ballot will be counted or rejected, the DRO will:

- announce the decision which the PC records on the tally sheet:
 - the PC records the decisions on the tally sheet; and
- show the ballot to other EOs and observers:
 - during this viewing opportunity, a candidate or agent may object to the decision of the DRO.

Rejected Ballots - s. 129

A rejected ballot:

- has more marks than the voter was entitled to make;
- has been written or marked in a way that could identify the voter;
- has been torn, defaced or otherwise treated; or
- has not been marked.

Ballots not Initialed - s. 131

A ballot may also be rejected if the DRO has not initialed the reverse side. However, if the initials of the DRO are missing, the ballot can be initialed and included in the counting process if the DRO is satisfied that:

- the ballot is one that was provided to a voter;
- the initials were omitted in error; and
- the ballot is required to account for all ballots supplied by the RO.

Improper Marking Not Rejected - s. 130

The DRO shall **not** reject a ballot if the mark is something other than an “X”. The DRO shall not reject a ballot if the mark is out of or partly out of the proper space on the ballot so long as the alternate mark clearly indicates the intent to vote for a candidate. A ballot is not rejected if it is under voted (e.g. voted for two councillors when there are four vacancies).

Objections - S. 132

A candidate or an agent may object to the decision made by the DRO. When an objection is raised, the DRO will perform the following:

- number the objection starting with “1” on the back of the ballot and initial the entry;
- record the objection in the poll book along with the number placed on the ballot:
 - if [Form R – Voter's Registration Form and Poll Book](#) was used during the election, note the number of the objection on a blank sheet of paper. The DRO will initial the number on this paper, which will then be attached to and form part of the poll book; and
- on the reverse side of the ballot, record the objection either as “Rejection objected to” or “Counting objected to”.

The candidate or agent will explain why they object to the decision made by the DRO. The DRO will consider the information provided, and will decide whether to accept or reject the ballot:

- the decision of the DRO is final;
- the decision is noted in the poll book and initialed by the DRO; and
- candidates and other voters may have a right to request a recount, which is conducted by the Court of Queen’s Bench. See the *Recounts* section of this guide.

Ballots which are the subject of an objection are set aside. After all ballots are counted, those subject to an objection will be placed in a separate envelope.

Tie Vote - S. 141

In the event there is a tie vote for two or more candidates, the RO shall perform the following:

- write the names of the candidates separately on blank sheets of paper of equal size, colour and texture;
- fold the sheets in a uniform manner making sure the names are concealed;
- deposit them in a receptacle;
- direct a person to withdraw one of the sheets of paper:
 - the LGEA requires the attendance of at least one other person to draw the name; and
 - it may be best to use an election official who has signed an oath during this process; and
- the candidate whose name is drawn is declared elected.

Post Count Activities - Statement of Results - s.136

After all of the ballots are counted, the results are recorded in duplicate on prescribed [Form Z – Deputy Returning Officer's Statement of Results](#). Copies of the statement are provided to the candidate or an agent, if requested. A separate [Form Z – Deputy Returning Officer's Statement of](#)

[Results](#) is completed for each office. The DRO makes a declaration of poll using [Form BB – Declaration of Poll](#) and attaches the declaration to the cover of the poll book.

The DRO prepares the following separate packets or envelopes for each office that was the subject of a vote:

- original DRO's statement of results;
- all counted ballots to which there was no objection;
- all counted ballots which were the subject of an objection;
- all rejected ballots;
- all spoiled and declined ballots; and
- all unused ballots.

Each packet or envelope is sealed and clearly marked with:

- the contents;
- the date of the vote;
- the name of the DRO; and
- if applicable, the number of the polling area.

The DRO performs the following actions:

- places all ballot packets, poll books and voter's registration forms in the ballot box;
- places any other forms received, such as appointment of agents and their declarations, in the ballot box;
- seals the ballot box:
 - if a metal seal is being used to seal the ballot box, the DRO may wish to enter the number of that seal on the last page of a poll book;
 - candidates and agents may affix their own seals to the ballot box; and
 - if a paper seal is being used, candidates or agents may apply their signature along with the DRO to the seal; and
- delivers a duplicate copy of [Form Z – Deputy Returning Officer's Statement of Results](#) for each office and the ballot box to the RO.

