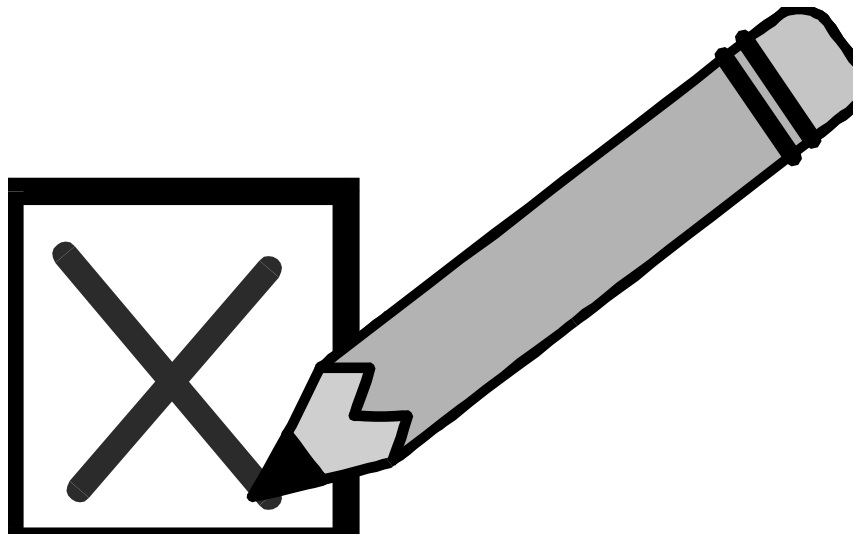




**Saskatchewan  
Ministry of  
Municipal  
Affairs**

# **An Election Guide for Rural Municipalities**



*This guide will be updated as  
required.  
Please check the website for the most  
recent version.*

*Strategy and Sector Relations*

*Advisory Services*

*April 2012*

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## INTRODUCTION

This guide has been prepared to assist election officials of rural municipalities to carry out the duties and responsibilities of holding elections. It is based on the election provisions contained in *The Local Government Election Act* (LGEA) and *The Municipalities Act* (MA) and has no legal authority. It is intended to be used for reference purposes only and not as a replacement to the actual legislation.

Throughout the manual, relevant section numbers are included to assist election and municipal officials. Unless otherwise noted, the section numbers will refer to the LGEA.

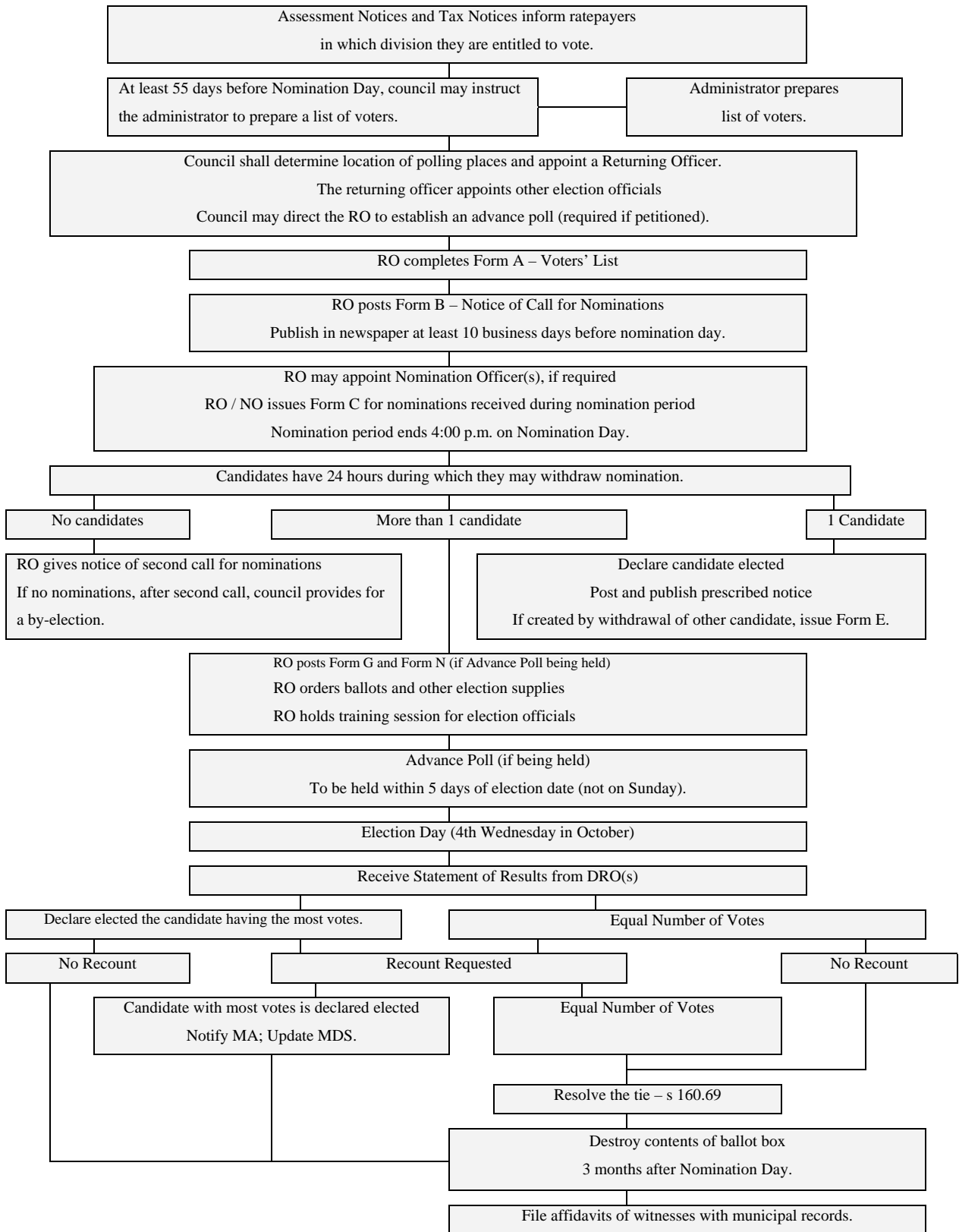
Caution: Election procedures for urban municipalities are contained in **Parts I to VII** of the LGEA (Sections 1 to 159).

*The Local Government Election Regulations, 2006* (the Regulations) **Appendices B, C and D** contain the prescribed forms required for rural municipal elections. Be sure to have the most recent copy of the legislation and regulations, both can be downloaded free of charge from the Queen's Printer website.<sup>1</sup>

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<sup>1</sup> [www.qp.gov.sk.ca](http://www.qp.gov.sk.ca)

# ELECTION PROCESS FLOW CHART



## DEFINITIONS

The following terms are used within this guide:

- “Administrator” means the administrator for the rural municipality;
- “business day” means a day other than a Saturday, Sunday or holiday;
- “day” includes a Saturday, Sunday or holiday;
- “DRO” means the deputy returning officer;
- “election official” includes the returning officer, deputy returning officer, poll clerk, revising officer, associate deputy returning officer, nomination officer, enumerator, constable, and any other supervisory officer and assistant appointed in accordance to section 160.131;
- “forms” mean prescribed forms, which appear in **Appendix B** of *The Local Government Election Regulations, 2006* unless otherwise indicated;
- “judge” means a judge for the Court of Queen’s Bench for Saskatchewan;
- “LGEA” means *The Local Government Election Act, Part VIII*;
- “newspaper” means a newspaper having wide circulation within the rural municipality;
- “Regulations” means *The Local Government Election Regulations, 2006*; and
- “RO” means the returning officer.

## GENERAL INFORMATION

### *GENERAL ELECTIONS*

Recent amendments to *The Local Government Election Act* increase the term of office for reeves and division councillors to from 2 years to 4 years. Terms of office begin at the first meeting of the municipal council following the general election. 2012 is the final transition year for the new term of office.

- On October 24, 2012, reeves and council members representing odd numbered divisions will be elected to a 4 year term. Thereafter, elections for reeves and councillors in odd numbered divisions will be held at four year intervals.<sup>2</sup>
- Council members representing even numbered divisions, elected in 2011, hold office until the general election in 2014. Thereafter, elections in even numbered divisions will be held at four year intervals.

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<sup>2</sup> 160.03

While incumbent members remain in office until the first meeting of council following the election, their ability to act in any official capacity is restricted. Council exercises its power collectively (at council meetings) and not individually.

- *The Municipalities Act* requires the first meeting of the council following the general election to be held within 31 days after the date of the election at a time, date and place determined by the administrator.<sup>3</sup>

### ***PRESCRIBED FORMS***

The prescribed forms used in rural municipal elections are found in Appendices B, C and D of *The Local Government Election Regulations*.

- Forms may be customized to specifically address the upcoming election. When a form is prescribed by provincial regulation, modifications that do not affect the substance and are not calculated to mislead readers do not invalidate the form.<sup>4</sup>
- Forms identified in Appendix A apply only to urban and northern municipalities.

### ***RESIDENCY***

Residency is a qualification requirement impacting both candidates and voters. For the purposes of a municipal election, a person's residence is the place they typically refer to as "home".<sup>5</sup>

- A person does not lose residency if he or she is temporarily absent.
- As long as the person remains in Saskatchewan, a person does not lose residency until they acquire another residence.
- A person cannot have more than one residence in Saskatchewan. If they have more than one home in Saskatchewan, the person shall elect one of those as his or her residence.

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<sup>3</sup> MA 121

<sup>4</sup> *The Interpretation Act, 1995* – Section 26

<sup>5</sup> 160.02

## ***CANDIDATES***

### **Qualifications**

A person may be nominated as a candidate in a municipal election if he or she is:<sup>6</sup>

- at least 18 years of age on date of election;
- a Canadian citizen;
- eligible to vote in the municipality;
- a resident of Saskatchewan; and
- not disqualified from being nominated by this or any other Act.

A person cannot be nominated or elected as:

- a councillor for more than one division; or
- a councillor of a division and the reeve of the municipality.

A member of council whose term of office expires with the upcoming election (generally referred to as an incumbent) is not required to resign from his or her current position to seek election for the office of reeve or councillor.

A member of council whose term of office continues beyond the upcoming election or in a by-election for the position of reeve must submit his or her resignation with the administrator before filing nomination papers for the position of reeve (or another division as the case may be).

The resignation shall take effect:

- in the case of a general election, at the first meeting of the council following the election; or
- in the case of a by-election, immediately.

Resignations must be in writing and given to the administrator. The resignation may specify a date on which the resignation is effective. If no date is provided, the resignation is deemed effective immediately. Resignations cannot be withdrawn after delivery to the administrator.<sup>7</sup>

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<sup>6</sup> 160.04

<sup>7</sup> MA 96

## **Disqualifications**

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 rural municipality.

Before seeking nomination to council, employees of:

- the municipality;
- a board of commission (appointed by a council);
- a board of education; or
- a joint board of education ( as defined in *The Education Act, 1995*)

must obtain a leave of absence in accordance with subsection 80(2) of *The Labour Standards Act*. If the employee is successful in being elected to council, the person is deemed to have resigned from his or her employment on the day before the day he or she was elected. Unsuccessful employee candidates are entitled to resume their employment when the leave of absence expires.<sup>8</sup>

## **Exceptions to disqualifications**

Persons having an interest in a contract with the municipality are not disqualified from holding office as a member of council.

- Specific circumstances may cause voters to question a candidate's eligibility; however, they are not disqualified because of these. Most notable are bankruptcies, past criminal histories, or indebtedness to the municipality.

## **Powers and duties**

Candidates have the right to:

- obtain a copy of the voters' list, if one was prepared;<sup>9</sup>
- be in the polling place to observe proceedings while voters are voting;<sup>10</sup>
  - In addition, each candidate may have two agents in attendance at each polling place to observe voting procedures.
  - Candidates and agents may enter and leave the polling place at their pleasure during the hours the poll is open.
- object to the entitlement of any voter intending to vote;<sup>11</sup>
- examine a voter's evidence of identity and residency;
- request verification of vouching procedure;
- be in the polling place when it closes to observe the ballot count;<sup>12</sup>

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<sup>8</sup> 160.05

<sup>9</sup> 160.088

<sup>10</sup> 160.35

<sup>11</sup> 160.381

<sup>12</sup> 160.57

- There is no express authority for candidates or agents to enter the polling place after the polls close. Candidates or their agents should arrange to attend the polling place prior to the close of voting.
- object to a decision made by the deputy returning officer to count or reject a ballot;<sup>13</sup>
- obtain a copy of Form O ~ Deputy Returning Officer's Statement of Results;<sup>14</sup>
- affix their own seal to the ballot box after ballots have been counted;<sup>15</sup>
- request a recount, if statutory conditions exist;<sup>16</sup> and
- attend a recount.<sup>17</sup>

Candidates or agents do not have any authority to:<sup>18</sup>

- directly question a voter; or
- attempt to influence a voter.

Each candidate may appoint one or more agents in writing using prescribed Form G.1 ~ Appointment of Candidate's Agent, to attend polling places on their behalf.<sup>19</sup> The appointment form is to be presented to the deputy returning officer at the polling place.

- Agents are required to make a declaration in prescribed Form G.2 ~ Declaration of Agent, prior to exercising their duties or functions at the polling place.
- At any one time, only two agents per candidate plus candidates themselves may be in attendance at a polling place while voting is taking place.
- During the ballot count, either a candidate or one agent may be in attendance.

Candidates and agents are obliged to maintain and aid in maintaining the secrecy of the voting at the polling place.<sup>20</sup>

Posters, handbills, circulars and other campaign literature require the name and address of the printer on the face of the document.<sup>21</sup>

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<sup>13</sup> 160.63  
<sup>14</sup> 160.64  
<sup>15</sup> 160.66  
<sup>16</sup> 160.74  
<sup>17</sup> 160.75  
<sup>18</sup> 160.381  
<sup>19</sup> 160.35  
<sup>20</sup> 160.87  
<sup>21</sup> 160.81

## ***VOTERS***

A person is qualified to be registered as a voter in a rural municipality if he or she on the day of the election:<sup>22</sup>

- is 18 years old;
- is a Canadian citizen; and
- immediately preceding the day of the election meets at least one of the following criteria:
  - a) has resided in the rural municipality for at least the last 3 consecutive months;
  - b) is the registered owner of taxable land in the rural municipality or the purchaser of land in the rural municipality under a bona fide agreement for sale;
  - c) is assessed as an occupant of any land in the rural municipality that is exempt from taxation;
  - d) is assessed with respect to an improvement in the rural municipality;
  - e) is licensed with respect to property in the rural municipality used for business purposes;
  - f) is the holder of a permit in the rural municipality with respect to a trailer or mobile home;
  - g) is:
    - a. a resident of Saskatchewan ; and
    - b. 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 taxable property in the rural municipality or is licensed with respect to a home based business; or
  - h) is the spouse of a person mentioned in (b)(c)(d)(e)(f) and resides with that person in Saskatchewan but outside of the rural municipality.
- Each voter is entitled to vote only once for reeve and once for councillor in the division he or she is entitled to vote in, notwithstanding they may meet more than one of the qualifications.<sup>23</sup>

## **Electoral division**

The administrator is required to include on the assessment notice and on the tax notice a statement identifying in which division the owner is entitled to vote.

- The division, in which a person qualifies to vote, is determined by:<sup>24</sup>
  - The division in which one has property, or in situations where property holdings involve multiple divisions, the division in which one's total assessment is the highest; or

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<sup>22</sup> 160.011

<sup>23</sup> 160.12

<sup>24</sup> 160.09

- The division in which one is a licensee or permit holder in accordance with a bylaw passed pursuant to the MA with respect to home based business, trailer or mobile home in that division; or
- The division in which one resides.
- If a person is qualified to vote in more than 1 division:
  - that person is entitled to vote only with respect to one division; and
  - the division with respect to which the person is entitled to vote is determined by establishing which is the first subsection of subsections 160.09(2) to (13) to apply to that person.
- Voters who do not reside within the RM and own property in more than one division, may provide written notification to the administrator stating in which division they prefer to vote if they have property in two or more divisions. This notification is binding until the person’s situation changes.
- Where a person has property in one division and his or 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 September 1 in any year.
  - Both persons are bound by the notice as long as they have property in those same divisions.
  - The notice may be amended to select another division; however, the amendment does not take effect for at least four years.
- The section “VOTING DIVISIONS” in this guide describes various situations which may be encountered.

