

# Local Government Election Guide

## For Saskatchewan Municipalities

January 2024

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# 1. Municipal Elections

## Introduction

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

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

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

Throughout this guide, relevant legislation and regulation section numbers are included to guide municipal election officials to the appropriate legislated authority. It is important to ensure that the most recent copy of the legislation and regulations are used, which can be downloaded free of charge from [Publications Saskatchewan](#).

## Commonly Used Acronyms

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

Check out all of the [Election Resources](#) on Saskatchewan.ca.

## Definitions

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

## 2. Preliminary Election Procedures

### General Elections – S. 10

Election day for cities, towns, villages, northern municipalities and rural municipalities (RMs), is the second Wednesday of November, every four years. If election day happens to fall on a statutory holiday in that year, it is to be held on the Monday of that week. RMs that have divisions have staggered elections, where even-numbered divisions are elected two years after the general election that is held for reeve and odd-numbered divisions. If an RM has chosen to remove divisions and conduct elections-at-large, all council positions are elected in the same general election year for all municipalities.

Councils of northern municipalities (NMs) have the option to hold their general election earlier if they decide to change the date at least 90 days prior to the regularly scheduled election day. Only the following dates are available to choose from:

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

Election day for resort villages (RVs) is the last Saturday of July, every four years.

### By-Elections – S. 11

By-elections are to be run as closely as possible to general elections and must be held on Wednesdays for cities, towns, villages, NMs and RMs and on Saturdays for RVs.

### Terms of Office – S. 16

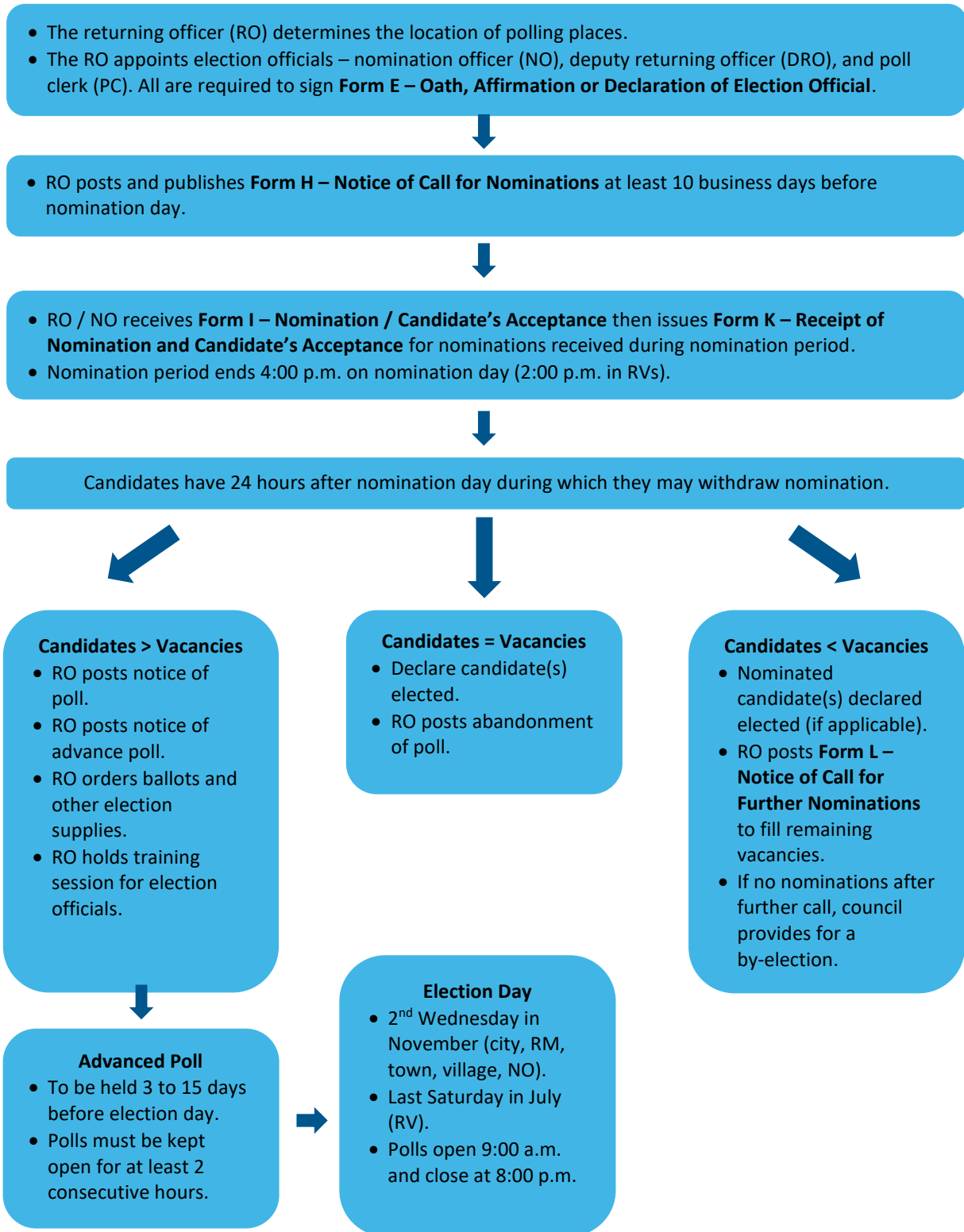
Terms of office for council members, including mayor or reeve, begin at the first meeting of council following the general election and by-election. For general elections, incumbent members of council remain in office until the first meeting of council after the election.