Quick Tip:

Prepare labeled envelopes before election day. For example, Spoiled and declined ballots, rejected ballots and unused ballots.

Declaration Results - s. 139

The RO will add up the number of votes for each candidate based on the statement of results provided by the DROs. At the time and place stated on the Notice of Poll, the RO will declare the candidate having the highest number of votes for each office as elected. Prescribed [Form CC – Declaration of Results](#) is prepared for each office and posted in the municipal office.

A copy of the declaration of results for each office is also provided to the council:

- a motion at the first meeting of council following the election could acknowledge the declaration of results provided by the RO.

Notification to the Ministry of Government Relations - s. 140

As soon as possible after the ballots have been counted, or after members have been declared elected by acclamation, the municipal administrator will:

- provide notice of the name and home mailing address of elected or acclaimed members on the online Municipal Election Results Form (MERT) to the Ministry of Government Relations; and
- update the Municipal Directory System.

Quick Tip:

Check out these links to [MERT](#) and the [Municipal Directory System](#).

Retention of Materials - s. 142

The RO brings the ballot box and the duplicate statement of results to the municipal administrator, who is then responsible for their safekeeping. The contents of the ballot boxes and nomination forms are destroyed after the required retention period in the presence of two witnesses with an affidavit completed to this effect unless a judge has ordered otherwise. The contents of the ballot boxes must be kept for three months after election day. The nomination forms for all of the candidates must be kept for the duration of the term of office (four years from the first meeting of council).

All election documents, other than those contained within the sealed ballot box, are public documents kept in accordance with the municipality's Records Retention and Disposal Schedule.

Offences - s. 169-185

The LGEA details certain actions as an offence against the legislation. Offences include:

- mismanaging ballots;
- compromising voter secrecy;
- interfering with voters;
- displaying prejudice as an EO;
- canvassing near polling places on election day;
- interfering with election officials;
- asking voters to demonstrate how they voted;
- signing a candidate's acceptance form containing a false statement;
- providing a ballot to a person who does not complete a voter's registration form when required to do so;
- printing, displaying or distributing unidentified election advertising;
- interfering with official election notices; or
- furnishing false or misleading information to an EO.

Penalties - s. 184

Penalties are imposed by summary conviction and may include fines, disqualification from council, or imprisonment.

Every person who contravenes any provision of the LGEA or its regulations (including voters, EOs, candidates, agents etc.) 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, imprisonment for a term of not more than two years or both.

Results Not Invalidated - s. 8

The LGEA upholds the election results even if mistakes or irregularities occur if these do not overtly affect the outcome of the election, however, these matters may still be challenged by a voter.

No election is deemed or declared invalid by reason of:

- non-compliance with the provisions of the LGEA with respect to the holding of the poll or counting of the votes;
- mistakes in the use of forms; or
- any inadvertent errors or irregularities.

These reasons only apply if the court concludes that the election was conducted in accordance with the intent of the LGEA and that the non-compliance, error or irregularity did not affect the result of the election.

11. Contesting the Election - s. 185.42

Only the following persons are the ones who may apply to the courts to contest an election:

- a candidate at the election;
- the council of the municipality;
- any voter if the councillor is:
 - in by acclamation; or
 - ineligible, disqualified or has forfeited the seat; and
- a voter who assisted any eligible person to cast their ballot at the election.

Anyone wishing to contest an election shall do so within six weeks after the election by applying to the courts. A person who applies has to show reasonable grounds for the following:

- believing that the election was not legal or was not conducted according to law;
- believing that an unsuccessful candidate was not eligible for nomination and that the results of the election would have been different had that candidate not run; or
- contesting the validity of the election of a member of council.

Recounts - s. 158, 166

A recount may be requested if questionable ballots might impact the outcome of the election. To request a recount, a voter must apply to the administrator by completing [Form MM – Notice of Request for Recount](#) – within 10 business days of the declaration of election results.

Within four business days after receiving [Form MM – Notice of Request for a Recount](#) the administrator:

- completes [Form NN – Certificate of Returning Officer](#) (re: Request for Recount);
- presents the certificate to a judge; and

- delivers a copy of the certificate to the person requesting a recount.

The judge will set a time and location for the recount that is not later than 10 business days after the date of request. Four business days after the time and location has been determined, the RO must send the information regarding the recount to the person requesting a recount and any other parties determined by the judge.