**For conciseness, significant details may be minimized or not emphasized. Administrators are cautioned to refer to the legislation regarding this topic.**

## ***OFFENCES AND PENALTIES***

The Act specifies certain actions as an offence against the legislation:

- mismanaging ballots;<sup>25</sup>
- compromising voter secrecy;<sup>26</sup>
- interfering with voters;<sup>27</sup>
- canvassing near polling places on Election Day;<sup>28</sup>
- signing a candidate’s acceptance form containing a false statement;<sup>29</sup>

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<sup>25</sup> 160.86  
<sup>26</sup> 160.87  
<sup>27</sup> 160.87  
<sup>28</sup> 160.861  
<sup>29</sup> 160.19

- inducing voters to show how they voted;<sup>30</sup> or
- printing, displaying or distributing unidentified election advertising.<sup>31</sup>

Penalties, which may be imposed on summary conviction, include fines usually not more than \$500.<sup>32</sup> In some cases, imprisonment for a term of not more than six months may be ordered by the courts.

## **PRELIMINARY ELECTION PROCEDURES**

### ***COUNCIL DUTIES***

Council is legislatively required to determine certain matters regarding a forthcoming election. Council shall:<sup>33</sup>

- name one or more polling places within Saskatchewan for each division;
- appoint a returning officer;
- set the remuneration to be paid to election officials;
- direct the returning officer to establish an advance poll if council receives a valid petition;<sup>34</sup> and
- pay the costs of conducting an election.<sup>35</sup>

The reeve has a conditional duty to appoint an alternate returning officer if the returning officer is unable to fulfil his or her duties.

- If the reeve is required to take this action, a council resolution at the next meeting acknowledging the appointment may be desirable.

### **Election officials and polling places**

Council is required to appoint the returning officer.<sup>36</sup> Legislation does not specify a deadline for this appointment; however, this should be done before the returning officer undertakes any of the required duties, such as calling for nominations.

Council is required to establish one or more polling places for each division. A single polling place can be used for two or more divisions. Polling places should be accessible to voters with mobility challenges.

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<sup>30</sup> 160.88  
<sup>31</sup> 160.81  
<sup>32</sup> 160.863  
<sup>33</sup> 160.13  
<sup>34</sup> 160.49  
<sup>35</sup> 160.84  
<sup>36</sup> 160.13

- Voters may exercise their right to ask election officials to facilitate voting if the voter cannot access the polling place.

## ***COUNCIL POWERS***

Council has discretionary authority to act respecting certain elements of the election. For some activities, legislative deadlines apply. Council may choose to or not to do any of the following:

- provide for the enumeration of voters and the preparation of a voters' list;<sup>37</sup>
- pass a bylaw to require a candidate to include a criminal record check with the nomination form – deadline is 90 days before a general election;<sup>38</sup>
- pass a bylaw to extend the time during which voters may vote;<sup>39</sup>
- direct the returning officer to establish an advance poll;<sup>40</sup> or
- provide for a mail-in ballot voting system.<sup>41</sup>

### **Voters' list**

Many rural municipalities do not use voters' lists – instead, voters will declare their eligibility to vote when they voted. If council wishes to use a voter's list, it must pass a resolution at least 55 days prior to nomination day to initiate the process. Further information about voters' list is contained in the section "Voters' List" in this guide.<sup>42</sup>

### **Voter identification**

Voters intending to vote are legislatively required to produce evidence proving their identity and residence.<sup>43</sup> Council may authorize the production of photo or non-photo identification documents for this purpose.

### **Criminal record checks**

Council has discretionary authority to enact a bylaw requiring candidates to attach a criminal record check to their nomination form.<sup>44</sup> This power can be exercised no less than 90 days prior to Election Day. A sample bylaw is available on the Ministry's website.

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<sup>37</sup> 160.08

<sup>38</sup> MA 89.1

<sup>39</sup> 160.25

<sup>40</sup> 160.49

<sup>41</sup> 160.132

<sup>42</sup> 160.08

<sup>43</sup> 160.391

<sup>44</sup> MA 89.1

The criminal record check must be obtained, at the candidate's cost, within 30 days of filing a nomination paper. The criminal record check is based only on the person's name – the candidate is not required to provide his or her fingerprints. The criminal record check will not include a copy of any records; it only informs voters if the candidate does or does not have a criminal record.

### **Hours of voting**

Polls must be open for voting on Election Day from 9:00 a.m. until 5:00 p.m.<sup>45</sup> Council may pass a bylaw to extend the hours of voting until 8:00 p.m. This should be done before the returning officer publicizes Form G ~ Notice of Vote.

### **Advance poll**

Council has discretionary authority to direct the returning officer to establish an advance poll. The decision to provide or to withhold this direction to the returning officer should be made in a timely fashion to enable notification to voters regarding this potential voting opportunity.<sup>46</sup>

Voters have the right to petition the municipality to hold an advance poll. The advance poll must be requested at least 30 days before Election Day, and the petition must be signed by at least five voters.

### **Mail-in ballot voting system**

Council may enact a bylaw to establish a mail-in ballot voting system.<sup>47</sup> 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. The provisions of the bylaw must provide for maintaining the secrecy of mail-in ballots.<sup>48</sup>

Certain accommodations which are not expressly provided for in legislation may need to be addressed in order to facilitate mail-in voting:

- The municipality will describe the application process and establish procedures to issue ballots.
- A municipality may consider using printed or blank ballots.
  - Using printed ballots improves voter secrecy; however, the time to print ballots may reduce the amount of time for the ballot to be mailed back and forth.

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<sup>45</sup> 160.25

<sup>46</sup> 160.49

<sup>47</sup> 160.132

<sup>48</sup> Regulations 67.6 (2)

- Using a blank ballot – a ballot where the voter writes in the name of the candidate(s) – may compromise voter secrecy, depending upon the number of participating voters; however, the mailing time may be maximized.
  - Blank ballots are used by both Elections Canada and Elections Saskatchewan.<sup>49</sup>
- Voters applying to use the mail-in voting system must complete a voter’s registration form along with Form C<sup>50</sup> ~ Declaration of Person Requesting a Mail-in Ballot.
  - These forms must be available for inspection by candidates and candidates’ agents on Election Day as well as other times which may be permitted in accordance with the bylaw.
  - Candidates and their agents retain the right to object to the voter’s declaration of entitlement to vote.
- Ballots will be counted after the close of polls on Election Day, and the bylaw will require the mail-in ballots and forms to be retained in accordance with legislation.

The Ministry’s website includes a draft bylaw to establish a mail-in voting system. These provisions, as much as possible, replicate the system utilized by Elections Saskatchewan. The footnotes to the draft bylaw will highlight decisions 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.

If the municipality develops a mail-in voting system, council should consider a communications strategy to ensure voters are informed of their opportunity to vote in this matter. This will include:

- developing notices; and
- specifying how the public will be notified (where, when, and how often).

## **RETURNING OFFICER**

As a general rule, the administrator will be the returning officer for all municipal elections. Council is required to officially appoint the returning officer<sup>51</sup> and this should be done before any election activities are carried out.

- If council enacts a bylaw to establish a mail-in voting system, it may consider appointing the returning officer early in the year to facilitate voter applications, possibly in advance of an unanticipated by-election or earlier in the year of a general election.

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<sup>49</sup> <http://www.elections.sk.ca/>

<sup>50</sup> Appendix C

<sup>51</sup> 160.13

The returning officer is the person responsible for all matters relating to the election, including:

- calling for nominations;
- receiving nominations;
- establishing one or more advance polls (see above);
- appointing all other election officials; and
- receiving and declaring election results.

Returning officers may be called upon as a resource to determine if a person is an eligible candidate or a voter. Candidates and voters are personally responsible to determine their eligibility. Election officials should be prepared to explain eligibility criteria to any person who asks for information; however, election officials are cautioned to avoid determining a person's right to vote or seek office.

The returning officer appoints all other election officials.<sup>52</sup> Legislation requires the following officials:

- one or more deputy returning officers for each polling place, including advance polls ;
- poll clerks; and
- enumerators, if a voters' list is being prepared.

The returning officer may exercise discretionary authority to appoint officials such as:

- nomination officers to receive nominations and issue receipts on behalf of the returning officer;<sup>53</sup> or
- any other officials deemed necessary for the conduct of an election, such as officials to process mail-in ballots.

Election officials do not need to be municipal voters. They should be at least 18 years old because they will be signing documents, such as their oath of office. Public perception may suggest the avoidance of appointing a person as an election official if he or she:

- is a candidate;
- is related to a candidate, or
- is known to be closely associated with a candidate.

The deputy returning officer for an advance poll may be the same person as the deputy returning officer for a poll on Election Day, and the poll clerk for an advance poll may be the same person as the poll clerk for a poll on Election Day.

- The deputy returning officer and the poll clerk cannot be the same person.

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<sup>52</sup> 160.131

<sup>53</sup> 160.15

The returning officer may act as the deputy returning officer for the advance poll, the poll on Election Day, or both for an election in municipalities with:

- a population of less than 200; or
- only one polling place.

Legislation is silent on the ability of the returning officers for a rural municipality and an urban municipality to share election officials. While there is significant similarity between urban and rural municipal elections, there are notable differences.

### ***LIMITATIONS***

The Act upholds the validity of election results notwithstanding any non-compliance, mistakes, or inadvertent errors or irregularities provided these did not overtly affect the outcome of the election.<sup>54</sup> These matters may still be challenged by a voter.

The Act imposes obligations on persons other than election officials. Some of these obligations include:

- posters, handbills, circulars, etc. require the name and address of the person who authorized the document on its face;<sup>55</sup>
- be at least 100 metres from a voting location if a person is canvassing or soliciting votes.<sup>56</sup>

Legislation does not oblige the returning officer to enforce contraventions. However, the returning officer may inform candidates or others of their legislative obligations. Contraventions may be pursued through either the LGEA or *The Controverted Municipal Election Act*.

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<sup>54</sup> 160.83

<sup>55</sup> 160.81

<sup>56</sup> 160.861

## ***REQUIRED NOTICES***

Throughout the election period, the returning officer may be preparing, posting and publicizing certain notices. The posting and publication requirements vary.

<b>Type of Notice</b>	<b>Post in office</b>	<b>Publish in newspaper</b>
Form B ~ Notice of Call for Nominations <sup>57</sup>	Not required	Yes
Notice of Call for Further Nominations <sup>58</sup>	Not required	Yes
Form E ~ Notice of Abandonment of Poll <sup>59</sup>	Yes	Yes
Form F ~ Notice of Abandonment of Poll on Death of Candidate <sup>60</sup>	Yes	Yes
Form G ~ Notice of Vote <sup>61</sup>	Not required	Yes
Form N ~ Notice of Advance Voting <sup>62</sup>	Yes	Yes
Form O.1 ~ Statement of Results <sup>63</sup>	Yes	Not required

The “newspaper” referred to above means a newspaper which is circulation in the rural municipality.

Even though there is no requirement to do so, the returning officer may post any election notice in the municipal office.

Depending upon council’s decisions, other notices may include information regarding voters’ lists or mail-in voting opportunities.

## ***OATHS***

Before undertaking any duties required for the office, the returning officer must take and subscribe to Form A.2 ~ Oath of Election Official before one of the following persons authorized to administer oaths in Saskatchewan:<sup>64</sup>

- a Notary Public;
- a Commissioner for Oaths; or
- a Justice of the Peace.

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<sup>57</sup> 160.15

<sup>58</sup> 160.17

<sup>59</sup> 160.16, 160.23

<sup>60</sup> 160.24

<sup>61</sup> 160.27

<sup>62</sup> 160.53

<sup>63</sup> 160.68

<sup>64</sup> 160.14

Other persons appointed as election officials (deputy returning officer, poll clerk, constable, etc) are required to subscribe to this oath before the RO or a person authorized to administer oaths.

## ***CALL FOR NOMINATIONS***

Nomination day is the 5<sup>th</sup> Wednesday before Election Day. Election Day is the 4<sup>th</sup> Wednesday in October.

At least 10 business days<sup>65</sup> before nomination day, the returning officer will call for nominations. This is done by preparing the prescribed Form H ~ Notice of Call for Nominations, which is then publicized using the methods described in *Required Notices* in this guide.<sup>66</sup>

At least 10 business days before nomination day, the returning officer shall cause to be published in one or more newspapers circulating in the rural municipality Form B ~ Notice of Call for Nominations.

Nominations for candidates for members of council will be received at the municipal office during normal office hours until 4:00 p.m. on nomination day. The returning officer may appoint a one or more persons as a nomination officer to receive nominations. In many municipalities, this may be the assistant administrator.

## ***BY-ELECTIONS***

A by-election is an election occurring between general elections to fill a vacancy. Vacancies may arise due to a member's resignation or a variety of other reasons. Generally speaking, by-elections should be held as soon as possible taking into consideration factors such as:

- Fiscal efficiencies realized by combining the by-election with the general election; and
- Public expectations regarding the democratic process to elect a new representative in a timely fashion.

As closely as possible, the process for by-election should parallel the process for a general election. When a vacancy arises, council has two options which are to be considered at its next meeting.<sup>67</sup>

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<sup>65</sup> Do not include Saturdays, Sundays, or statutory holidays

<sup>66</sup> 160.15

<sup>67</sup> 160.07

- Council will appoint a returning officer to hold an election for the remainder of the term of the person being replaced. Council will set a date for the close of nominations. This must be a Wednesday.
  - Nomination day is the 5<sup>th</sup> Wednesday before the Election Day
- If the vacancy occurs in the final year<sup>68</sup> of the term, Council may leave the vacancy unfilled until the next general election.

The call for nominations must be published at least 10 business days before nomination day. As voters may not be expecting the by-election, the returning officer may wish to publish the call for nominations more than once in the newspaper, and may wish to post the notice in other conspicuous public locations in addition to the municipal office.

If the municipality generally has an advance poll, one should be held for the by-election.

## **NOMINATION OF CANDIDATES**

### ***NOMINATION FORM***

Election officials are legislatively required to accept a completed nomination form. A complete form will consist of:

- the correct number of nominees;
- a completed “Candidate’s Acceptance; and
- a criminal record check if required by bylaw.

Nominations for members of council must be in writing, in the prescribed Form D ~ Nomination Paper.<sup>69</sup> Nomination forms may be obtained from the municipal office, or from some other source (i.e. another municipality, downloaded from the internet or hand-written). A nomination for the position of:

- reeve must be signed by at least 2 voters of the rural municipality; and
- councillor must be signed by at least 2 voters of the division.

The “Candidates Acceptance” portion of the nomination form must be completed, signed and witnessed by two people.

- The returning officer or a nomination officer may wish to avoid witnessing the candidate’s acceptance. This is not legislatively prohibited; however, the signature of an election official on a nomination form may lead to questions whether the signature was added before or after the nomination form was received.

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<sup>68</sup> “year” means calendar year – subsection 27(1), *The Interpretation Act, 1995*

<sup>69</sup> 160.18

In addition to the above, a completed nomination form may require a criminal record check if council passed a bylaw pursuant to section 89.1 of *The Municipalities Act*. The criminal record check consists of:

- prescribed Form B.1 ~ Results of Criminal Record Check for Candidate for Election;<sup>70</sup> and
- the form issued by the RCMP or other police agency.

The returning officer or a nomination officer has no authority to reject fully completed nomination forms regardless of belief or knowledge the candidate:

- is not qualified, or
- has been nominated by ineligible voters.

It is not the responsibility of the returning officer or a nomination officer to determine a candidate's qualifications to seek office; that onus falls to the candidate. Any person who knowingly signs a false statement of acceptance is guilty of an offence and if convicted, is liable to a fine and removal from council.<sup>71</sup>

- The returning officer, a nomination officer or the administrator may wish to discuss the requirements with persons obtaining nomination forms through the municipal office.

### **Filing the nomination form**

A nomination form is presented to the returning officer or a nomination officer either by the candidate or a person acting on behalf of the candidate. Nomination papers can be faxed to the returning officer as the legislation uses the term "received" to describe transmission of the nomination paper to the municipality.<sup>72</sup> Candidates or agents who transmit nomination forms by means other than personal delivery are responsible to ensure the papers have been received by the RO. Candidates or agents using this form of transmission may consider contacting the office by telephone to verify receipt by the RO.

