

BYLAW 02 – 2020

AN ELECTION BYLAW

A BYLAW TO PROVIDE FOR CONSOLIDATING THE RULES AND REGULATIONS TO RUN A MUNICIPAL ELECTION IN THE RURAL MUNICIPALITY OF BARRIER VALLEY NO. 397

The Council for the Rural Municipality of Barrier Valley No. 397 in the Province of Saskatchewan as follows:

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Section 1 Interpretation

- 4) This Bylaw shall be known as the Elections Bylaw.
- a) The Authority for this Bylaw lies with *The Local Government Election Act, 2015*, and amendments.
 - b) This Bylaw is designed to list the common timelines, regulations and Forms in *The Local Government Election Act, 2015*, and to address matters which Council may decide by bylaw or resolution. This is not designed as a substitute for *The Local Government Election Act, 2015*.
 - c) This Bylaw will not address votes on bylaws, referendums, resolutions or questions.

5) DEFINITIONS

- a) In this Bylaw:
 - i) "Council" shall mean The Council of The Rural Municipality of Barrier Valley No. 397;
 - ii) "Minister" shall mean the Minister of Government Relations in the Province of Saskatchewan;
 - iii) "Municipality" shall mean The Rural Municipality of Barrier Valley No. 397;
 - iv) "The Election Act" shall mean *The Local Government Election Act 2015* plus amendments;
 - v) Definitions within *The Local Government Election Act, 2015* shall apply here.

SCHEDULES

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

SEVERABILITY

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

Section 2 Election Procedures

6) DIVISION BOUNDARIES

- a) There are 7 divisions in the Rural Municipality of Barrier Valley No. 397 as follows:
 - i) Division 1 shall be all of Township 40, Range 13 plus Section 01 to Section 18 Township 41, Range 13;
 - ii) Division 2 shall be all of Township 40, Range 14, plus Section 01 to Section 18 Township 41, Range 14;
 - iii) Division 3 shall be all of Township 40, Range 15, plus Section 01 to Section 18 Township 42, Range 15;
 - iv) Division 4 shall be all of Township 42, Range 13 plus Sections 19 to Section 36 Township 41 Range 13;
 - v) Division 5 shall be all of Township 42, Range 14, plus Sections 19 to Section 36 Township 41, Range 14;
 - vi) Division 6 shall be all of Township 42 Range 15 plus Sections 19 to Section 36 township 41 Range 15;
 - vii) Division 7 shall be Barrier Resort located at NW 10 – 41 – 13 – W2.

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7) ELECTION DATES

- a) General Election dates are set in Section 10 of the Election Act.
- b) In the event a by-election is required, Council shall pass a resolution as per Section 11 to Section 15 of the Election Act.

8) NOMINATION DAY

- a) Nomination dates are set in Section 73 of the Election Act.
- b) Nominations shall be accepted until 4:00 p.m. as per section 74 of The Election Act.
- c) Candidates have 24 hours after the close of Nomination Day to withdraw their nomination forms as per section 76 of the Election Act.

9) ADVANCED POLL

- a) There shall be an Advanced Poll on the first eligible Saturday closest to the Election Date. According to Section 83(5), advanced polls must take place between 3 days and 15 days prior to Election Day.
- b) The Advanced Poll shall be open from 9:00 a.m. until 4:00 p.m.

10) ELECTION DAY

- a) The Poll on Election Day shall be open from 9:00 a.m. until 8:00 p.m.

11) POLLING PLACES

- a) The Polling Places for all elections within the Municipality shall be:
 - i) The Returning Officer shall set the Polling Places for all elections providing they are located in the following communities:
 - (1) Division 1: Archerwill, Saskatchewan
 - (2) Division 2: Archerwill, Saskatchewan
 - (3) Division 3: Archerwill, Saskatchewan
 - (4) Division 4: McKague, Saskatchewan
 - (5) Division 5: McKague, Saskatchewan
 - (6) Division 6: McKague, Saskatchewan
 - (7) Division 7: Archerwill, Saskatchewan
 - (8) Reeve: Archerwill & McKague, Saskatchewan
 - ii) All Advanced Polls, unless otherwise specified by the Returning Officer, shall be at the Municipal Office located at 103 Main Street, Archerwill, Saskatchewan.
 - iii) If there are multiple Polling Places open, all voters shall be able to vote in any Polling Place regardless of Division.
- b) In each Polling Place, the Deputy Returning Officer is responsible to make sure:
 - i) The following forms shall be posted in each polling station:
 - (1) A minimum of 2 locations- Form Oas in Schedule EL 05-01; and
 - (2) A minimum of 2 locations- Form Pas in Schedule EL 05-02.
 - ii) A place where the voter can vote behind a screen or other barrier that cannot be seen through.
 - iii) All additional election materials as required by the Election Act.