The RO must bring the sealed ballot boxes and statements of results to the recount. The judge, the RO, each candidate, candidate’s agent, the local registrar and any other person that the judge may direct are entitled to be present at the recount.

The recount procedure is directed by the judge and the results of the recount will be provided to the RO. The judge may make an order respecting the costs of the recount. An application for a recount does not jeopardize any other avenues of legal recourse.

Bylaws, Resolutions and Questions – s. 143-157

The council of a municipality may submit bylaws, resolutions or questions regarding municipal issues to the voters of the municipality.

A plebiscite is:

- an expression of the community’s opinion regarding a question of importance to the municipality; and
- not binding on council.

A referendum:

- refers a political question to the voters for a decision;
- may be initiated by council or by the voters;
- if initiated by council, are bound by the vote for 3 years after the vote; and
- by the voters needs to initiated by a petition of the voters.

A petition:

- can be for a referendum on a bylaw or resolution on any matter except for the following:
 - the adoption of an operating budget;
 - the adoption of a capital budget; or
 - the authorization of a tax levy;
- has to be signed by the greater of 15% of the population or 25 voters;
- must consist of one or more pages, each of which must contain:
 - an identical statement of the purpose of the petition; and
 - a statement that the voter knows as he/she signs they are attesting they are a voter of the municipality and has not already signed the petition;
- is the responsibility of the administrator to ensure the petition is sufficient and report to council within 30 days after the petition was filed; and
- that is deemed sufficient shall be submitted to the voters by council.

A referendum that is initiated by:

- council is binding on council; and
- the voters are binding on council if the voters **approve** the bylaw or resolution:
 - if the bylaw or resolution is **not approved** by the voters, council may choose whether or not to proceed with the bylaw or resolution.

Council may choose to pass the bylaw or resolution requested in the petition before the referendum is conducted.

A council can apply to the Court of Queen's Bench for direction:

- if there is ambiguity respecting the wording of a valid petition for a referendum;
- if the municipality has received two or more petitions which are in conflict; or
- if the court's direction is needed for any other reason.

Council **must** set the wording of the draft bylaw or resolution as it will appear on the ballot at least eight weeks before the vote.

General provisions respecting elections apply to plebiscites and referendum, however, there are some variances which are highlighted in this section.

Council is required to enact an election procedure bylaw to conduct a plebiscite or referendum. The election bylaw:

- can provide for this vote to coincide with the general election;
- can provide for voting on multiple bylaws or questions;
- specifies when results will be officially announced; and
- specifies the time and place for the RO to receive and designate representatives for and against the subject matter of the vote.

A draft election procedure bylaw is available on the Government of Saskatchewan website.

Council is required to post and publish a notice (non-prescribed) which provides notice of the vote for a bylaw, resolution or question.

The notice must contain the following:

- when and where voting will take place;
- when and where official results will be announced;
- the question which is submitted to a vote; or the intent of the bylaw which is submitted to a vote:
 - in the case of a borrowing bylaw, this will include:
 - the amount to be borrowed;
 - how the borrowing will be repaid; and
 - the annual amount to retire the debt;
 - if the bylaw grants a special franchise, the proposed bylaw must be published in full; and
- certification from the RO:
 - confirming the accuracy of the question or object of the bylaw; and
 - in the case of a bylaw, stating the proposed bylaw shall be passed by council if the approval of the electors is obtained.

Certificate of Results Example

I certify that the majority of persons who voted on [the question/the resolution/the bylaw]:

- have [given/withheld] their approval of the resolution/bylaw; or
- voted in the [affirmative /negative] of the question.

Dated this ___ day of _____, 20__ at [name of urban municipality], Saskatchewan

Signature of Returning Officer]

The notice is to be posted and publicized in the same manner described in the *Notice Requirement* section of this guide at least three weeks before voting day.

Ballots for voting on bylaws or questions are prescribed forms and include:

- [Form DD – Ballot for Vote on Bylaw or Resolution](#);
- [Form FF – Ballot for Vote on Two or More Bylaws, Resolutions or Questions](#); or
- [Form EE – Ballot for Vote on Question](#).

Observers who support or oppose the subject matter of the vote are appointed by the RO to be representatives to attend the polling place and at the count. If one side does not send in any applications for representatives, the other side is still allowed their representatives. The appointments are made in writing using prescribed [Form GG – Designation of Representative](#) (re: Voting on Bylaw, Resolution or Question). Two representatives from each side may observe voting. However, only one observer from each side may observe the ballot count.