The election official shall ensure the nomination form is fully completed. If all necessary spaces on the nomination form are filled in, the election official is legislatively obliged to accept the nomination paper and issue Form C ~ Receipt of Nomination Paper.

- Election officials are advised to:
  - make a copy of the receipt issued to the person who filed the nomination and attach the copy to the nomination form;
  - make a copy of the nomination form for public inspection; and
  - store the original nomination form in a secure location.

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<sup>70</sup> *The Municipalities Regulations*

<sup>71</sup> 160.19

<sup>72</sup> 160.15

- Election officials have asked if they can inform a candidate of a potential error on the candidate’s nomination form. Election officials should exercise caution to ensure their advice is not construed as interference in the nomination process. While one person may appreciate the information, others may view the action as interference.

The returning officer or a nomination officer will post a copy of each nomination form received, along with the criminal record check if council has passed the bylaw, in a conspicuous place in the municipal office. Copies of the nomination form and any information on the form are accessible to the public. There is no legislative authority to charge a fee respecting the copy.

When the nomination period expires, the returning officer shall deliver the completed nomination papers to the administrator, who retains them for a period of three months.<sup>73</sup> After that time has passed, the administrator will destroy the nomination papers in the presence of two witnesses. The witnesses will swear affidavits confirming the destruction of the nomination papers. The affidavits are retained by the municipality.

### **Withdrawing a nomination**

Candidates may withdraw their nomination by providing the returning officer or a nomination officer with a written declaration during the period from the receipt of the person’s nomination until 24 hours after the close of the nomination period.<sup>74</sup>

The statement (no prescribed form) must be signed by the person and witnessed by:

- two witnesses or
- the returning officer or nomination officer.

### ***NOMINATION OUTCOMES***

Following the period for withdrawal of nominations, the returning officer may experience a combination of different outcomes. The returning officer will treat each office independently of the others. As an example, in one or more divisions, there may be

- no candidate;
- only one candidate; or
- two or more candidates.

The Act also addresses specific procedures that apply in the case of the death of a candidate prior to Election Day.

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<sup>73</sup> 160.21

<sup>74</sup> 160.22

## **No candidate**

After the nomination period expires, the returning officer must wait until the close of the withdrawal period before determining there are no candidates for an elected office. A municipality may experience a situation where an only candidate chooses to withdraw his or her nomination.

If there are insufficient candidates for an office, the returning officer shall give notice of call for further nominations for the remaining vacancies.<sup>75</sup> The returning officer will use prescribed Form T ~ Notice of Call for Further Nominations.

Nominations are to be received by the returning officer or nomination officer during normal office hours from the close of the period for withdrawal of nominations until 4:00 p.m. on the second Wednesday following the date of the close of the period for the withdrawal of nominations.

If no nominations are received for an office after the call for further nominations, at its next meeting the council is required set a nomination day and provide for a by-election to fill the vacancy. Nomination day must be a Wednesday.

Council can appoint a new returning officer or polling places if it considers that action to be advisable. Otherwise, the resolutions passed for the initial election will apply for this second effort. The same procedures used for setting up the general election should be followed as closely as possible in by-elections.

Candidates nominated as a result of the call for further nominations do not have a legislative ability to withdraw a nomination after it has been filed.<sup>76</sup>

## **Single candidate**

If there is only one candidate nominated for an office at the end of the withdrawal period, whether or not there were any withdrawals, the returning officer shall declare the candidate duly elected and prepare Form E ~ Notice of Abandonment of Poll.<sup>77</sup> This notice will be posted in the municipal office and published in a newspaper within 10 days after the close of the nomination period.

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<sup>75</sup> 160.17

<sup>76</sup> 160.22

<sup>77</sup> 160.16 and 160.23

The term of office for acclaimed candidates begins at the first meeting of council following Election Day, whether or not voting occurs on that day.<sup>78</sup> In the case of a by-election, the term of office for an acclaimed candidate begins immediately.

### **Death of a candidate**

In the event a candidate dies after the close of the nomination period, but before the close of the poll on Election Day, leaving a single candidate remaining, the election is suspended. The returning officer will declare an abandonment of poll and issue Form F ~ Notice of Abandonment of Poll on Death of Candidate.<sup>79</sup> This notice will be posted in the municipal office and published in a newspaper.

At its next meeting, council will provide for the holding of a by-election to fill that office. Candidates in the original election are deemed to be nominated for the by-election, with the exception of the deceased candidate and any candidate who previously withdrew his or her nomination.

The above does not apply where:

- there were three or more candidates for the office; or
- the candidate dies on Election Day after the polls have closed.

### **More than one candidate**

Where more than one candidate is nominated for an office, the returning officer will:<sup>80</sup>

- declare that a vote will be held;
- name when and where, and for which offices, voting will be held; and
- name when and where the results of the vote will be declared.

Form G ~ Notice of Vote is to be published in a newspaper within 10 days after the close of the nomination period.<sup>81</sup> At the same time, the returning officer may prepare Form N ~ Notice of Advance Voting if Council directed the returning officer to establish an advance poll. This notice will be posted in the municipal office and published in a newspaper.<sup>82</sup>

Voting on Election Day will take place from 9:00 a.m. until 5:00 p.m. unless council passed a bylaw to extend the time for voting on Election Day.<sup>83</sup>

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<sup>78</sup> 160.03

<sup>79</sup> 160.24

<sup>80</sup> 160.2

<sup>81</sup> 160.27

<sup>82</sup> 160.53

<sup>83</sup> 160.25

## **PREPARING FOR ELECTION DAY**

Subsequent to the publication of the Notice of Vote, the returning officer will begin to focus on actions needed to ensure voting occurs without unnecessary complications.

### ***ELECTION OFFICIALS***

As noted earlier, the returning officer is responsible for the appointment of all election officials. Two officials must be appointed for each polling place – a deputy returning officer and a poll clerk. All other officials are optional.

The deputy returning officer is responsible for the operation of the assigned polling place. To do this, the deputy returning officer:

- sets up the polling place;
- posts required notices and signs;
- ensures voters complete voter registration forms (unless a voters' 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 returning officer.

The returning officer may act as the deputy returning officer if the municipality:

- has a population of less than 200 people; or
- has only one polling place.<sup>84</sup>

The poll clerk reports to the deputy returning officer. The poll clerk:

- assists the deputy returning officer in setting up and opening the polling station;
- assists the deputy returning officer with the conduct of the vote;
- assists the deputy returning officer in allowing voters to cast their ballots in an orderly fashion;
- assists the deputy returning officer with the counting of ballots;
- assists the deputy returning officer close the poll.

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<sup>84</sup> 160.9

The returning officer is responsible to ensure their officials are trained. A structured training session is advised.

- This may be an opportune time for election officials to subscribe to their Form A.2 ~ Oath of Election Official.<sup>85</sup>
- Discuss routine procedures.
- Ensure officials are familiar with their duties and responsibilities.
- Anticipate problems that may arise, and plan appropriate responses.

## ***ELECTION SUPPLIES***

### **List of Election Day supplies**

The returning officer will need to ensure each polling place is adequately provisioned. At a minimum, each polling place will require:

- Ballot box(es) and seals;
- Ballots;
- Pencils and other office supplies (tape, ruler, etc.);
- Large envelopes;
- Sufficient quantities of prescribed forms:
  - Form J ~ Poll Book;<sup>86</sup>
  - Form M ~ Voter's Registration Form;
  - In lieu of the above, Form K ~ Voter's Registration Form and Poll Book;
  - Form A.2 ~ Oath of Election Official;
  - Form L ~ Directions for the Guidance of Voters in Voting;
  - Form N.1 ~ Advance Poll List, in a voters' list has been prepared;
  - Form O ~ Deputy Returning Officer's Statement of Results;
- At least 2 copies of S. 160.86 LGEA;<sup>87</sup>
- At least 2 copies of S.s 3, 4, 7 and 8 of *The Controverted Municipal Elections Act*; and
- A copy of *The Local Government Election Act, The Local Government Election Regulations, 2006* and a copy of this guide may assist election officials on election day.

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<sup>85</sup> 160.14

<sup>86</sup> 160.3

<sup>87</sup> 160.34

## **Ballot boxes**

The returning officer is responsible to acquire a suitable ballot box or boxes, complete with two or more seals for each box.<sup>88</sup>

- The boxes are to be constructed so that when they are sealed, ballots may be deposited and subsequently cannot be withdrawn or viewed without breaking the seal.
- The boxes are to be constructed of durable material.
  - Ballot boxes may be constructed of cardboard or other recyclable material provided that completed ballots are secure.
- A single ballot box may be used to hold ballots for candidates seeking the office of reeve or councillor or for multiple divisions.
- Additional seals may be advisable in the event the deputy returning officer seals the ballot box prior to inserting all required documents after the counting of ballots.
  - In this situation, prior to resealing the ballot box, the deputy returning officer may wish to insert into the box a statement detailing the circumstances and the seal that was originally applied to the ballot box.

## **Ballots**

The returning officer is responsible to obtain a sufficient quantity of ballots for each office for which an election is being held.<sup>89</sup>

- Ballots should be ordered as soon as possible following the period during which candidates may withdraw their nomination.
- Ballots are prescribed forms – Form H ~ Ballot – Election of Reeve and Form I ~ Ballot – Election of Councillor.
  - When ordering ballots, ensure the printer is aware of specifications set out in the Regulations for ballots (maximum width, location and size of the circles where voters will place their mark, etc).
- Ballots for reeve and councillors should be of different colours to facilitate the counting process.
- If a single ballot box is being used for multiple divisions for the office of councillor, consideration should be given to using different colours for each division.
- Names of candidates are arranged in alphabetical order, firstly on surname and secondly on given name.
- Occupations of candidates should be the same as the occupation specified on the nomination form. The occupation cannot indicate the candidate was previously on council.

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<sup>88</sup> 160.28

<sup>89</sup> 160.29

- The occupation should not indicate the candidate’s previous occupation – in other words, if a person has retired from a profession or business, their occupation should be “retired”.
- Upon receipt of the ballots:
  - Verify the accuracy of the names of the candidates and the number of ballots received. Unsuccessful candidates may allege an election loss was potentially caused by inaccurate spelling or presentation of a candidate’s name.
    - Ensure the size of font is the same for all candidates. This may be an issue if a candidate has a lengthy name. Font size is not prescribed.
    - Proof-reading the ballot should be done as soon as possible in the event they need to be reordered.
  - Count how many ballots were actually received. If the quantity of ballots received is slightly different than the number ordered, election officials may be unable to reconcile the ballot count after voting has concluded.

### ***MAIL-IN BALLOT SYSTEMS***

If council enacted a bylaw to establish a mail-in ballot voting system, the returning officer will play an active role in the registration of voters, provision of ballots, and receipt of ballots. These activities may begin fairly early, perhaps even before nomination period ends and they will continue up to and including Election Day.

The material in this portion of the guide relies upon the draft bylaw provided by the Ministry. The mail-in ballot voting system must address features such as voter application to vote in this matter, providing and receiving ballots, and documentation.

#### **Application procedure**

Voters who want to vote by mail must provide a voter’s registration form along with Form C<sup>90</sup> ~ Declaration of Person Requesting Mail-in Ballot. Key considerations may include:

- modifications to prescribed forms pursuant to Section 26 of *The Interpretation Act, 1995*;
- methods for voters to apply to vote by mail;
- a deadline for applications; and
- educational information respecting voting by mail.

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<sup>90</sup> Appendix C

The draft bylaw contemplates using Form K ~ Voter's Registration Form and Poll Book in which the poll book portion is modified to accommodate recording the following information:<sup>91</sup>

- an address to which a ballot would be mailed, if it is different than the voter's usual address; and
- critical dates, namely:
  - when the application for mail-in ballot is accepted;
  - when ballots are sent to the voter; and
  - when the ballots are returned to the returning officer.

Alternatives may include modifying prescribed Form J ~ Poll Book, or creating a new form to track this information.

The voter's signature to Form C<sup>92</sup> ~ Declaration of Person Requesting Mail-in Ballot must be witnessed by a returning officer or some other person authorized by the bylaw.

- The bylaw may consider clarifying the returning officer's ability, pursuant to Subsection 160.13(1) of the Act, to appoint election officials that are necessary for the conduct of the election. This may include municipal administration officials or employees, which then enables a voter to contact the municipal office to apply to vote in this manner.
- The voter's signature is witnessed a second time when the returning officer or a designated election official countersigns the Voter's Registration Form.

The returning officer may wish to have discussions with applicants about matters which may cause some concern about voting by mail.

- If few voters exercise ability to vote in this manner, it may be possible for election officials as well as candidates or agents who observe the procedures to speculate about the manner in which voters have voted. It may be helpful to remind voters that these parties all subscribe to oaths of secrecy.
- The Regulations permit a candidate or an agent to examine a voter's application for mail-in ballot at any time on Election Day or other times which may be permitted within the bylaw.
- The procedures to vote by mail will require the ballot to be enclosed within an envelope which will bear the signature of the voter, as will be discussed below.
  - While this information may be included within communication provided at a later date, the earlier notification may be appreciated by voters.
- The returning officer may consider it prudent to include his or her contact information in the event the voter has any questions or concerns regarding the procedure.

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<sup>91</sup> *The Interpretation Act, 1995* – Section 26

<sup>92</sup> Appendix C

The bylaw should set out a deadline for voters to apply for mail-in ballots, which may consider how ballots are provided to and returned by voters. The Act requires mail-in ballots to be returned to the returning officer no later than the close of polls on Election Day.

- The deadline set out in the bylaw should be sufficient to reasonably allow ballots to be mailed to a voter and for the voter to return the ballot by mail. If the deadline is too early, prospective voters may suggest the municipality is not fully committed to this concept.
- The municipal bylaw may provide for variable deadlines which may depend on providing the ballot to a voter in person rather than by mail.

Upon receipt of the voter's registration form and the Declaration of Person Requesting Mail-in Ballot, the returning officer will examine the documents and if they are complete, the returning officer countersigns the voter's registration form. If everything is in order, the returning officer will make appropriate entries in the poll book portion of the voter's Form K ~ Voter's Registration Form and Poll Book to indicate the date on which the voter's application for mail-in ballot was accepted.

- Both Form M ~ Voter's Registration Form and Form K ~ Voter's Registration Form and Poll Book require the signature of either a deputy returning officer or an enumerator.
- If these forms are signed by the returning officer, it appears the intent of legislation is met.

The deputy returning officer will retain the voter's completed Form K ~ Voter's Registration Form and Poll Book and Form C<sup>93</sup> ~ Declaration of Person Requesting Mail-in Ballot which will be combined with those from other voters to form the poll book for the mail-in voting system.

- Candidates and agents may be provided rights within the bylaw to inspect these documents prior to Election Day. In the absence of any such enabling rights in the bylaw, the ability to inspect these documents exists only on Election Day.

### **Providing ballots**

After a voter's application for a mail-in ballot is accepted, the next step will be providing a ballot kit to voters. A ballot kit consists of:

- ballots;
- envelopes; and
- instructions and other information.

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<sup>93</sup> Appendix C

The type of ballot used for mail-in voting may depend on the anticipated delivery date of printed ballots, which may be delayed in the event the returning officer is required to post Form T ~ Notice of Call for Further Nominations.

- If possible, the type of ballot used at polling places will be the type of ballot used for mail-in ballots. This may be doable if the initial nomination process results in more candidates than vacancies to be filled. On the other hand if a second nomination period is required, there may be insufficient time to allow the use of these ballots for the purpose of mail-in voting.
- The bylaw may empower the returning officer to authorize the use of blank ballots if he or she determines the expected delivery date of printed ballots may adversely affect the ability of voters to vote by mail. Section 160.29 of the Act and Sections 58 and 59 of the Regulations must be considered when designing a blank ballot. If blank ballots are used for mail-in voting, the returning officer should:
  - note on the face of the ballot for the office of councillor in words and in figures, the number of the division in which a voter may vote;
  - ensure voters are provided with a list of candidates for each office; and
  - continue to use blank ballots even after printed ballots become available; that is, subsequent to a decision to issue blank ballots to voters voting by mail, all such voters will receive the same type of ballot.