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

Where there is a vacancy that occurs on council within one year of the next general election, council may proceed by holding a by-election or decide to fill the vacancy at the general election.

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

## Process– Prior to Election Day Flow Chart



### 3. Council Duties – S. 24, 33, 52, 83, 92

Council is legislatively required to determine certain matters regarding elections. Council shall:

- Set the remuneration to be paid to Election Officials (EOs);
- Pay all or the municipality's share of the costs incurred in holding the election; and
- Set the date for a by-election (if required).

### Council Powers – S. 9.1, 34, 47, 55

Council has discretionary authority to act respecting certain aspects of the election.

Council **may** (legislative deadlines apply):

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

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

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

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

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

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

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

- Pass a bylaw to specify that the names on the ballots be arranged in random order or rotational order; and
- Provide for enumeration of voters for the purpose of preparing or revising a voters list.

Council may (no specific legislated deadline):

- Pass a bylaw to use vote counting machines;
- Provide for a mail-in ballot voting system, by bylaw; and
- Appoint another person to act in the capacity of the RO if the RO is unable to perform their duties.



## General Election Bylaw – S. 9.1

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

- Alternate methods for providing public notice;
- Establishing a nomination day that is up to seven weeks before election day; (S. 73)
- Provisions for a by-election to resolve any tie vote; (S. 141.1)
- Disclosure of campaign contributions and finances (at least 60 days prior);
- Addition of the candidate's occupation to the nomination paper and ballot (55 days prior);
- Rules for the deposit required with nomination papers in a municipality with a population over 20,000;
- Use of voting machines, voting recorders, optical scanning vote tabulators or other similar devices;
- Form of ballots;
- Establishment of a mail-in-ballot system;
- Distribution and authorization of advertisements;
- Naming one or more polling place within Saskatchewan for each division;
- Procedures for homebound voting;
- Preparation of voters list; and
- Setting the remuneration paid to each EO.

## 4. Polling Areas and Places – S. 25-26

For RM elections, the RO must name one or more polling places within Saskatchewan for each division.

In school divisions and all other municipalities who conduct elections at large, polling areas must be established and polling places must be named in such a way that:

- All polling areas contain, as nearly as possible, an equal number of voters;
- Each voter may vote at one polling place on all matters on which they are entitled to vote;
- There is at least one polling place situated within or close to each polling area;
- A polling place is located, if possible, in a place allowing convenient access to persons who have a disability;
- With respect to school division elections, a polling place is in each municipality (if practical); and
- If wards are established, each polling area is within only one ward.