Prior to assuming their duties, representative observers are required to provide the DRO or the RO:

- the form issued by the RO appointing him or her as a representative; and his/her prescribed [Form HH – Declaration of Representative](#).

Ballots are counted immediately after voting ends. The DRO will complete the statement of results in duplicate using either:

- [Form II – Deputy Returning Officer's Statement of Results of Vote on Bylaw, Resolution or Question](#); or
- [Form JJ – Deputy Returning Officer's Statement of Results of Vote on Conflicting Bylaws](#).

The original statement of results will be placed in the ballot box along with other election materials. The duplicate copy of the statement of results is given to the RO. A copy of the statement of results is to be provided to representatives upon request.

The RO performs the following:

- sums up the results from the statements of results provided by the DROs:
 - rejected ballots are not considered in determining if the matter is approved or defeated; and
 - if there is a tie, the matter is deemed to be resolved in favour of the status quo;
- reports the official results using:
 - [Form KK – Notice of Results of Vote on Bylaw, Resolution or Question](#); or
 - [Form LL – Notice of Results of Vote on Conflicting Bylaws](#);
- declares the results at the time and place specified in the election bylaw;
- prepares a certificate of results; and
- provides the results to council at the first meeting of council following the vote.

Recounts regarding a vote on a bylaw, resolution or question are to be conducted as near as possible as an election for a mayor, reeve or councillors.

Actions of Municipal Employees Regarding Voting for Bylaws, Resolutions and Questions

No municipal employee is to be:

- compelled to take part in an undertaking, or to make any contribution to a campaign, in favour of or against a bylaw, resolution or question; or
- be threatened or discriminated against for refusing to take part in an undertaking or to make a contribution.

No municipal employee shall:

- directly or indirectly use or seek to use the authority or official influence of his/her position to influence the vote of any other person on a bylaw, resolution or question; or
- engage in any form of activity in favour of or against a bylaw, resolution or question during his/her hours of duty.

A municipality may, as part of its election procedure bylaw, designate one or more municipal employees as spokesperson for the municipality in favour of or against the bylaw, resolution or question. The designate(s) cannot be a person who will become an election official.

An elected member of council may oppose or support a bylaw, resolution or question and communicate his/her position to a voter.

Appendix A Election Supplies Checklist - S. 93

The RO must supply each polling place with:

- Ballot Box(es) and seals:
 - boxes should be constructed of durable material;
 - two or more seals are required for each ballot box (additional seals are advisable in case the DRO seals the box prior to inserting all the required documentation); and
 - one ballot box may hold ballots for candidates seeking different offices.
- Form N – Ballot: S. 41
 - make sure the printer is aware of the specifications as set out in the regulations;
 - ballots for mayor/reeve and for councillor/division councillor;
 - names of the candidates are arranged as per general election bylaw;
 - occupations of candidates, if required as per general election bylaw, are the same as specified on the candidate’s acceptance; and
 - verify the accuracy of the names, the use of same font size and the number of ballots received.
- Pencils, large envelopes, and other office supplies;
- Voting screen or compartment;
- Form O – Directions for Voting (at least two copies);
- Form P – Sections 185.1, 185.11, 185.21, 185.22 (at least two copies);
- Form B – Vouching for Identity
- Form T – Appointment of Candidate’s Agent;
- Form U – Declaration of Candidate or Agent;
- Form V - Declaration of Voter Unable to Vote in the Manner Described by the Act;
- Form W – Template for Use of Visually Impaired Voters;
- Form X – Declaration of Friend;
- Form Y – Declaration, Oath or Affirmation of Interpreter;
- Form Z – Deputy RO’s Statement of Results;
- Form BB – Declaration of Poll;
- Helpful resource materials for EO’s:
 - *The Local Government Election Act, 2015*;
 - *The Local Government Election Regulations, 2015*; and
 - Local Government Election Guide (this guide).
- Forms for registering voters:
 - Voter’s list prepared:
 - Form F – Voter’s list; and
 - Form M – Advance Poll List.
 - No voter’s list:
 - Form Q – Poll Book;
 - Form R – Voter’s Registration Form and Poll Book; or
 - Copy of S. 181 of the LGEA.