It is conceivable some voters may apply to vote by mail before the returning officer determines voting will be required; that is, some applications may be made during the nomination period or even prior to the call for nominations. As noted earlier, council may consider appointing the returning officer early in the year, possibly January, whether or not an election is anticipated. In order to provide maximum opportunity for voters to apply to vote in this manner, the draft bylaw directs the returning officer to delay providing ballots until the Notice of Poll is issued.

- If the municipality is using printed ballots for mail-in voting, there is no possibility to issue a ballot prior to this time.

The returning officer may provide a ballot kit to a voter:

- by mail, if the voter applies for a mail-in ballot before the nomination period has expired or if the municipality has established the opportunity for voters to apply by mail; or
- in person, if the voter is applying in person after the Notice of Poll has been issued.

In addition to the ballot, the returning officer should provide the voter with three different sized envelopes which will serve to:

- maximize the voter's privacy with respect to the manner in which he or she votes;
- provide election officials with ability to ensure which voters have actually voted; and

- provide candidates or agents adequate opportunity to exercise their right to object to the voter's entitlement to vote.

The first envelope (the ballot security envelope) will be the smallest – it will contain only the ballot or ballots provided to the voter.

- If the envelope is too large, ballots may inadvertently fall out when the envelope is opened.
- Make sure the envelope is large enough – avoid folding the ballot in two different directions.
- Use a heavier grade of envelope (24 lb. or greater) to avoid accidental tearing.
- Schedule “A” attached to the draft bylaw suggests wording which may be placed on the ballot security envelope.

The second envelope (the voter confirmation envelope) must be large enough to hold the ballot security envelope. This envelope may cause the greatest privacy concern for voters who vote by mail.

- On this envelope, the voter will certify that he or she:
  - is entitled to vote in this election, even though they have already done this by virtue of completing the voter's declaration form;
  - confirms the envelope contains the ballot they received; and
  - marked the ballot.
- The envelope will also include information regarding which ballots should be in the ballot security envelope. Nevertheless, it is possible a voter may intentionally or inadvertently fail to return one or more ballots.
- Schedule “B” attached to the draft bylaw suggests wording which may be placed on the voter confirmation envelope.

The third envelope (the outer envelope) must be large enough to hold the voter confirmation envelope. The envelope should be addressed to the returning officer. A notation respecting the envelope's contents may improve internal procedures.

The returning officer may wish to provide additional written information to inform voters how to vote by mail.

- After marking the ballot, insert it into the ballot security envelope and seal it. Caution against making any marks on this envelope.
- Insert the sealed ballot security envelope into the voter confirmation envelope which should then be sealed. The voter must sign the voter confirmation envelope to certify their eligibility to vote and to confirm they were the person who actually marked the ballot.

- The returning officer may consider describing how the voter confirmation envelope is separated from the ballot security envelope during the counting process to maintain voter secrecy.
- The signed and sealed voter confirmation envelope is placed in the outer envelope which is then returned to the returning officer. It is the voter's responsibility to ensure the returning officer receives this envelope no later than the close of polls on Election Day.
  - The returning officer may consider reminding voters they cannot count ballots received after the close of polls on Election Day.
- The returning officer may consider it appropriate to remind voters of the rights provided to candidates or their agents to inspect voter's registration forms and declarations.
- The returning officer may consider it prudent to include his or her contact information in the event the voter has any questions or concerns regarding the procedure.

The returning officer will undertake the following steps with respect to a ballot issued to a voter who intends to vote by mail.

- If blank ballots are being used, the returning officer should indicate in words and figures the division in which the voter may vote for the office of councillor, unless this information is pre-printed on the blank ballot.
- Initial the back of each ballot being provided to the voter.
- Consider folding each ballot in a manner to expose the initials of the returning officer and to conceal the voter's choice.

On the voter confirmation envelope to be provided to a voter, the returning officer will print the name of the voter and indicate which ballots are being provided.

When the ballot kit is provided to the voter, he or she is deemed to have voted and is not entitled vote in any other polling place. The returning officer will make appropriate entries in the poll book portion of the voter's Form K ~ Voter's Registration Form, and Poll Book, as required by Section 160.37 of the Act, including the date on which the ballot kit was provided to the voter. All entries in the poll book are to be sequentially numbered.

### **Receiving ballots**

Voters participating in the mail-in voting system must ensure the returning officer receives their ballots no later than the close of polls on Election Day.

- Voters may use whatever means they choose to ensure the ballots in their original form are returned. Voters cannot fax or otherwise transmit electronically scanned ballots.

Ballots from voters voting by mail understandably may arrive over a prolonged period. Some ballots may be returned almost immediately after the voter files his or her application for mail-in ballot. It will be necessary to have a ballot box to hold ballots from the day they are received until Election Day. During this time, access to the ballot box must be strictly controlled. For example, it may be stored in a locked filing cabinet or some other secure area.

The manner in which the municipality conducts elections may influence the decision respecting how mail-in ballots are stored before the ballots are counted, particularly in situations where the returning officer wants to retain ability to combine mail-in ballots with those cast on Election Day. If the municipality has a single polling place for all divisions, the returning officer will likely use a single ballot box to store mail-in ballots. On the other hand, if a municipality typically uses separate ballot boxes for each division, the returning officer will probably choose to store mail-in ballots in ballot boxes specific to each division. The returning officer should ensure the bylaw speaks to the matter of post-count storage.

The returning officer may undertake the following steps when he or she receives a mail-in ballot:

- remove the voter confirmation envelope from the outer envelope;
- ensure the voter confirmation envelope is signed by the voter;
- not open the voter confirmation envelope;
- deposit the voter confirmation envelope in the ballot box; and
- note receipt of the voter confirmation envelope in the poll book portion of the voter's Form K ~ Voter's Registration Form and Poll Book.

If the voter confirmation envelope is unsigned, the returning officer may ask the voter to sign it, if the voter is returning the ballot in person. If obtaining the voter's signature is not possible, the returning officer will nonetheless proceed with depositing the voter confirmation envelope in the ballot box and make the necessary entries in the poll book portion of the voter's Form K ~ Voter's Registration Form and Poll Book.

The returning officer maintains custody of the ballot box and the poll book until Election Day. In those situations where municipalities have only one polling place on Election Day, it is reasonable to expect the ballot box and poll book may be given over to the deputy returning officer that day.

In municipalities where there are multiple polling places, the returning officer may need to consider other options.

- The returning officer may count the ballots at a designated location other than a polling place on Election Day. For example, mail-in ballots may be counted at the municipal office even though voting occurs at different places on Election Day. .
- The returning officer may provide the ballots and the poll book to a designated deputy returning officer. If this option is selected, the returning officer must determine the timing of the transfer. Election Day may be the only day available for candidate and agents to exercise their rights to inspect these documents. It will be important to ensure they are properly informed.

If a candidate or an agent inspects the voter's registration forms and declarations and raises an objection to the entitlement of a voter, the returning officer or the deputy returning officer will make the appropriate entry in the poll book portion of the voter's Form K ~ Voter's Registration Form and Poll Book. There is no other action that can be taken by election officials.

It is essential to recognize many of the above procedures are 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.

## **DUTIES OF THE DEPUTY RETURNING OFFICER**

On Election Day, the deputy returning officer will be called upon to exercise important responsibilities in an effective and efficient manner.

- Together with a poll clerk and any other appointed election officials, the deputy returning officer will be responsible for the proper administration of the poll.
- Through adequate preparation to familiarize themselves with their duties and responsibilities, election officials will be prepared to make the best decisions as circumstances warrant.
- The returning officer should be available during the day in the event the deputy returning officer requires information or advice.

The deputy returning officer is responsible for:

- setting up and opening the polling place;
- providing qualified voters with a ballot;
- recording the operation of the poll;
- remaining at the poll after it closes to count the ballots; and
- providing the results and election materials to the returning officer.

## ***PRIOR TO OPENING OF POLLS***

The returning officer shall provide each deputy returning officer with the supplies required to conduct the election.<sup>94</sup> In some municipalities, the returning officer may also serve as the deputy returning officer. Where this occurs, it is vital to remember duties specific to each office; in other words, remember which hat is being worn.

The deputy returning officer should review the supplies received from the returning officer to ensure everything needed has been provided.

- Count the number of ballots provided by the returning officer. Verification at this point is much easier than attempting to account for more or fewer ballots than expected when voting has concluded.

The deputy returning officer will:

- arrive at the polling place at least 15 minutes prior to the opening of the polls;<sup>95</sup>
  - Polls are open from 9:00 a.m. to 5:00 p.m. local time, subject to a decision by council to extend the duration of the poll.<sup>96</sup>
  - The hours of an advance poll are established by council.<sup>97</sup>
- place voting compartments to ensure voters will be able to mark their ballots without being seen;<sup>98</sup>
- post copies of Form L ~ Directions for the Guidance of Voters in Voting and Sections 3, 4, 7, 8 of *The Controverted Municipal Elections Act*<sup>99</sup> outside the entrance to the polling place and in each of the voting compartments; and
- provide a black lead pencil in each voting compartment.

Inspect the polling place to ensure there are no unauthorized election materials. A polling place may be located in a public facility and it is possible a candidate may have previously posted a campaign notice. Remove any such notices found within the polling place. Examine nearby properties to ensure there are no campaign signs within 100 metres of the polling place. If there are, notify the candidate and request him or her to deal with it. There is no authority or requirement in the Act compelling election officials to enforce legislation.

The polling place should be set up to ensure easy entry and exit of electors during peak times so there is a logical traffic pattern. The placement of the table for election officials should provide the officials with a good view of all areas in the polling place.

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<sup>94</sup> 160.32

<sup>95</sup> 160.33

<sup>96</sup> 160.25

<sup>97</sup> 160.52

<sup>98</sup> 160.31

<sup>99</sup> 160.34

Provide a space for candidates or agents to observe election proceedings.

- The designated space should provide a clear view of the ballot box and the voting procedures.
- Ensure that electors are not uncomfortable because candidates or agents are too close to electors and election officials.
- Consider avoiding the placement of candidates or agents at or behind the table where election officials carry out their duties.

## ***ADVANCE POLL***

### **Preliminary**

An advance poll provides voters the opportunity to vote at a time prior to the actual Election Day. Eligible voters are:<sup>100</sup>

- Voters who are physically disabled – if possible, the location should be accessible; and
- Voters who anticipate being unable to vote on Election Day.

Advance polls may be authorized by council initiative, or may be requested at least 30 days before Election Day by a petition of at least 5 voters.<sup>101</sup> Council’s instructions to the returning officer to establish an advance poll must be in the form of a resolution or bylaw.<sup>102</sup> The advance poll may be held on any day or days within the 5 days immediately before Election Day, with the exception of Sunday. There is no restriction regarding the hours during which the advance poll must be open; however they must stipulated in the resolution or bylaw.

Form N ~ Notice of Advance Voting is to be completed and:<sup>103</sup>

- published in the same newspaper that contains Form G ~ Notice of Vote; and
- posted in the office of the administrator.

### **Voting at the advance poll**

The process for voting in an advance poll is the same as for the regular poll discussed later in this guide.<sup>104</sup> Whether or not a voters’ list has been prepared, all voters at the advance poll are required to sign a voter’s registration form.<sup>105</sup>

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<sup>100</sup> 160.5

<sup>101</sup> 160.49

<sup>102</sup> 160.52

<sup>103</sup> 160.53

<sup>104</sup> 160.51

<sup>105</sup> 160.54

### **At the close of the advance poll**

When the advance poll closes, the deputy returning officer seals the ballot box. It will remain sealed so that nothing more can be deposited in the box. <sup>106</sup>

- A paper seal should be applied to the slot of the ballot box to demonstrate that nothing was placed in the box during the period between the close of the advance poll and:
  - the opening of the poll on election day; or
  - the counting of the ballots in the ballot box.
- Candidates or agents present at the close of the poll may wish to sign the paper seal

The deputy returning officer shall place the poll book, completed voter registration forms and all unused ballots in a container provided by the returning officer.

- The deputy returning officer is advised to prepare a non-prescribed certificate after the last name entered into the poll book indicating the number of persons who voted at the advance poll. <sup>107</sup>
  - If the poll is using the Form K ~ 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 for the advance poll.

The deputy returning officer for the advance poll is responsible for the safekeeping of the ballot box and other election materials until Election Day. The deputy returning officer may request direction from the returning officer regarding safekeeping protocols. <sup>108</sup>

- In most cases, there may be few voters in an advance poll. To maintain the secrecy of how advance poll voters voted, it may be desirable to combine the ballots of the advance poll and the regular poll. <sup>109</sup> If the ballot box is being reused, it will be given to the deputy returning officer in charge of the poll on Election Day.
- If advance poll ballots are not combined with ballots cast during the poll on Election Day, the deputy returning officer will bring the ballot box to the place designated by the returning officer at the close of polls on Election Day for the purpose of counting the ballots.

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<sup>106</sup> 160.55

<sup>107</sup> 160.59

<sup>108</sup> 160.55

<sup>109</sup> 160.56

## ***WHEN THE REGULAR POLL IS OPEN***

After the poll opens, the deputy returning officer shall allow any persons present to see that the ballot box is empty, after which the box is sealed.<sup>110</sup> After that, the deputy returning officer closes and seals the ballot box in a manner to prevent it from being opened without breaking the seal.

- The ballot box may have been previously used at an advance poll.<sup>111</sup> In this case the top of the ballot box should have been sealed when those polls closed. The deputy returning officer shall remove the seal from the slot of the ballot box in the presence of the election officials and any candidates or agents who may be present. If there are no candidate or agents in attendance, the deputy returning officer may choose to leave the seal intact until the first elector arrives. This elector may witness the removal of the seal by the deputy returning officer.

Until the poll is closed, the ballot box is kept in view of the deputy returning officer and any person who may be in the polling place from time to time.

Access to the polling place is restricted to:<sup>112</sup>

- election officials;
- candidates;
- agents of candidates; and
- electors who are voting or waiting to vote.

Candidates may appoint any number of agents; however, only two agents per candidate may be in the polling place at any one time.

The deputy returning officer should check the voting compartments from time to time<sup>113</sup> to ensure:

- the pencil has not been removed;
- notices posted by the deputy returning officer have not been removed or defaced; or
- inappropriate or unauthorized materials have not been left by a previous voter.

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<sup>110</sup> 160.33

<sup>111</sup> 160.56

<sup>112</sup> 160.35

<sup>113</sup> 160.31

## ***VOTING PROCEDURES***

If the municipality is using a voters' list, please refer to information within the section "Voters' List" in this guide. When a voters' list is not used, voters will:

- register to vote;
- provide identification to election officials;
- receive a ballot and proceed to a designated voting compartment;
- after marking their ballot, return it to the deputy returning officer for placement in the ballot box; and
- leave the polling place.

### **Voter registration**

Each person who wishes to vote must complete a voter's registration form, unless the municipality is using a voters' list.

- Form M ~ Voter's Registration Form, is used if the returning officer has decided the deputy returning officer will use Form J ~ Poll Book to record activities at the poll.
- Form K ~ Voter's Registration Form and Poll Book is used where the voters' registration forms are later combined to form the poll book.<sup>114</sup>
  - Based on surveys at previous workshops, this is the approach used by most municipalities.

The poll clerk or an enumerator, if one has been appointed, may assist voters to complete their voters' registration forms.

- Election officials should not rely on their personal knowledge to complete a voter's registration form on behalf on a voter.
  - For example, notwithstanding physical evidence suggesting a person is well past the age of 18 years, election officials should obtain some form of acknowledgement from the voter prior to marking the voter's registration form.
- After assisting the voter fill out the voter's registration form, election officials should review all entries with the voter.
  - For example, advise the voter "I have indicated here you are at least 18 years old, here you are a Canadian citizen", and so on.
  - In the event of a legal challenge to the conduct of the election, officials should be able to describe the measures they took to ensure that a voter knew what was marked on the form prior to signing the declaration.

The poll clerk or the enumerator may countersign the voter's signature to the voter registration form. The voter then presents the completed voter registration form to the deputy returning officer.

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<sup>114</sup> 160.37

## **Voter identification**

Voters intending to vote are required to provide evidence of identity and residence to the deputy returning officer and the poll clerk prior to receiving a ballot.<sup>115</sup> Voters have three options regarding this evidence.