One polling place may be used as the polling place for two or more polling areas.

## Inaccessible Polling Place – S. 124

Whenever possible, the polling place should be accessible for people with a physical disability or limited mobility.

A voter can make a request to the RO or DRO to take their vote at a nearby place for it to be accessible (e.g. from their parked vehicle outside the polling place). The request may be verbal or written and may be made by a person acting on behalf of the voter.

If a request is made, the RO or the DRO may temporarily suspend proceedings in the polling place to allow a voter to vote in this manner. Any voters in the polling place who have received ballots are permitted to vote before suspending proceedings. The RO or DRO should ensure to lock the polling place to secure election materials during this time and invite candidates and agents in attendance to witness the proceedings.

Procedures for voting in this manner are the same as they would be within the polling place. For example, the voter would present identification to the DRO, complete [Form R – Voter’s Registration Form](#) (if no voters list prepared); mark their ballot with the pencil provided; and deposit it in the ballot box.

## Change of Polling Place – S. 26

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

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

## Hospital and Personal Care Facility – S. 29

The RO may provide for a polling place to be held in a hospital, a personal care facility, or a similar institution so voters who are receiving care at those facilities can vote. If a polling place is established, caregivers or staff members of the institution, if eligible, may vote as well. This may apply to either the poll on election day or an advance poll. The RO has authority to set the duration of a poll in a hospital or a personal care facility. The poll must be open for a minimum of one hour.

### Quick Tip:

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

If so, the RO must appoint that person as a NO.

## 5. Election Officials – S. 46-53

All EOs are appointed by the RO. Legislation requires:

- One or more DROs for each polling place, including advance polls; and
- One or more PCs for each polling place, including advance polls.

It is important that EOs carry out their duties in a professional, non-partisan manner. A person does not need to be a voter of the municipality to serve as an EO, however, they should be at least 18 years of age. Before commencing their duties, all EOs are required to complete [Form E – Oath, Affirmation, or Declaration of Election Official](#) before the RO or any person authorized to administer oaths, affirmations or declarations in Saskatchewan.

EOs are required to maintain secrecy throughout the election process:

- The EO must keep the information of voters (including documentation and identification) confidential;

- EOs are not to disclose voter information other than for the purposes of providing a ballot to the person; and
- No EO or voter is allowed in the area where a voter marks their ballot.

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

## Returning Officer Duties – S.47

Unless council appoints someone other than the administrator to be the RO, which must be made at least 90 days before election day, the administrator of the municipality is the RO for the municipal election.

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

- Determining polling areas and places, which may include hospitals and personal care facilities;
- Providing for homebound voting;
- Establishing one or more advance polls;
- Appointing all other EOs (DRO, PC and NO) by completing [Form D – Appointment of Election Official](#);
- Ensuring all EOs complete [Form E – Oath, Affirmation or Declaration of Election Official](#);
- Posting the required forms:
  - [Form H – Notice of Call for Nominations](#); and
  - [Form L – Notice of Call for Further Nominations](#);
- Posting the required notices:
  - Notice of Poll;
  - Notice of Abandonment of Poll; and
  - Notice of Advance Poll;
- Receiving nominations;
- Supplying a voter with a disability, an EO or candidate’s agent with [Form S – Transfer Certificate](#) to vote at a polling place other than at the one where they would otherwise be required to vote (applicable only for urban municipalities without wards); and
- Receiving and declaring election results using [Form CC – Declaration of Results](#).

If, in the opinion of the RO, an emergency exists that would cause a substantial number of voters who are entitled to vote to be unable to vote, the RO may do one or more of the following:

- Extend the hours during which a polling place is to be kept open;
- Suspend voting at one or more polling places and postpone that voting to a date not more than seven days after the day of the election;
- Move the location of one or more polling places.