12) BALLOTS AND BALLOT BOXES

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a) The Ballots:

- i) Shall be in the prescribed Form N, as in Schedule EL 06 -01.
- ii) In the event of multiple positions being elected on the same day, each position's ballot shall be in a different color.
- iii) Names on the Ballots shall be "LASTNAME, FIRST NAME" in alphabetical order of the last name.
- iv) Section 90 of the Election Act allows for voting machines by bylaw. The Municipality shall not use voting machines for election purposes.

b) Ballot Boxes:

- i) The same ballot box may be used for both Advanced Polls and Regular Poll.
- ii) The same ballot box may be used for multiple polls in the event of multiple positions being elected on the same day.

13) MAIL-IN BALLOTS

a) As per section 92 of the Election Act, the Municipality shall adopt the mail-in ballot system for the purpose of receiving ballots in an election as described in this section:

i) Application Process

(1) In front of the Returning Officer, each person wishing to receive a mail-in ballot shall fill out:

- (a) Form C- The Declaration of Person Requesting as in Schedule EL 03-01 ; and
- (b) Form R- Registration Form, as in Schedule EL 06 -02.

ii) Any person who wishes to vote by mail shall apply in person to the office of the Municipality between one hundred and forty-two (142) days prior to Election Day and the day before the date of the Advanced Poll.

iii) Providing Ballots

(1) Notwithstanding section 41 of the Election Act, the returning officer may authorize the use of blank ballots, as in Schedule EL 06-01, if in the Returning Officer's opinion, the expected delivery date of the printed ballots will adversely affect the ability of voters to vote by mail.

- (a) All ballots issued to persons voting by mail shall be identical.

(2) The ballot kit shall consist of:

- (a) The Ballot, with the Returning Officer's initial in the box on the reverse side of the ballot or ballots provided to the voter;
 - (i) In the case of section 13(a)(iii)(l) being used, a list of candidates who are seeking election;
- (b) A ballot security envelope, bearing the information as described in Schedule EL 03-02;
- (c) A voter confirmation envelope, bearing the information as described in Schedule EL 03-03;
- (d) An outer envelope, addressed to the Returning Officer and bearing the information as described in Schedule EL 03-04; and
- (e) Appropriate directions to voters, bearing the information as described in Schedule EL 03-05.
- (f) The ballot kit shall either be given to the voter in person, if available, or by regular mail to the address given on Form C in Schedule EL 03-01;
- (g) Once the kit has been provided to the voter, the voter is deemed to have voted and is not entitled to vote at any other poll.

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

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- (i) Seal the ballot security envelope;
 - (ii) Date and sign the voter confirmation envelope;
 - (iii) Seal the voter confirmation envelope and insert into outer envelope; and
 - (iv) Mail or hand deliver the package to the Municipal Office.
- (7) Upon Receiving the Ballot Package, the Returning Officer shall:
- (a) Ensure the voter confirmation envelope is signed by the voter;
 - (b) Record on Form R, as previously signed by the Voter, the date which the envelope was received; and
 - (c) Deposit the voter confirmation envelope into the ballot box.
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 - (ii) If not using the same ballot box, shall place all ballots into a ballot box, shake it and proceed to count as per procedures.
 - (g) The envelopes received in this section shall be placed with Form R at the end of the election and shall be kept and eventually destroyed as per the Election Act.

14) ELECTION OFFICIALS

- a) Prior to starting their position, every Election Official shall sign Form E, as in Schedule EL 04-02.

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- b) Returning Officer
 - i) The Returning Officer shall be the Administrator of the Municipality unless a resolution is passed by Council at least 90 days prior to the call of the election.
 - ii) In the event that the Administrator, or appointed Returning Officer, cannot fulfill their duties, Council shall appoint a replacement.
 - iii) The Returning Officer shall appoint all other Election Officials by using Form Das in Schedule EL 04-01.
 - iv) The Returning Officer shall accept all completed Form I, Nomination Form and Acceptance, and shall give a receipt as Form K as In Schedule EL 02-05.

- c) Deputy Returning Officer
 - i) As per the Election Act, there shall be one Deputy Returning Officer appointed at each of the Polling Places at each of the Advanced Poll(s) and Regular Poll(s).
 - ii) Duties are listed in 101 (2) of The Election Act.

- d) Poll Clerk
 - i) As per the Election Act, there shall be one Poll Clerk appointed at each of the Polling Places at each of the Advanced Poll(s) and Regular Poll(s).

- e) Indemnities
 - i) All election officials shall be paid at the same rate as the daily indemnity of Council.
 - ii) There shall be no mileage paid except in the event that the Returning Officer has to set Polling Places outside the Village of Archerwill. The rate shall be at the same rate as Council.