- Option 1 – Show one original piece of identification which includes the voter’s photo, name and address. The identification must be issued by a Canadian government (federal, provincial, or municipal) or an agency of that government. Examples include but are not limited to a driver’s license, photo identification available from Saskatchewan Government Insurance, or photo identification generated by your municipality.<sup>116</sup>
- Option 2 – Show two original pieces of authorized identification. Both pieces must have the voter’s name and at least one piece must include the voter’s address. Examples include but are not limited to a provincial health card, municipal water bill or tax notice, or a blank cheque bearing the voter’s name and address.
  - Regulations provide that a person’s mailing address or box number on a piece of identification or information is acceptable to establish the person’s residency if, in the opinion of the deputy returning officer, it is consistent with information about the person on the Voters’ List, or on his or her Voter’s Registration Form.<sup>117</sup>
- Option 3 – A qualified voter may vouch for a person who does not have identification by completing Form B<sup>118</sup> ~ Vouching for Identity.<sup>119</sup>
  - Voters cannot vouch for more than one person unless the person being vouched for:
    - lives at the same address as the voter; and
    - is related to the voter in a manner set out in the regulations.
  - Examples include but are not limited to spouse, child, parent or sibling.
  - A person who has been vouched for at an election cannot vouch for the identity of another person.
  - Candidates, candidate’s agents, and election officials cannot vouch for the identity of any person.

Appendix D to the Regulations lists:

- the types of non-photo identification which may be used by voters, and
- the family relationships enabling a voter to vouch for more than one person.

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<sup>115</sup> 160.391

<sup>116</sup> Non-drivers can get an ID card at any motor licence issuer. It is valid for 5 years and costs \$10.

<sup>117</sup> 67.3 Regulations

<sup>118</sup> Appendix C

<sup>119</sup> 67.5 Regulations

The identification offered by a voter is not copied nor are any particulars recorded by the deputy returning officer; it is simply inspected by election officials to ascertain the voter's name and residence.

- Form B<sup>120</sup> ~ Vouching for Identity is attached to and forms part of the voter's declaration form provided by a vouched voter.

The deputy returning officer cannot provide a ballot to a voter who refuses or fails to comply with the identification requirements.<sup>121</sup>

### **Objections to a voter**

Candidates or agents may object to a voter who has not yet voted.<sup>122</sup>

- Objections may be raised at any time against a person who votes by mail.<sup>123</sup>
- A person is deemed to have voted after he or she receives a ballot from the deputy returning officer.<sup>124</sup>

Objections are directed to the deputy returning officer, not to the voter. A candidate or agent is not required to provide any reason for the objection, although one may be offered. An objection to a voter does not automatically disqualify the voter.

- The deputy returning officer will enter the objection in the poll book, including the name of the person raising the objection, and initial the notation.
- The deputy returning officer will ask the voter to complete a voter's registration form if they have not already done so.
  - In cases where a voter's registration form has already been completed, the deputy returning officer may consider reviewing the form with the voter, item by item, and requesting verbal confirmation of each point.
    - The deputy returning officer may consider including a notation in the poll book that the voter confirmed the information on the voter's registration form.
  - If the voter declines to complete a voter's registration form, or if the voter changes information on the initial form which effectively disqualifies the person from voting, the person cannot receive a ballot and would be asked to leave the polling place.

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<sup>120</sup> Appendix C

<sup>121</sup> 160.39

<sup>122</sup> 160.381

<sup>123</sup> 67.6(2)(c) Regulations

<sup>124</sup> 160.38

A candidate or an agent:

- may request to see the identification provided by the voter to election officials;
  - The deputy returning officer shall ask the voter to show the offered identification to the candidate or agent.
- may request verification that vouching procedures were followed;
  - The deputy returning officer would review and verify with the candidate or agent the procedures regarding establishing a voter's identity and residence.
- may request to see the voter's registration forms and the declarations of voters who requested a mail-in ballot.
  - This applies only on Election Day and it applies only to voters who exercised the mail-in option. This request should not interfere with the voting process.
  - The Act does not provide statutory rights for candidates or agents to view voter's registration forms signed by voters who have voted or who intend to vote.

### **Ballot management**

After the voter registers to vote and establishes his or her identity and residence to election officials, the deputy returning officer:<sup>125</sup>

- makes necessary entries, which are to be sequentially numbered, in the poll book;<sup>126</sup>
- initials one or more ballots as required on the reverse side in the appropriate area;
- folds the ballot<sup>127</sup> to conceal its face and expose the initials of the deputy returning officer; and
- provides the ballot to the voter, provided he or she can immediately proceed to one of the voting compartments.

If requested by the voter, the deputy returning officer shall explain the proper method of voting.<sup>128</sup>

While the voter is voting, the deputy returning officer shall ensure no other person is in a position where they could see how the voter is marking his or her ballot.<sup>129</sup> Having received a ballot, the voter immediately proceeds to the designated voting compartment to mark his or her ballot.<sup>130</sup>

- The ballot is to be marked by placing an "X" or another mark clearly indicating the voter's choice or choices, as the case may be.
- After marking the ballot, it is folded to conceal the face of the ballot and to expose the initials of the deputy returning officer on the reverse side.

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<sup>125</sup> 160.4

<sup>126</sup> 160.37

<sup>127</sup> "the ballot" means all ballots to which the voter is entitled.

<sup>128</sup> 160.41

<sup>129</sup> 160.46

<sup>130</sup> 160.43

- The voter leaves the compartment and delivers the folded ballot to the deputy returning officer.
- The ballot box slot should be kept covered at all times, using an envelope, a book or some other object.

When the voter returns the ballot, the deputy returning officer verifies his or her initials are on the back the ballot, and then deposits the ballot in the box.<sup>131</sup>

- Do not unfold the ballot if it is folded correctly.
- If the ballot is not folded, or if it is folded incorrectly:
  - ask the voter to fold it properly; or
  - accept the ballot and fold it properly before placing it in the ballot box. Attempt to do this in a manner to minimize the risk of any person being able to see the voter’s mark.
- If the voter wishes to personally deposit the ballot into the ballot box, the deputy returning officer should verify their initials before this happens.
- The deputy returning officer makes an entry in the polling book verifying the voter has voted.

After voting, the voter is required to leave the polling place unless they are otherwise entitled to remain (candidate, agent, etc.)<sup>132</sup>

## ***SPECIAL SITUATIONS***

### **Forfeiture of vote**

A person forfeits their right to vote if the voter:<sup>133</sup>

- leaves or attempts to leave without returning the ballot to the deputy returning officer; or
- returns the ballot to the deputy returning officer stating he or she declines to vote.

The deputy returning officer will record the forfeiture in the poll book along with the reason for the forfeiture. In the case of a declined ballot, the deputy returning officer will write “declined” on the ballot and place it in one of the envelopes provided by the returning officer. Mark the envelope to identify it contains “Forfeited Ballots”. An envelope may contain more than one forfeited ballot.

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<sup>131</sup> 160.44

<sup>132</sup> 160.45

<sup>133</sup> 160.47

## **Spoiled ballot**

If a person accidentally spoils a ballot, the deputy returning officer provides a replacement ballot.<sup>134</sup> Examples of spoiled ballots may include things such as inadvertent tearing or the voter realizing he or she may have voted for too many candidates.

- The deputy returning officer writes “Cancelled” on the spoiled ballot. Take measures to ensure no person can see if or how the ballot was marked. The ballot is placed in one of the envelopes provided by the returning officer. Mark the envelope to identify it contains “Spoiled Ballots”.

Mail-in ballots received after the close of poll are deemed spoiled.<sup>135</sup>

- The ballot is dealt with in the same manner as other spoiled ballots.
  - As the ballot box may be sealed by the time the late ballot is received, consider taping the envelope containing the mail-in ballot to the outside of the sealed ballot box. In addition, the ballot box may no longer be in the possession of the deputy returning officer. This action may be taken by the returning officer or the municipal administrator.

## **Incapacitated voters**

Voters may request assistance from the deputy returning officer if they are unable to read or are otherwise incapacitated from voting in the above manner. The voter in this instance has been able to access the polling place.

- The deputy returning officer will assist the voter to mark the ballot in accordance with the voter’s wishes in the presence of the poll clerk and candidate’s agents, after which the ballot is placed in the ballot box.
- Candidates and other persons (excepting those noted above) would be asked to leave the polling place during this time.

If the voter is accompanied by an escort or assistant, the deputy returning officer shall permit that person to accompany the voter to the voting compartment.

- This is the only situation where the deputy returning officer allows another person to accompany a voter to the voting compartment.<sup>136</sup>
- There is no provision for providing an interpreter or supplying a template for the visually impaired.

While not legislatively required, the deputy returning officer may note particulars of this instance in the polling book.

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<sup>134</sup> 160.48

<sup>135</sup> 160.132(2)

<sup>136</sup> 160.42

## **Inaccessible polling place**

This process is also referred to as “curbside voting” and applies to situations where the voter is immediately outside the polling place; however, he or she cannot access the polling place because of physical disability or limited mobility.<sup>137</sup> Whenever possible, the polling place should be situated within a structure that facilitates access by persons with physical disability or limited mobility.

- A person acting on behalf of the voter will request the deputy returning officer to take the voter’s vote at some other location (e.g. from their vehicle which is outside the polling place). The request may be verbal or written.
- The deputy returning officer may temporarily suspend proceedings in the polling place.
  - Voters in the polling place who have received ballots are permitted to vote.
  - Suggestion – voters who have registered to vote but have not yet received a ballot should vote prior to suspending proceedings.
- Ensure there is a mechanism to protect election materials and inform voters who may attend while voting is temporarily suspended.
  - Election officials may be able to view the access to the polling place while curbside voting takes place. The polling place should be locked to ensure no person access the materials in the polling place during this time.
  - If the polling place access is not viewable, the deputy returning officer may appoint a constable for this purpose. Both the appointment and the appointee’s declaration will utilize prescribed forms:
    - Form A.1 ~ Appointment of Election Official; and
    - Form A.2 ~ Oath of Election Official.
- The deputy returning officer proceeds 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. A clipboard to provide a solid surface for writing may be beneficial.
  - Candidates and agents in attendance should be invited to witness the proceedings.
  - Procedures for voting are the same as they would be within the polling place. For example, the voter completes the 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.
    - Election officials and authorized observers should turn away while the voter marks the ballot.

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<sup>137</sup> 160.36

## ***PROCEEDINGS AFTER CLOSE OF POLL***

### **Preliminary**

Any voters in the polling place at the time of closing are entitled to vote.<sup>138</sup> No other voters should be permitted to enter the polling place after the polls close.

When the poll closes on Election Day, the deputy returning officer 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.<sup>139</sup>

- The certificate may be in the following form:

*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 in this polling place.*

\_\_\_\_\_  
*[Signature of deputy returning officer]*

- If the poll is using the Form K ~ 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.
- A similar certificate should be attached to the poll book respecting voters who voted by mail.
  - There may be multiple poll books if the ballot box contains ballots from an advance poll or mail-in ballots. A separate certificate should be prepared for each poll book.

Ballot boxes used at an advance poll may be delivered to the deputy returning officer prior to the close of polls. The returning officer will have provided direction to the deputy returning officer whether the advance poll ballots are counted as a separate poll or if they will be combined with other ballots cast on Election Day.

Prior to counting the ballots, the deputy returning officer 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. Questions regarding procedures should be raised and resolved in advance.

- 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 allowed to observe while voting takes place.

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<sup>138</sup> 160.58

<sup>139</sup> 160.59

- Tally sheets may be used to facilitate vote counting. Tally sheets may include the name of candidates in the same order as they appear on the ballot.
  - Tally sheets may be offered to candidates and agents for their own use.
    - The deputy returning officer counts the ballots and the poll clerk enters the result on the tally sheet. The official results are those on the tally sheet maintained by the poll clerk.
    - There is no legislative requirement to reconcile variances between the official results and those tabulated by any other party.

Verify the number of ballots which should not be in the ballot box:

- Count the number of unused ballots along with those which were spoiled or declined.
- Add this number to the number of voters who cast ballots on Election Day, excluding those who have voted by mail.
- The total should equal the number of ballots provided to the deputy returning officer when poll opened.

### **Counting the ballots**

After reconciling the number of ballots which should not be in the ballot box, the deputy returning officer may proceed to open the ballot box.

If a cardboard ballot box is being used, verify there are no ballots stuck within any interior flaps.

If separate ballot boxes are being used for each office or matter, other boxes may remain sealed until the deputy returning officer is ready to count those ballots. It may be prudent to perform an initial count of the ballots in the opened box. The number of ballots should equal the number of voters in the poll book, taking into consideration the ballots may include those cast in an advance poll or mail-in ballots. If the number of ballots is not equal to the number of voters, open the other ballot boxes to determine if a ballot was inadvertently placed in the incorrect ballot box.

If ballots for more than one office or matter are in one ballot box, the ballots should be separated according to colour. Consider the initial count of ballots, as described above.

During the counting process, the deputy returning officer should be the only person to actually handle the ballots. The deputy returning officer should take sufficient time to examine each ballot to determine if the ballot should be accepted or rejected.

Responsibility for counting or rejecting a ballot rests solely with the deputy returning officer. Decisions regarding the validity of a ballot should not be the subject of a debate.

- Decisions respecting a questionable ballot should be made immediately when the ballot is encountered rather than deferring until all other ballots have been counted. In the event a problematic ballot is crucial to determining the outcome of the election, the objectivity of the deputy returning officer may be called into question.

After determining if the ballot is counted or rejected, the deputy returning officer will:

- announce the decision enabling the poll clerk to record those specifics on the tally sheet; and
- show the ballot to other election officials or observers.
  - It is during this viewing opportunity a candidate or agent may object to the decision of the deputy returning officer.

### **Rejected ballots**

A ballot is to be rejected if it: <sup>140</sup>

- does not have the initials of the deputy returning officer on the reverse side, subject to the remarks below;
- has more marks than the voter was entitled to make;
- has been written or marked in a way that may possibly identify the voter;
- has been torn, defaced or otherwise treated which may possibly identify the voter;
- no vote is marked; or
- is marked other than specified, subject to the remarks below.

If the initials of the deputy returning officer are missing, the ballot can be initialled and included in the counting process provided that deputy returning officer is satisfied that:<sup>141</sup>

- 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 returning officer.

A ballot which potentially identifies a voter is to be rejected. This may include written words, markings, or mistreatment such as a tear or other form of defacement.

While the Act requires voters to mark their ballot with an “X”, the deputy returning officer shall not reject a ballot if the mark is something other than an “X” or if the mark is out of or partly out of the proper space on the ballot.<sup>142</sup> The mark must clearly indicate intent to vote for candidate opposite whose name it appeared.

- There may be ballots in which an “X” is made, or attempted to be made, but is not made very well, perhaps from unsteadiness of hand or accidental disturbance. Such

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<sup>140</sup> 160.6

<sup>141</sup> 160.62

<sup>142</sup> 160.61

imperfections should not disenfranchise a voter. The principle of “fulfilling” the voter’s intention has been favoured in the courts. In other words, if the mark is opposite the candidates name and towards the right-hand side, the ballot should be counted.

- This is a step which should be approached with thoughtful consideration. The decision made by the deputy returning officer when the first questionable ballot is encountered will set the “tone” for future decisions.

## Objections

A candidate or an agent may object to the decision made by the deputy returning officer:

<b>Deputy returning officer’s decision:</b>	<b>Candidate’s/Agent’s view:</b>
to count (or accept) a ballot	the deputy returning officer should reject the ballot
to reject a ballot	the deputy returning officer should count the ballot

When an objection is raised, the deputy returning officer will proceed as follows: <sup>143</sup>

- On the back of the ballot, number the objection starting with “1”. Initial the entry.
- Record the objection in the poll book along with the number placed on the ballot.
  - If Form K ~ 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 deputy returning officer will initial the number on this paper, which will then be attached to and form part of the poll book.
- On the reverse side of the ballot, record the objection either as “Rejection objected to” or “Counting objected to” as the case may be.
- The candidate or agent will explain why they object to the decision made by the deputy returning officer.
- The deputy returning officer will consider the information provided, and will determine if the initial decision should be upheld or overturned.
  - The decision of the deputy returning officer is final. Candidates and other voters may have a right to request a recount, which is conducted by the Court of Queen’s Bench. Recounts are discussed below.
- The deputy returning officer shall note his/her decision in the poll book and initial the entry.