The RO may also choose to appoint:

- NO(s) to receive nominations and issue receipts on behalf of the RO;
- Constables to maintain order at a polling place; and

- Any other officials deemed necessary to conduct the election.

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

## Deputy Returning Officer – S. 48

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

- Sets up the polling place;
- Posts required notices and signs;
- Ensures voters complete voter registration forms (unless a voters list is used);
- Provides assistance to voters with disabilities;
- Keeps track of ballots;
- Provides direction to candidates and agents;
- Closes the poll;
- Counts the ballots after the poll is closed;
- Makes the final decision to approve or reject a ballot;
- Completes required forms; and
- Turns over all election materials to the RO.

## Poll Clerk – S. 48, 51

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

- Setting up and opening the polling place;
- The conduct of the vote;
- Allowing voters to cast their ballots in an orderly fashion;
- Counting of ballots; and
- Closing the poll.

## Notice Requirements – S. 9

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

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

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

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

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

## 6. Candidate Eligibility

### Candidates – S. 42, 43, 44

CANDIDATE ELIGIBILITY		
(a) is at least 18 years of age on the day of the election; (b) is not disqualified pursuant to this or any other Act; (c) is a Canadian citizen at the time the nomination paper is submitted; (d) has resided in Saskatchewan for at least six consecutive months immediately preceding the date on which the nomination paper is submitted; and		
URBAN (city, town or village)	URBAN (resort village)	RURAL (rural municipality)
(i) has resided in that municipality, or on land now in that municipality, for at least three consecutive months immediately preceding the date on which the nomination paper is submitted.	(A) has resided in that resort village, or on land now in that resort village, for at least three consecutive months immediately preceding the date on which the nomination paper is submitted; or	(i) is eligible to vote in the rural municipality.
	(B) is the assessed person with respect to property in the resort village, or on property now situated in the resort village, pursuant to section 207 in <i>The Municipalities Act</i> , for at least three consecutive months immediately preceding the date on which the nomination paper is submitted; or  (C) is the spouse of a person mentioned in paragraph (A) or (B).	

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

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

- A person who is disqualified pursuant to the LGEA or disqualified pursuant to Part VIII of the CA, the MA and the NMA.

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

- The municipality; and/or
- A board or commission appointed by a council.

If the employee is elected to council, the person is deemed to have resigned from their employment on the day prior to the day the person is declared elected. If the employee is not elected to council, they may resume employment immediately after the election. People who have a contract with the municipality are not disqualified from holding office as a member of council.

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

## Incumbent – S. 71-72

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

### **In an urban municipality or NM:**

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

### **In an RM with divisions:**

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

## 7. Nomination Process – S. 66-82

### Call for Nominations – S. 66, 73

Nomination day in cities, towns, villages and RMs is the fifth Wednesday before election day, or the fifth Saturday before election day for an RV. Nominations in a NM are on the Wednesday that is five weeks before election day. Municipalities may, as part of their general election bylaw, establish a nomination day that is up to seven weeks before election day.

At least 10 business days before nomination day, the RO will call for nominations. This is done by preparing [Form H – Notice of Call for Nominations](#) and posting it in the manner described in the Notice Requirement section of this guide.

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

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

## Receiving Nominations – S. 67, 68, 42, 34

Nomination papers may be obtained from the municipal office or from another source. EOs must accept a **completed nomination paper, which will consist of:**

### 1. Form I – Nomination (front) and Candidate’s Acceptance (back)

- The correct number of nominators (eligible voters) as required per the chart detailed below.
- The Candidate’s Acceptance portion is complete including the signatures of two witnesses. The witnesses do not need to be the nominators or eligible voters.

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

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

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

### 2. Public Disclosure Statement

- The Public Disclosure Statement for the municipality, as required pursuant to the MA, CA, and NMA, must be completed by the candidate when running for office. If the public disclosure statement is not attached, the RO or NO shall not accept the nomination paper.

### 3. Criminal Record Check (if required by bylaw)

- Pursuant to the MA, CA and NMA, a criminal record check bylaw must be passed at least 90 days prior to the day of a general election to be in force.