15) VOTERS

- a) Section 36(1) of the Election Act provides the eligibility for voting in the Municipality. As such a person must be:
 - i) A Canadian Citizen;
 - ii) At least 18 years of age; and
 - iii) At least one of the following:
 - (1) Has resided in the Municipality, or on land now within the Municipality, for at least three consecutive months immediately preceding the day of the election;
 - (2) Is the registered owner of property within the Municipality for at least three consecutive months immediately preceding the day of the election;
 - (3) Is the assessed person as per section 207 of *The Municipalities Act*;
 - (4) Is a Spouse of Subsection (1) or (2) of this Section;
 - (5) Is a chief executive officer of a duly incorporated co-operative, corporation or a religious association that has assessed property within the Municipality that is not exempt from taxation.
 - iv) Each voter can only vote once for their appointed division councilor and once for reeve.
 - (1) As per Section 39 of the Election Act, the division which a voter votes is determined by the following order:
 - (a) If a person lives in the Municipality, they shall vote in that division;
 - (b) If a person has property in only one division, they shall vote in that division;
 - (c) If a person has property in more than one division, it shall be the division with the highest combined assessed value. If the person in this clause wishes to vote for another division, they shall write a letter to the Administrator prior to September 1 and may only do so once every 4 years.
 - v) To obtain a ballot, each voter shall:

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- (1) present one piece of identification which contains a photograph of the voter or two pieces of approved identification without photographs so long as one has their address as in Schedule EL 06-04; or
- (2) If a voter does not have the prescribed identification, another eligible voter who knows them can vouch for their identify by using Form B as in Schedule EL 06-03; and
- (3) Fill out FORM Ras in Schedule EL 06-02.

16) VOTERS LIST

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

17) CANDIDATES

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

18) ADVERTISING

- a) Call for Nomination
 - i) Shall be Form H, as in Schedule EL 01-01.
 - ii) Shall be posted in the Municipal Office; and
 - iii) Shall be posted in the East Central Recorder, Wadena News; and
 - iv) Shall be posted on the Municipal Website.
- b) Nomination Papers shall be posted:
 - i) At the Municipal Office; and
- c) Abandonment of Poll
 - i) Shall be the Abandonment of Poll Form, as in Schedule EL 01-02.
 - ii) Shall be posted in the Municipal Office; and
 - iii) Shall be posted in the East Central Recorder, Wadena News; and
 - iv) Shall be posted on the Municipal Website.
- d) Notice of Vote

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- i) Shall be the Notice of Vote Form, as in Schedule EL 01-04.
 - ii) Shall be posted in the Municipal Office; and
 - iii) Shall be posted in the East Central Recorder; and
 - iv) Shall be posted on the Municipal Website.
- e) Notice of Advanced Poll
- i) Shall be the Advanced Poll Form, as in Schedule 01-02.
 - ii) Shall be posted in the Municipal Office; and
 - iii) Shall be posted in the East Central Recorder; and
 - iv) Shall be posted on the Municipal Website.

19) PROCEDURE AFTER CLOSE OF POLL

- a) At the closure of the poll, the Deputy Returning Officer shall certify the last person entered and the total of people voting in their poll by signing the last page.
- b) The ballot box shall be opened in front of the following:
 - i) The Poll Clerk;
 - ii) The Candidate or one agent, if in attendance and
 - iii) The Returning Officer, if in attendance.
- c) The Deputy Returning Officer shall:
 - i) verify and count the ballots;
 - ii) Prepare, in duplicate, Form Z as in Schedule EL 07-01.
 - (1) One Copy shall be placed in the Ballot Box prior to sealing.
 - {2} One Copy shall be given to the Returning Officer
 - (3) Any Candidates, or Agents wishing a copy can obtain one.
 - iii) Shall place all ballots, Form Z and all the Form R, along with other necessary Forms into the ballot box and seal it.
- d) The Returning Officer shall:
 - i) Combine Form Z from all the Polling Places and add them on Form CC as in Schedule 07-02 and declare the elected person for each position.
 - (1) In the event of a tie, Section 141 of the Election Act states that on the same types of paper, the Returning Officer write the name of each tied candidate on separate pieces and directs one person who is not the candidate nor the candidate's agent to draw one of the sheets. That person is declared elected.
 - ii) Shall notify the Province of Saskatchewan and any other places as deemed necessary.
 - iii) Shall Post the Results at the Municipal Office and the Municipal Website until at least the First Meeting of the new Council.
 - iv) Shall ensure that the election materials are kept safe until destroyed following the Elections Act and retention records bylaw.

Bylaw in Effect

I. This Bylaw shall come into force immediately.



[Signature]
Reeve

[Signature]
Administrator

Certified a true copy of Bylaw 2/2020
Passed by resolution of Council on
July 9, 2020

[Signature]
ADMINISTRATOR