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

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<sup>143</sup> 160.63

## **Counting mail-in ballots**

If council exercised discretionary authority to provide for mail-in ballots, the deputy returning officer may now have possession of a ballot box containing ballots which have been received and processed by the returning officer. Depending upon the number of voters who voted by mail, the returning officer may have provided directions regarding the procedure to count these ballots.

- These votes may be treated as a separate poll, which will require the deputy returning officer to prepare Form O ~ Deputy Returning Officer's Statement of Results, respecting only the mail-in ballots.
- If the number of voters who voted by mail is relatively low and the returning officer feels voter secrecy may be compromised, he or she may have provided instructions to the deputy returning officer to combine the mail-in ballots with other ballots cast on Election Day. In this situation, the Form O ~ Deputy Returning Officer's Statement of Results will include, but will not be limited to the results from the mail-in ballots.

If the mail-in ballots are being included with the ballots cast on Election Day, it may be beneficial to deal firstly with the mail-in ballots, which are still sealed within the voter confirmation envelopes.

- The deputy returning officer may wish to remind candidates and agents of their declaration in Form G.2 ~ Declaration of Agent.

The following procedure may preserve voter secrecy to count mail-in ballots:

1. The deputy returning officer shall open the ballot box, extract a voter confirmation envelope and inspect it to ensure the voter has signed it. Show the envelope and the signature area to other people in attendance.
  - If the voter confirmation envelope is not signed, the deputy returning officer may reject the envelope and the ballots contained within it. The voter confirmation envelope should not be opened.
  - The Act does not state if the envelope should be rejected or accepted. Rejection is consistent with procedures used by Elections Saskatchewan.
2. If the voter confirmation is signed, the deputy returning officer extracts the ballot security envelope which is then inspected to ensure it is not torn nor does it contain any unauthorized markings. If the ballot security envelope is accepted, place it in a container or another ballot box.
3. Continue the above steps until all envelopes in the ballot box provided by the returning officer have been processed.
4. The ballots should then be extracted from the ballot security envelopes and counted.

## Post count activities

After all ballots are counted, the results are recorded in duplicate on prescribed Form O ~ Deputy Returning Officer's Statement of Results.<sup>144</sup> Copies of the statement are provided to the candidate or an agent, if requested.

- Ensure that a separate Form O ~ Deputy Returning Officer's Statement of Results is completed in respect of each office.

The deputy returning officer shall prepare the following separate packets or envelopes for each office or matter which was the subject of a vote:<sup>145</sup>

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

Each packet or envelope is then sealed and clearly marked with:

- the contents;
- the date of the vote; and
- the name of the deputy returning officer.

The deputy returning officer places all ballot packets, poll books and voters' registration forms in the ballot box.<sup>146</sup>

- Ensure that one copy of the statement of results is NOT in the ballot box. This needs to be given to the returning officer.
- Any other forms received by the deputy returning officer, such as appointment of agents and their declarations will be placed in the ballot box.
- If a metal seal is being used to seal the ballot box, the deputy returning officer may wish to enter the number of that seal on the last page of a poll book.

The deputy returning officer seals the ballot box.

- Candidates and agents may affix their own seals to the ballot box.
- If a paper seal is being used, candidates or agents may apply their signature to the seal.

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<sup>144</sup> 160.64

<sup>145</sup> 160.65

<sup>146</sup> 160.66

The deputy returning officer delivers the duplicate copy of statements of results for each office and the ballot box to the returning officer.<sup>147</sup> The responsibilities of the deputy returning officer and the poll clerk are now concluded.

## ***FINAL STEPS***

### **Tie vote**

In the event there is a tie vote for two or more candidates, the Act describes the process to be followed. These procedures require the attendance of the returning officer and the receipt of statements of results from all polling places. Potentially, the procedures may not occur until after Election Day.

The Act requires the attendance of at least one other person.

- The other person does not necessarily need to be an election official, although this may be prudent.
- Additional observers are advised, if possible.

If there is an equality of votes, the returning officer shall:<sup>148</sup>

- write the names of the candidates separately on a 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; and
- direct a person to withdraw one of the sheets.

The candidate whose name is withdrawn shall be declared elected.

### **Declaring results**

The returning officer will add up the number of votes for each candidate based on the statements of results provided by the deputy returning officers.<sup>149</sup> At the time and place stated on Form G ~ Notice of Vote, the returning officer will declare elected the candidate having the highest number of votes for each office filled. Prescribed Form O.1 ~ Declaration of Results, for each office is prepared and posted in a conspicuous place.

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

- This may be evidenced by a motion at the first meeting of council following the election which acknowledges the declaration of results provided by the returning officer.

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<sup>147</sup> 160.67

<sup>148</sup> 160.69

<sup>149</sup> 160.68

## **Retention of materials**

The returning officer transfers the ballot box and the duplicate statement of results to the municipal administrator, who is then responsible for their safekeeping.<sup>150</sup>

- The contents of the ballot boxes must be retained until the expiration of three months after the close of the nomination period.<sup>151</sup> The contents are then destroyed in the presence of two witnesses with an affidavit completed to this effect.
- A judge may order the administrator to retain the contents of the ballot box for an extended period.
- Prior to destroying the contents of the ballot box, the administrator has no authority to open a sealed ballot box unless ordered to do so by a judge.<sup>152</sup> The order issued by the judge will indicate the time, date and location when the box will be opened, and who may attend.<sup>153</sup>

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

## **Notification to Saskatchewan Municipal Affairs**

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

- provide written notice of the name and address of elected or acclaimed members to the Minister of Municipal Affairs in the form supplied by the Ministry; and<sup>154</sup>
- update the Municipal Directory System.
  - Both may be done electronically on the Ministry of Municipal Affairs website ([www.municipal.gov.sk.ca](http://www.municipal.gov.sk.ca))

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<sup>150</sup> 160.7

<sup>151</sup> 160.71

<sup>152</sup> 160.72

<sup>153</sup> 160.73

<sup>154</sup> 160.681

## **FOLLOWING THE ELECTION**

Two options exist for people to contest the results of an election.

- A recount pursuant to the Act will allege errors were made by the deputy returning officer during the ballot count procedure and the disputed ballots have the potential to affect the outcome of the election.
- A challenge pursuant to *The Controverted Municipal Elections Act* may allege procedural errors by election officials, ballots cast by ineligible voters, or statute contraventions by candidates or others.

During any legal proceedings involving the examination of an election, a voter will not be required to state how he or she voted in the election.<sup>155</sup>

### ***RECOUNTS***

A recount may be requested if questionable ballots might impact the outcome of the election.<sup>156</sup> The difference in votes between the successful candidate and the candidate having the next highest number of votes must be less than:

- the number of ballots counted but objected to; and
- the number of rejected ballots, excepting those with no vote marked.

If the margin is equal or greater, a recount is not available.

- To illustrate, if a difference between the elected candidate and the nearest competitor is 2 votes, there must at least 3 rejected or objected to ballots to proceed with a recount.

To request a recount, a voter must apply to the administrator within ten business days of the declaration of election results. The applicant will give the administrator an affidavit stating the deputy returning officer erred in counting ballots along with a deposit in the amount of \$100 to offset costs and expenses. The administrator forwards the affidavit and deposit to the local registrar (Court of Queen's Bench), who then notifies a judge.

The judge will set a time and location for the recount, and he or she will identify persons who need to be served with information regarding the upcoming recount. Persons eligible to attend the recount are the judge, the local registrar, the administrator, candidates whose seat may be affected along with his or her agent or solicitor, the news media, and any other person permitted by the judge.<sup>157</sup>

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<sup>155</sup> 160.82

<sup>156</sup> 160.74

<sup>157</sup> 160.75

The administrator must bring the sealed ballot boxes and statements of results to the recount.<sup>158</sup> The recount procedure is directed by the judge in accordance with section 160.76, following which the results of the recount will be provided to the returning officer. The judge may make an order respecting the costs of the recount.<sup>159</sup>

An application for a recount does not jeopardize any other avenues of legal recourse.<sup>160</sup>

### ***THE CONTROVERTED MUNICIPAL ELECTIONS ACT***

Any voter may contest the validity of the election of a member of council through *The Controverted Municipal Elections Act*.<sup>161</sup> This type of challenge is a legal process which potentially includes proceedings in the Court of Queen's Bench. The challenger is strongly encouraged to obtain legal counsel. While the challenge may be directed toward specific individuals such as ineligible voters or candidates, the municipality will quite likely be involved.

Offences under *The Controverted Municipal Elections Act* include bribery, threats, or becoming an eligible voter for the purpose of influencing the outcome of the election. Any candidate who is involved in a scheme to get extra names on a land title with the objective of ensuring his election is guilty of an offence. Penalties may include fines, the loss of the seat, and being disqualified from running for office for a period of four years.

A voter or a candidate has up to six weeks to initiate action under this Act. He or she must present a deposit and an affidavit to a judge of the Court of Queen's Bench outlining reasonable grounds for contesting the election. If the judge is satisfied there are reasonable grounds, he or she will authorize the applicant to commence legal action. The judge will also state to whom and in what manner notice of the action shall be served.

The applicant prepares a formal notice of motion outlining the specific grounds for each objection regarding the manner in which the election was held. The notice must contain all the evidence that will be relied upon, as well as the names of any witnesses who will be called on.

If the election is overturned due to actions of municipal election officials, the municipality may be responsible for all or some of the costs. If the application is unsuccessful, the applicant may be assessed for costs over and above his deposit.

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<sup>158</sup> 160.76

<sup>159</sup> 160.79, 160.8

<sup>160</sup> 160.77

<sup>161</sup> 160.85

## ***FIRST MEETING OF COUNCIL***

The first meeting of council following a general election must be held within 31 days after the date of the election.<sup>162</sup> Further information respecting this meeting is contained in the *Municipal Council Meeting Guide*, available on the Ministry's website.

All newly elected members of council, including returned incumbents, are required to complete an oath of office prior to carrying out any powers, duties or functions.<sup>163</sup>

## **VOTERS' LISTS**

Voters' lists are not used by most Saskatchewan municipalities. The information in this section is applicable only to those municipalities where Council has exercised discretionary authority to create and use a voters' list for an upcoming general election and by-elections in the subsequent four years.<sup>164</sup>

- The resolution to prepare a voters' list must be passed at least 55 days before nomination day.<sup>165</sup>
- The returning officer is the chief enumerator who is responsible for all facets of the enumeration.
  - Council may appoint someone other than the returning officer to be the chief enumerator.
  - The chief enumerator also serves as the revising officer, who oversees corrections to the voters' list.

The voters' list is prescribed Form A ~ Voters' List. The form includes:<sup>166</sup>

- the name of each voter;
- the street or road address or the legal description of the land in the municipality associated with the voter's name; and
- the division in which the voter is eligible to vote.

At least 31 days before Election Day, the chief enumerator shall post a copy of the voters' list and Form S ~ Notice of Application for Revision of Voters' List in the office of the administrator and in any other public place he or she deems necessary.<sup>167</sup> A notice of the completed voters' list is to be published at least once in a newspaper having general circulation in the municipality, indicating the time and locations where the voters' list can be inspected.

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<sup>162</sup> MA 121

<sup>163</sup> MA 94

<sup>164</sup> 160.089

<sup>165</sup> 160.08

<sup>166</sup> 160.081

<sup>167</sup> 160.082

In accordance with the information provided in Form S ~ Notice of Application for Revision of Voters' Lists, voters may apply to the revising officer to amend the voters' list. The deadline for such applications is 15 business days before Election Day.<sup>168</sup>

- Any voter may apply to the revising officer to have the name of a person (including their own) struck from the voters' list, on the grounds that the person is not a qualified voter. Applications must:
  - be in writing; and
  - specify the grounds on which the person is deemed not eligible.
- Applicants may apply to the revising officer to correct an error or omission in the voters' list by filing a voter's registration form setting out the information necessary to correct the error or omission. Applicants are those persons:<sup>169</sup>
  - who are qualified as a voter but whose name is not on the voters' list;
  - whose name is listed in error on the voters' list; or
  - whose name is listed in the incorrect division on the voters' list.

At least 16 days before the day of the election, the revising officer shall prepare a revised voters list by considering all applications received to strike any name from the list or correct any error on the list. The revising officer shall then amend the voters list accordingly by initialling and dating each change made.<sup>170</sup>

The revising officer shall serve to anyone whose name has been deleted from the list, a notice informing their name has been deleted from the list along with a written statement of the qualifications of a voter. Notices are to be served either personally or by registered mail.<sup>171</sup>

The revising officer may at any time correct any apparent errors on the list and initial and date each change.<sup>172</sup> Examples of apparent errors may include typographical errors, duplicate entries and so on.

Candidates in an election may request a copy of the voters list for use during an election campaign. Legislation does not authorize council to sell voters lists or distribute them to any person other than a candidate in an election.<sup>173</sup>

If an advance poll is held, the deputy returning officer will prepare Form N.1 ~ Advance Poll List identifying those voters who voted at the advance poll.<sup>174</sup> This form is provided to the returning officer at the conclusion of the advance poll.

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<sup>168</sup> 160.083

<sup>169</sup> 160.084

<sup>170</sup> 160.085

<sup>171</sup> 160.086

<sup>172</sup> 160.087

<sup>173</sup> 160.088

- The returning officer will provide a copy of Form N.1 ~ Advance Poll List to the deputy returning officer on Election Day.
- Before opening the poll on Election Day, the deputy returning officer will make entries on the voters' list to indicate those voters who voted at the advance poll.<sup>175</sup>

### ***Voting Process***

A voters' list simplifies the voter registration procedure.

- If the name of the person wishing to vote is on the voters' list, the deputy returning officer will make the necessary entries in the poll book.<sup>176</sup>
- If the voter's name is not on the voters' list, he or she must complete a voters' registration form in order to vote.

A deputy returning officer may require a voter to complete a voter's registration form if he or she believes the voter:<sup>177</sup>

- is not entitled to vote;
- is attempting to vote under someone else's name;
- has already voted; or
- has participated in or committed any corrupt practice.

All electors are required to provide proof of identity and residence to the deputy returning officer.<sup>178</sup> The use of a voters' list does not remove this requirement.

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<sup>174</sup> 160.551

<sup>175</sup> 160.541

<sup>176</sup> 160.371

<sup>177</sup> 160.372

<sup>178</sup> 76.2

## BYLAWS AND QUESTIONS

The council of a rural municipality may submit bylaws or questions regarding municipal issues to the voters of the municipality.<sup>179</sup>

- A plebiscite is an expression of the community's opinion regarding a question of importance to the municipality.<sup>180</sup> The result of a plebiscite is not binding on council. The decision to act or to refuse to act remains with council.
- A referendum is the process of referring a political question to the voters for a decision. The referendum may be initiated by council<sup>181</sup> or by the voters.<sup>182</sup>
  - Council is required to pass a bylaw or resolution that is approved by voters.
  - If the majority of voters do not support the proposed resolution or bylaw, council is not required to pass the proposed resolution or bylaw. Council does hold discretionary authority to proceed with the proposal if it chooses to do so.

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 or if the municipality has received two or more petitions which are in conflict, or if the Court's direction is needed for any other matter.<sup>183</sup> 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.<sup>184</sup>

Council is responsible to determine the details of the vote, including:<sup>185</sup>

- the date, times, and location to vote;
- appointment of a returning officer; and
- naming a polling place for each division

The returning officer has authority to appoint election officials. In addition, he or she establishes where ballots will be counted, and when and where the results will be declared.<sup>186</sup>

Council is required to publish Form P ~ Notice of Vote on Bylaw or Question at least 8 days before the date of voting in a newspaper circulating in the municipality.<sup>187</sup>

Ballots for voting on bylaws or questions are prescribed forms.<sup>188</sup>

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<sup>179</sup> 160.89

<sup>180</sup> MA 130

<sup>181</sup> MA 131

<sup>182</sup> MA 132

<sup>183</sup> MA 138

<sup>184</sup> MA 136

<sup>185</sup> 160.9

<sup>186</sup> 160.95

<sup>187</sup> 160.91

<sup>188</sup> 160.92

- Form Q ~ Ballot for Voting on Bylaw
- Form R ~ Ballot for Voting on Question

Observers who support or oppose the subject matter of the vote are appointed by the returning officer.<sup>189</sup> Two representatives from each side may observe during the vote and the ballot count.