- Criminal record checks must be completed by the local police service using the prescribed form found in the applicable regulations to the MA, CA, or NMA.

#### 4. **Deposit** (for municipalities with a population of 20,000 or more only)

- Must be accompanied by a deposit of \$100.
- Council may, as part of their general election bylaw, require a deposit not exceeding \$500 for any elected office specified within the bylaw.
- Council must, by bylaw, establish the rules for the deposit required in this section to be returned to the candidate following the election.

A fully completed nomination paper **cannot** be rejected regardless of belief or knowledge that the candidate is not qualified and/or has been nominated by ineligible voters. It is **not** the responsibility of the RO or NO to determine a candidate's qualifications to seek office. The responsibility falls to the candidate who must attest to their eligibility in their acceptance and signing of the nomination paper.

### Filing Nomination Paper – S. 69, 70, 75

Nomination papers may be submitted to the RO or NO (if appointed) by:

- Personal service by the candidate or a person acting on the candidate's behalf;
- Registered or ordinary mail;
- Fax;
- Email; or
- As otherwise specified by the RO.

The RO or NO accepts the nomination paper where all aspects are complete and issues [Form K – Receipt of Nomination and Candidate's Acceptance](#).

When receiving a nomination paper, the RO or NO will:

- Make a copy of the nomination paper;
- Make a copy of the receipt issued and attach the copy to the original nomination paper;
- Post the copy of each nomination paper in the municipal office for inspection; and
- Store and retain the original nomination paper and receipt in a secure location for the duration of the term of office.

### Withdrawing a Nomination – S. 76

A candidate may withdraw their nomination by providing the RO or NO with a written declaration during normal office hours until 24 hours after the close of nomination day. In an RV, the withdrawal period closes at 2:00 p.m. on the Monday following nomination day.

The statement of withdrawal (not a prescribed form) must be signed by the candidate and witnessed by two witnesses or by the RO or NO. The name of a person who withdraws their nomination within the prescribed timeframe mentioned above must not appear on the ballot.



## Nomination Outcomes – S. 77-78

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

### Number of Candidates > Number of Vacancies = Vote Required – S. 81

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

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

### Number of Candidates = Number of Vacancies = Candidates Acclaimed – S. 77

The RO will:

- Acclaim candidate(s) when the number of candidates is equal to the number of vacancies to be filled;
- Declare the candidate to be elected by completing [Form CC – Declaration of Results](#) and posting in the municipal office; and
- Post a Notice of Abandonment of Poll (non-prescribed form).

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

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

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

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

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

If there are insufficient nominations received after the call for further nominations, council must provide for a by-election to be held by setting an election day at the next regular meeting to fill the vacant seat.

## Death of a Candidate – S. 79, 80

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

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

- If there are more remaining candidates than vacancies for office, the election proceeds as if the deceased candidate had not been nominated;
- If the number of remaining candidates is equal to the number of vacancies for the office in question, the RO immediately declares the remaining candidates as elected; or
- If the number of remaining candidates is less than vacancies, the election process needs to start again.

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

Candidates and agents must make a declaration in prescribed [Form U – Declaration of Candidate or Agent](#) before exercising their duties or functions at the polling place. Each candidate may appoint up to two agents to attend a polling place by completing [Form T – Appointment of Candidate's Agent](#) and presenting it to the DRO.

Candidates and agents have the right to:

- Obtain a copy of the voters list, if one was prepared;
- Be in the polling place to observe proceedings while voters are voting; and
- Object to the eligibility of any voter intending to vote, and they may:
  - Examine a voter's evidence of identity; or
  - Request verification that vouching procedures have been followed (if applicable).

Candidates or agents do not have any authority to:

- Directly question a voter;
- Attempt to influence a voter;
- Enter the polling place after the polls close;
- Canvass or solicit votes or persuade a person not to vote within 100 metres of a polling place; or
- Review completed voter registration forms.