Each voter may vote only once on a bylaw or question at the polling place where he or she is entitled to vote for reeve or councillor.<sup>190</sup> All voters are required to complete a voter's registration form.

In the event of a tie vote the matter is deemed to remain in the situation that existed before the vote was taken.<sup>191</sup>

A recount may be requested where the number of spoiled ballots or ballots which have been objected to may influence the outcome of the vote.<sup>192</sup>

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<sup>189</sup> 160.93

<sup>190</sup> 160.94

<sup>191</sup> 160.951

<sup>192</sup> 160.96

## BY-ELECTIONS

By-elections may be required from time to time to fill vacancies on council occurring between general elections. General provisions respecting elections apply to by-elections; however, there are some variances which are highlighted in this section.

Vacancies may result from the death or resignation of an elected official or in rare circumstances by judicial order. If a seat on council becomes vacant, the council at its next meeting will choose one of the following options:<sup>193</sup>

- hold a by-election; or
- leave the office vacant until the general election if the vacancy occurs in the final year of the member's term of office.

The resolution must including the closing date for nominations. It may also identify Election Day.

- If the resignation is effective on a future date, it may be prudent to ensure the nomination day falls on a date after the effective date of the resignation. A member elected in a by-election to fill a vacancy holds office until the first meeting following the next general election.
- Election Day occurs five weeks after nomination day. The *Interactive Election Schedule* available on the Ministry's website is a useful tool to develop a by-election schedule.

If the administrator receives a resignation from a council member whose term of office does not expire at the next general election, no later than 15 days before the close of the nomination period, the returning officer will take the necessary steps to fill this vacancy at the general election. However, this can only be done if the resignation was received early enough to place the newspaper advertisement to call for nominations respecting this particular office.

If quorum is lost due to multiple vacancies, the Minister of Municipal Affairs may do one or both of the following.<sup>194</sup>

- Appoint a returning officer and fix a date for an election to fill the vacancies.
- Appoint one or more persons to act as members to constitute a quorum and hold office until the vacancies are filled at an election.

The remaining members of council and/or the administrator may be asked to propose potential candidates for the minister's consideration.

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<sup>193</sup> 160.07

<sup>194</sup> 160.07 (5)

## URBAN MUNICIPAL ELECTIONS

While there is significant similarity between rural and urban municipal elections, there are notable differences. As of December 2011, there are more than 70 persons who provide administrative services to both urban and rural municipalities. This section, which is applicable to those individuals, highlights areas where variances occur.

	Urban Municipalities	Rural Municipalities
Qualifications for voters	23	160.011
Qualifications for candidates	26	160.04
Staggered elections	n/a	160.03
Appointment of returning officer	28	160.13
Authorizing voters' list	36	160.08
Advertise Call for Nominations	45	160.15
Nomination Day procedure	46, 50	160.15
Designation of polling places	17, 21	160.13
Institutional poll or mobile poll	22, 22.1	n/a
Advertise Notice of Poll/Vote	55	160.27
Advance poll requirements	92	160.49
Election Day, duration	67	160.25
Retention of ballots and other election materials	112	160.71
Forms – Appendices	A, C, D	B, C, D
Incumbent qualification for mayor or reeve by-election	49(2)	160.04(3)
Application for recount	126	160.74

For further information on urban election procedures, please refer to *An Election Guide for Urban Municipalities*.

## CONTACT INFORMATION

Saskatchewan Municipal Affairs  
 Strategy & Sector Relations Branch  
 Advisory Services  
 1010 – 1855 Victoria Avenue  
 REGINA SK S4P 3T2

Phone: General Inquiries (306) 787-2680  
 Fax: (306) 798-2568  
 Web Site: [www.municipal.gov.sk.ca](http://www.municipal.gov.sk.ca)

## VOTING DIVISIONS

“In which division do I vote?” is a question that often arises during a rural municipal election. The variety of situations where owners may or may not live within a division or the municipality, or where they own land in more than one division, and the relatively few occurrences of a poll contribute to the uncertainty.

The following material is provided solely for information purposes and should not be considered as a substitute for legislation. Section 160.09 of *The Local Government Election Act* describes the criteria to determine the division in which voters will vote.

A person may vote only in one division.

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1. A person will vote in the division in which they reside and
    - has assessed property in the division; or
    - is licensed for a trailer or mobile home in the division (bylaw required); or
    - holds a permit with respect to a home-based business in the division (bylaw required).<sup>195</sup>
    - Example 1: Andrew resides in Division 1 and has assessed property in Division 1
      - Votes in Division 1
    - Example 2: Blair resides in Division 1 and has assessed property in Division 1 and Division 4 (value is not a factor)
      - Votes in Division 1
- 
2. A person may:
    - have assessed property in only one division; or
    - be licensed for a trailer or mobile home in only one division (bylaw required); or
    - hold a permit with respect to a home-based business in only one division (bylaw required)however, he or she does not live within that division will vote in the division within which he or she is assessed, licensed or permitted. The same situation will apply to a person who might live outside the municipality. The key point in this scenario is that the property interests involve only one division.<sup>196</sup>
    - Example 1: Colin resides in Division 1 with parents or other persons and has assessed property only in Division 4
      - Votes in Division 4
    - Example 2: Dennis resides in a nearby town and has assessed property only in Division 1
      - Votes in Division 1
- 
3. Person assessed for property in two or more divisions but does not live in either will vote:
    - in division with highest assessment; or
    - if assessment is equal, the division with the lowest number.The voter also has the option to choose in which division he or she will vote – see Situation 5.<sup>197</sup>
    - Example 1: Person resides in nearby community and has assessed property in Division 1 (\$8,000) and Division 4 (\$14,000).
      - Votes in Division 4
    - Example 2: Person resides in nearby community and has assessed property in Division 1 (\$14,000) and Division 4 (\$14,000).
      - Votes in Division 1
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4. In situations where two or more persons are assessed for property, the total assessed value of the property is used to determine in which division each voter shall vote.<sup>198</sup>

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<sup>195</sup> 160.09 (2)

<sup>196</sup> 160.09 (3)

<sup>197</sup> 160.09 (4)

- Example 1: Four family members, none of whom live in the rural municipality, jointly own land in a number of divisions:

Owners	Division	Assessed Value
Andrew & Blair	1	8000
Colin & Dennis	1	9000
Andrew and Dennis	1	7500
Blair and Colin	4	7800
Andrew and Colin	4	6900
Blair and Dennis	4	7300

- To determine the division in which each person votes, determine the total taxable assessment for each person in each division.

Person	Division	
	1	4
Andrew	8000 + 7500 = 15500	6900
Blair	8000	7800 + 7300 = 15100
Colin	9000	7800 + 6900 = 14700
Dennis	9000 + 7500 = 16500	7300

- Based on the above calculations:
  - Andrew and Dennis are entitled to vote in Division 1; and
  - Blair and Colin are entitled to vote in Division 4.
- Example 2: Same four family members owning the same land, but Colin lives in Division 1. Other family members reside outside of the municipality.
  - Colin resides in Division 1 and is assessed for property in that division; therefore he votes in Division 1 – see Situation 1.
  - Andrew and Dennis still vote in Division 1, and Blair still votes in Division 4.

- 
5. A person may choose in which division he or she votes if:
- he or she does not reside in any of the affected divisions, and
    - i. he or she is assessed for property in two or more divisions; or
    - ii. he or she is a licensee or permit holder with respect to a home-based business, trailer or mobile home (municipal bylaw required) in two or more divisions.

A person choosing this option will notify the administrator no later than September 1 that he or she wishes to designate the division in which they will vote.<sup>199</sup>

The notification is valid as long as he or she continues to be assessed, licensed, or permitted only in those divisions. There is no provision for the designation to be withdrawn; however, it becomes invalid if there is change in circumstances. For example:

- Acquisition of property in Division 3 would invalidate an earlier designation made in respect of Divisions 1 and 4; or
- If the person takes up residence in a one of those divisions in which he or she is assessed, then he or she would be required to vote in the division as determined by situation 1.<sup>200</sup>

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<sup>198</sup> 160.09 (5)

<sup>199</sup> 160.09 (6)

<sup>200</sup> 160.09 (7)

- Example 1: Person resides in nearby community and has assessed property in Division 1 (\$8,000) and Division 4 (\$14,000).
  - Votes in Division 4
- Example 2: Person resides in nearby community and has assessed property in Division 1 (\$14,000) and Division 4 (\$14,000).
  - Votes in Division 1

In the above examples:

- If the person does nothing, he or she will vote in Division 1 as provided for in situation 3.
- The person may file a notice with the administrator on or before September 1 electing to vote in Division 4.

6. A person may choose in which division he or she votes if he or she:
- is assessed with respect to property owned or occupied in one division; or
  - is a licensee or permit holder with respect to a home-based business, trailer or mobile home (municipal bylaw required) in one divisions; and
  - his or her spouse is assessed or is a licensee or permit holder in another division then either the person or the spouse may elect to vote in one of those divisions.<sup>201</sup>

The designation is to be made in writing no later than September 1 in any year. Both parties are bound by that election as long as they both are assessed (or licensees or permit holders) in the same divisions.<sup>202</sup> The parties may elect to vote in the other division at least 4 years prior to the next election to be held in that division.<sup>203</sup>

- Example: Andrew and Denise (spousal relationship exists) live in a nearby community. Andrew is assessed (or a licensee or a permit holder) in Division 1. Denise is assessed (or a licensee or a permit holder) in Division 4.
  - Andrew is entitled to vote in Division 1.
  - Denise is entitled to vote in Division 4.
    - Either Andrew or Denise has the option to provide notice (in writing) to the administrator no later than September 1 if they both want to vote in one division.
      - ◆ The notice is binding as long as both Andrew and Denise continue to be assessed (licensed or hold a permit) in those divisions.
      - ◆ At least four years prior to the next election to be held in the division, the parties may elect to both vote in the other division.
        - Example: If Andrew elected to vote in Division 4 and at some point in the future, he and Denise change their mind and would rather vote in Division 1. At least 4 years before the next election in Division 1, he and Denise may notify the administrator that they both wish to vote there in the future. To illustrate, the notice with respect to the 2016 general election is to be filed before October 27, 2012.
      - ◆ There is no provision to revert to the original entitlement of voting in separate divisions.
        - Example: Andrew and Denise may not revert to the situation where he voted in Division 1 and she voted in Division 4.

<sup>201</sup> 160.09 (8)

<sup>202</sup> 160.09 (9)

<sup>203</sup> 160.09 (10)

7. Resident in division – is not assessed, licensed, or issued a permit.
- Votes in that division <sup>204</sup>
  - Example: Person resides in Division 1 with parents or others. He or she is not assessed for any property in the municipality, and is not licensed or granted a permit relative to a home based business, mobile home or trailer.
    - Votes in Division 1
- 

8. Spouse of a voter – is not assessed, licensed, or issued a permit in his or her own right and does not reside in the municipality. This situation does not apply to the spouse of a non-resident chief executive officer of a corporation, etc.

- Must be a resident of Saskatchewan
- Votes in the same division as the voter <sup>205</sup>

A spouse is defined in clause 2(w) of *The Municipalities Act*

(ww) “**spouse**” means:

- (i) the legally married spouse of a person, with whom the person is cohabiting; or
- (ii) a person who is cohabiting and has cohabited with another person as spouses continuously for at least two years;

- Example: Andrew and Denise (spousal relationship exists) reside in a nearby community in Saskatchewan. Andrew is eligible to vote in Division 1. Denise is not assessed for any property in the municipality, and is not licensed or granted a permit relative to a home based business, mobile home or trailer.
    - Denise also votes in Division 1
- 

9. Non-resident chief executive officer of a corporation will vote in

- In division with highest assessment; or
- If assessment is equal, the division with the lowest number. <sup>206</sup>

The CEO must reside within Saskatchewan. There is no provision which enables the voter’s spouse to vote.

Example: Andrew and Denise (spousal relationship exists) reside in a nearby community. Andrew is the CEO of a corporation (or co-operative or religious association) assessed for property in Division 1 (\$14,000) and Division 4 (\$8,000).

Andrew votes in Division 1.

Legislation does not provide Denise with a right to vote.

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<sup>204</sup> 160.09 (11)

<sup>205</sup> 160.09 (12)

<sup>206</sup> 160.09 (13)

## **PRESCRIBED FORMS**

Form A ~ Voters' List  
Form A.1 ~ Appointment of Election Official  
Form A.2 ~ Oath of Election Official  
Form B ~ Notice of Call for Nominations  
Form C ~ Receipt of Nomination Paper  
Form D ~ Nomination Paper  
Form E ~ Notice of Abandonment of Poll  
Form F ~ Notice of Abandonment of Poll on Death of Candidate  
Form G ~ Notice of Vote  
Form G.1 ~ Appointment of Candidate's Agent  
Form G.2 ~ Declaration of Agent  
Form H ~ Ballot – Election of Reeve  
Form I ~ Ballot – Election of Councillor  
Form J ~ Poll Book  
Form K ~ Voter's Registration Form and Poll Book  
Form L ~ Directions for the Guidance of Voters in Voting  
Form M ~ Voter's Registration Form  
Form N ~ Notice of Advance Voting  
Form N.1 ~ Advance Poll List  
Form O ~ Deputy Returning Officer's Statement of Results  
Form O.1 ~ Statement of Results  
Form P ~ Notice of Vote on Bylaw or Question  
Form Q ~ Ballot for Voting on Bylaw  
Form R ~ Ballot for Voting on Question  
Form S ~ Notice of Application for Revision of Voters' List  
Form T ~ Notice of Call for Further Nominations

Sample forms on the following pages are those which will generally be encountered in the course of a municipal election. The sample forms do not include all of the prescribed forms.

FORM A.2

[Subsection 160.14(1) or (2) of the Act]

Oath of Election Official

Canada:  
Province of Saskatchewan  
To Wit:

I, JIM HARRIS of LIVINGSKY,  
Saskatchewan, MUNICIPAL ADMINISTRATOR, swear (or affirm) that, at the election to be  
(occupation)  
held in the Rural Municipality of LIVINGSKY No. 47 on  
the 24 day of OCTOBER, 20 12 :

- 1 I will execute the office of RETURNING OFFICER to which I have been appointed in this  
(name of office)  
rural municipality;
- 2 I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office;
- 3 I will keep secret all knowledge that comes to me regarding a person who provides evidence to prove his or her identity and residence pursuant to section 160.391 of the Act;
- 4 I will not unlawfully attempt to ascertain the candidate or candidates for whom a voter has voted;
- 5 I will not in any way aid in the unlawful attempt to ascertain the candidate or candidates for whom a voter has voted and will not in any way aid in the unlawful discovery of the same; and
- 6 I will keep secret all knowledge that may come to me of the candidate or candidates for whom a voter has voted.

SWORN (or affirmed) before me  
at LIVINGSKY,  
Saskatchewan, this 24 day  
of AUGUST, 20 12.

Brenda Grant  
(Returning Officer, Commissioner for Oaths  
for Saskatchewan or other person  
authorized by law to administer an oath)

Jim Harris

(Election official)

A COMMISSIONER FOR OATHS IN AND FOR SASKATCHEWAN  
MY COMMISSION EXPIRES SEPTEMBER 30, 2016

FORM A.1

[Subsection 160.131(2) and 160.9(3) of the Act]


Appointment of Election Official

In my capacity as returning officer for the Rural Municipality of LIVINGSKY No. 47

I appoint SHARON KEYS to be:

(a) the deputy returning officer for polling place described as \_\_\_\_\_ ;

(b) the deputy returning officers for the advanced poll;

  (c) the poll clerk for polling place described as \_\_\_\_\_ ;

(d) the poll clerk for the advanced poll;

(e) other \_\_\_\_\_ ;

for the election to be held on OCTOBER 24, 20 12.

Dated this 27 day of AUGUST, 20 12.

Jim Harris  
(Returning Officer)

LOCAL GOVERNMENT ELECTION

L-30.1 REG 4

FORM B  
[Subsection 160.15(1) of the Act]

Notice of Call for Nominations

RURAL MUNICIPALITY OF LIVINGSKY NO. 47

PUBLIC NOTICE is hereby given that nominations of candidates for the offices of:

(complete as applicable)

- REEVE,
- COUNCILLOR FOR DIVISION NO. 1,
- COUNCILLOR FOR DIVISION NO. 3,
- COUNCILLOR FOR DIVISION NO. 5,
- ~~COUNCILLOR FOR DIVISION NO. \_\_\_\_\_,~~
- ~~COUNCILLOR FOR DIVISION NO. \_\_\_\_\_,~~

will be received by the undersigned at the municipal office during normal office hours until

Wednesday, SEPTEMBER 19, 20 12 at 4:00 p.m. local time.  
(date 5 weeks prior to election)

Nomination forms may be obtained from the municipal office.

Dated this 30 day of AUGUST, 20 12.  
(month)

*Jim Harris*

(Returning Officer)

LOCAL GOVERNMENT ELECTION

L-30.1 REG 4

FROM D  
[Section 160.18 and Section 160.19 of the Act]

Nomination Paper

We the undersigned, voters of the Rural Municipality of LIVINGSKY

No. 47, nominate:

NAME: RAY MONTROSE

OCCUPATION: FARMER

ADDRESS: BOX 99 LIVINGSKY, SK

to be a candidate at the election to be held on the 24 day of OCTOBER, 20 12,

for the office of:

- REEVE OF THE RURAL MUNICIPALITY
- COUNCILLOR FOR DIVISION NO. 3



Signature Daryl Huron

Name in Block Letters  
DARYL HURON

Barb McKillop

BARB MCKILLOP

**NOTE:** In the case of nomination for REEVE, this form must be signed by two voters of the rural municipality. In the case of nomination for COUNCILLOR, this form must be signed by two voters of the division.

CANDIDATE'S ACCEPTANCE

I, RAY MONTROSE a candidate nominated for the position of:

- REEVE OF THE RURAL MUNICIPALITY
- COUNCILLOR FOR DIVISION NO. 3



declare that:

- 1 I am at least 18 years of age;
- 2 I am a Canadian citizen;
- 3 I am eligible to vote in the municipality;
- 4 I am a resident of Saskatchewan; and
- 5 I am not disqualified by *The Local Government Election Act* or any other Act from holding the office for which I am a candidate.

Dated this 17 day of SEPTEMBER, 20 12.

Daryl Huron  
(Witness)

Ray Montrose  
(Signature of Candidate)

Wayne Norton  
(Witness)

FORM C  
[Subsection 160.15(2) of the Act]

**Receipt of Nomination Paper**

I acknowledge that I have received a completed nomination paper for

RAY MONTROSE of BOX 99 LIVINGSKY, SK  
*(name)* *(postal address)*

a candidate for the office of:

REEVE OF THE RURAL MUNICIPALITY

  COUNCILLOR FOR DIVISION NO. 3

Dated this 18 day of SEPTEMBER, 20 12.

*Jim Harris*

*(Returning Officer or Nomination Officer)*

FORM E  
[Subsection 160.23(2) of the Act]

Notice of Abandonment of Poll

The Rural Municipality of LIVINGSKY No. 47  
Municipal Elections 20 12 . Division No. 1 .

Whereas RON LONETREE , nominated for the office  
(name)

of COUNCILLOR FOR DIVISION #1 is the only candidate, I hereby give notice  
(Reeve or Councillor for Division No. \_\_\_\_\_)

that no voting for the office will take place on OCTOBER 24 , 20 12 .  
(date of voting)

Dated this 21 day of SEPTEMBER , 20 12 .

Jim Harris  
(Returning Officer)

This form can be modified to accommodate multiple acclamations.

LOCAL GOVERNMENT ELECTION

L-30.1 REG 4

FORM T  
[Section 160.17 of the Act]

**Notice of Call For Further Nominations  
(Municipal or School Division Elections)**

An insufficient number of nominations having been received to fill the office(s) of:  
(complete as applicable)

Reeve: Rural Municipality of <u>LIVINGSKY</u> <i>(Rural Municipality)</i>	No. <u>47</u>
--	---------------

<del>Councillor</del> : Division No. of RM _____ <i>(Rural Municipality)</i>	No. _____
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<del>Councillor</del> : Division No. of RM _____ <i>(Rural Municipality)</i>	No. _____
---	-----------

<del>Councillor</del> : Division No. of RM _____ <i>(Rural Municipality)</i>	No. _____
---	-----------

The undersigned will receive nominations of candidates for those office(s):

during normal office hours from SEPTEMBER 21, 2012  
*(close of withdrawal period)*

until 4:00 p.m. OCTOBER 3, 2012  
*(second Wednesday after close of withdrawal period)*

Nomination forms may be obtained at the following location(s):

MUNICIPAL OFFICE 318 JAMES STREET

Dated at LIVINGSKY SK, this 21 day of SEPTEMBER, 20 12.

Jim Harris  
*(Returning Officer or Nomination Officer)*

FORM G  
[Section 160.27 of the Act]

Notice of Vote

The Rural Municipality of LIVINGSKY No. 47  
Municipal Elections 20 12

PUBLIC NOTICE is hereby given that:

(1) A vote will be held for the election of a Reeve for the Rural Municipality ~~and of a Councillor for~~  
~~Division No. \_\_\_\_\_~~ .

(2) The vote will take place on WEDNESDAY, the 24TH day  
of OCTOBER, 20 12, 9:00 a.m. to 5:00 p.m. at:

- DIVISION No. 1, POLL AT MUNICIPAL OFFICE [318 JAMES STREET]
- DIVISION No. 2, POLL AT "
- DIVISION No. 3, POLL AT "
- DIVISION No. 4, POLL AT "
- DIVISION No. 5, POLL AT "
- DIVISION No. 6, POLL AT "
- ~~DIVISION No. 7, POLL AT \_\_\_\_\_~~
- ~~DIVISION No. 8, POLL AT \_\_\_\_\_~~
- ~~DIVISION No. 9, POLL AT \_\_\_\_\_~~
- ~~DIVISION No. 10, POLL AT \_\_\_\_\_~~

(3) I will declare the result of the voting at 318 JAMES STREET on THURSDAY,  
*(place)*  
the 25TH day of OCTOBER, 20 12, at the hour of 10:00 A.M.

Dated at LIVINGSKY SK, this 5TH day of OCTOBER, 20 12.

Jim Harris  
*(Returning Officer)*

FORM C

[Subsections 60(7) and 160.132(1) of the Act and section 67.6 of the Regulations]

Declaration of Person Requesting Mail-in Ballot

Declaration of Absentee Voter:

- I am qualified to vote in RM OF LIVINGSKY #47 ;
- I have completed a Voter's Registration Form; and
- I request that a mail-in ballot be issued to me.

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

Date: OCTOBER 9 , 20 12

Wayne Norton  
Signature of Person Requesting Mail-in Ballot

I have witnessed the signature of the person named herein and I am satisfied the person's identity has been established pursuant to section 76.2 or 160.391 of *The Local Government Election Act* and the regulations.

Jim Harris  
Signature of returning officer or person authorized by bylaw to witness the signature of a person requesting a mail-in ballot

FORM G.1

[Subsection 160.35(2) of the Act]

Appointment of Candidate's Agent

This is to certify that CATHY SPALDING  
(name)

of BOX 108 LIVINGSKY SK  
(address)

is authorized to attend at Polling Area No. 1-6

located at 318 JAMES STREET LIVINGSKY SK  
(address or place)

on the 24TH day of OCTOBER, 20 12, as my agent.

Dated at LIVINGSKY SK, this 22 day of OCTOBER, 20 12.

Guy Redburn  
(Candidate)

FORM G.2  
[Clause 160.35(2)(b) of the Act]

**Declaration of Agent**

I, CATHY SPALDING, declare that:  
*(name)*

1 I will not, at the election be held for the *:(complete as applicable)*

Rural Municipality of: <u>LIVINGSKY</u> No. <u>47</u>
<del>Division No.</del> _____ <i>(if applicable)</i>

on the 24TH day of OCTOBER, 20 12, attempt unlawfully to ascertain:

- (a) the candidate or candidates for whom any person has voted; or
- (b) the manner of a person's vote on a bylaw or question;

and will not in any way aid the unlawful discovery of the same.

2 I will strictly observe secrecy with respect to any and all knowledge that may come into my possession of:

- (a) any person who has shown evidence of his or her identity and residence pursuant to section 160.391 of the Act;
- (b) the candidate or candidates for whom any person has voted; and
- (c) the manner in which a voter has marked the ballot on a bylaw or question.

Dated this 24TH day of OCTOBER, 20 12.

Witnessed:

Jim Harris  
*(Deputy Returning Officer)*

Cathy Spalding  
*(Agent)*

## FORM B

[Clauses 76.2(b) and 160.391(b) of the Act and  
clause 67.5(1)(b) of the Regulations]

**Vouching for Identity****Elector/Voter Information**

MARIE STANLEY

Name (Please Print)

235 ECAPO STREET LIVINGSKY SK

Address (Please Print)

Marie Stanley

Signature of Elector/Voter

OCTOBER 24, 2012

Date

**Voucher Information**

BARB MCKILLOP

Name (Please Print)

212 KINGSLEY ROAD LIVINGSKY SK

Address (Please Print)

**Voucher Declaration**

I swear (or solemnly affirm)

- That I know the above-mentioned person who is seeking to vote at this polling place, that this elector has completed the Voter's Registration Form, and that I believe the matters sworn to are true in substance and in fact.
- That I have been requested by the above-mentioned person to vouch for his or her identity and residence.
- That I have not acted, and will not act as a voucher for any other person in this municipality during this election except for a member of my family living with me, pursuant to subsection 67.5(2) of *The Local Government Election Regulations, 2006*.
- That the information given by me with respect to the foregoing statements is true in all respects.

Barb McKillop

Signature of Voucher

OCTOBER 24, 2012

Date

**Witness Declaration**

I have witnessed the signatures of the elector/voter and voucher.

Jim Harris

Signature of Deputy Returning Officer

OCTOBER 24, 2012

Date

This Form must be attached to the Voter's Registration Form.

Warning: Every person who furnishes false or misleading information to a returning officer or to any person who is authorized to act as an election official is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

## FORM K

[Subsection 160.3(2) of the Act]

## Voter's Registration Form and Poll Book

Name: MARIE STANLEY  
(print)

Address: BOX 92 LIVINGSKY SK  
(print)

## Mailing Address (if different from above) \_\_\_\_\_

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

- 1 I am at least 18 years of age.
- 2 I am a Canadian citizen.
- 3 I have not already voted at this election.
- 4 I am a voter of the rural municipality and as such:

(a) I have resided in the rural municipality for at least three consecutive months immediately preceding the day of the election.

OR

(b) I am the registered owner (or purchaser under a bona fide agreement for sale) of taxable land in the rural municipality.

OR

(c) I am assessed as an occupant of land in the rural municipality that is exempt from taxation.

OR

(d) I am assessed with respect to an improvement in the rural municipality.

OR

(e) I am licensed with respect to property in the rural municipality used for business purposes.

OR

(f) I am the holder of a permit in the rural municipality with respect to a trailer or mobile home.

OR

(g) I am a resident of Saskatchewan and 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 or that is licensed with respect to a home-based business.

OR

(h) I am the spouse of a person mentioned in clause (b), (c), (d), (e) or (f), and reside with that person in Saskatchewan but outside the rural municipality.

LOCAL GOVERNMENT ELECTION

L-30.1 REG 4

I declare that I am a voter entitled to vote in Division No. 6 of the Rural Municipality of LIVINGSKY No. 47 and that the information given by me on this form is true.

Dated this 24TH day of OCTOBER, 20 12.

Sharon Keys Marie Stanley  
 (Witness-Deputy Returning Officer/  
 Election Official) (Voter)

VOTED IN RESPECT OF				Sworn or refused to swear	Objection
Reeve	Councillor	Bylaw	Question		
✓					

REMARKS \_\_\_\_\_ Entry No. 17

11 Sep 2009 SR 79/2009 s7; 16 Sep 2011 SR 64/2011 s4.

<b>MAIL-IN BALLOTS</b>	<b>DATE</b>
Mail-in application accepted	_____
Voting package sent	_____
Ballot(s) received	_____

### Appendix C

#### FORM A

[Subclauses 76.2(a)(ii) and 160.391(a)(ii) of the Act and section 67.2 of the Regulations]

#### Certification of Identity and Residence

##### To Be Completed By Person Seeking to Vote in a Local Election

I, YVONNE WILLNER, have resided since 19/07/2009  
Name of Person (Please Print) Date (DD/MM/YYYY)

~~OR have eaten or slept on the following dates~~ \_\_\_\_\_

at:

CENTENNIAL LODGE CARE HOME  
Name of Facility

310 DUFFERIN AVENUE  
Address of Facility

I certify that this information is true.

Yvonne Willner OCTOBER 22, 2012  
Signature Date

##### To Be Completed By Facility Administrator

I, BRENDA GRANT,  
Name of authorized representative of the facility noted above (Please Print)

DIRECTOR OF CARE,  
Position (Please Print)

certify the following:

- I am authorized to complete and issue a 'Certification of Identity and Residence' form on behalf of the facility noted above, to provide proof of identity and residence for residents/clients of the facility who wish to register and vote in elections held in a municipality and/or school division at an Advance Poll or on Election Day.
- I confirm that the individual mentioned above is a resident/client of the facility, or resident of the location identified above for the period indicated.
- I certify that I have witnessed the individual's signature.

Brenda Grant OCTOBER 22, 2012  
Authorized Signature of Administrator Date

This form may be printed on the facility's official letterhead.

Warning: Every person who furnishes false or misleading information to a returning officer or to any person who is authorized to act as an election official is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

LOCAL GOVERNMENT ELECTION

L-30.1 REG 4

FORM O  
[Clause 160.64(1)(b) of the Act]

Deputy Returning Officer's Statement of Results

RURAL MUNICIPALITY OF LIVINGSKY No. 47  
 Division No. \_\_\_\_\_ Date of Election OCTOBER 24, 2012 Total Vote Polled 125

Candidate for Reeve	Number of Votes in Words	Number of Votes in Figures
<u>PERDUE, ALLAN</u>	<u>SIXTY TWO</u>	<u>62</u>
<u>REDBURN, GUY</u>	<u>SIXTY TWO</u>	<u>62</u>

Candidate for Councillor

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If all members of council were acclaimed, this area would be left blank.

Bylaw/Question

For (or Yes)	_____	_____
Against (or No)	_____	_____

BALLOT ACCOUNT STATEMENT

Number of	Reeve	Councillor	Bylaw/Question
Ballots counted	<u>124</u>	_____	_____
Rejected	<u>1</u>	_____	_____
Cancelled	_____	_____	_____
Declined	_____	_____	_____
Unused	<u>75</u>	_____	_____
<b>TOTAL:</b> (being number of ballots supplied)	<u>200</u>	_____	_____

Witness: Cathy Spalding  
 \_\_\_\_\_  
 \_\_\_\_\_  
Cathy Spalding  
 \_\_\_\_\_

Jim Harris  
 (Deputy Returning Officer)  
 \_\_\_\_\_  
Sharon Keys  
 (Poll Clerk)  
 \_\_\_\_\_

FORM O.1  
[Clause 160.68(2)(b) of the Act]

Statement of Results

(Complete one)

Reeve: RURAL MUNICIPALITY of LIVINGSKY No. 47  
(Rural Municipality)

~~Councillor:~~ \_\_\_\_\_ of \_\_\_\_\_  
(Rural Municipality)

Division No. \_\_\_\_\_

for the election held on the 24 day of OCTOBER, 20 12.

Names of Candidates, Number of Votes or Acclamation/Elected

<u>PERDUE, ALLAN</u>	<u>62</u>
<u>REDBURN, GUY</u>	<u>62</u>
<u>declared elected</u>	
<u>pursuant to Section 160.69</u>	

Number of rejected ballots, except those on which no vote was made:	.....	<u>1</u>
Number of ballots counted but objected to:	.....	<u>1</u>
Spoiled: (e.g. Issued to a person who declined to vote)	.....	<u>0</u>
Total number of electors who voted as indicated on each Form O "Statement of Results"	.....	<u>125</u>

I declare that this is an accurate statement of the votes cast for the office of REEVE  
(specify)  
for RM OF LIVINGSKY #47  
(Rural Municipality)

Dated this 24 day of OCTOBER, 20 12.

Jim Harris  
(Returning Officer)

**Note:** A separate Declaration of Results must be completed for each office.