Candidates and agents may enter and leave the polling place at their pleasure during the hours the poll is open. To observe the ballot count, candidates or one of their agents must be in the polling place prior to the close of voting.

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

## 8. Preparing for Election Day

### Election Materials – S. 93

See Appendix A at the back of this document for an Election Supplies Checklist.

### Prior to Opening of Polls – S. 101

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

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

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

- Arrive at the polling place at least:
  - 15 minutes before the opening of the polls in a RM; or
  - 30 minutes before the opening of polls for all other municipalities;
- Place voting compartments in a location to ensure voters can mark their ballots without being seen;
- Provide a black lead pencil in each voting compartment;
- Post copies of [Form O – Directions for Voting](#) and [Form P \(S. 185.1, 185.11, 185.21, and 185.22\)](#) outside the entrance of the polling place and in each of the voting compartments;
- Post a copy of [S. 181](#) of the LGEA at the entrance of the polling place if a voters list is not being used; and
- If a voters list is being used and a certificate has been supplied, make required entries in the poll book.

It is recommended the DRO inspect the polling place for unauthorized election materials, such as campaign notices, and remove if any are located. The DRO may also wish to examine nearby properties to ensure there are no campaign signs within 100 meters of the polling place. If a sign is present, the DRO may notify the candidate and request that they remove the sign prior to the poll opening, however, there is no authority in the LGEA for EOs to enforce legislation.

The polling place should:

- Be set up to ensure easy entry and exit of voters during peak times;
- Provide a clear view of the ballot box and voting procedures;
- Provide that candidates and agents are not placed in close proximity to the electors; and
- Candidates and agents are seated at separate tables as the election officials.

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

## Advance Poll – S. 83-87

An advance poll provides voters the opportunity to vote at a time prior to the actual election day. An advance poll must be open for a minimum of two consecutive hours on any day it is open and must be held at least three days, but not more than 15 days, before election day. As noted earlier, advance polls are required for all municipalities and the RO sets the day(s) and hours(s) for an advance poll(s) to be open. If a voters list is used, the DRO must prepare a poll book at the advance poll (non-prescribed form).

At the close of the advance poll, the DRO shall seal the ballot box so that no ballots can be deposited without breaking the seal and provide for its safekeeping. All election records, supplies and materials must also be securely locked in a separate container until its contents are required. The DRO is also responsible for preventing any person from having access to the ballots and election material until the close of polls on election day. Where a voters list is used, the advance poll book is provided to the RO who will mark the voters list in a manner to indicate which voters have already voted.

The ballot box used in an advance poll may be used on election day if the DRO feels voter secrecy could be compromised due to low voter participation.

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

Council may establish a mail-in ballot voting system by bylaw. The bylaw:

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

Check out [Publications Saskatchewan](#) for a sample bylaw to establish a mail-in ballot system.

[The Government of Saskatchewan](#) website includes a draft bylaw to establish a mail-in voting system that is closely based on the system used by Elections Saskatchewan.

Persons applying to use the mail-in voting system must complete [Form R – Voter's Registration Form](#) as well as a declaration signed by the person requesting a mail-in ballot that includes:

- A statement that the person is qualified to vote in the municipality;
- Evidence of the person's identity as set out in s. 110; and
- A statement that the person believes the declaration to be true and knows that it is of the same force and effect as if made under oath or affirmation and by virtue of the *Canada Evidence Act*.

Where a voters list is used, a voter's registration form is not required if the declaration and identification provided matches the information maintained in the municipality's voter registry.

After reviewing the application, the RO will mail out a ballot package to the voter. Voters using the mail-in voting system must ensure the RO receives their ballots no later than the close of polls on election day.

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

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

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

As with any bylaw, it is good administrative practice to consult with the municipality's solicitor prior to enacting the bylaw to provide for a mail-in ballot system.

## Election Day – S. 100-104

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

The ballot box should be visible to:

- The DRO and PC;
- Candidates and agents; and
- Voters.

Access to the polling place is restricted to:

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

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

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

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

## 9. Voters

### Voter Eligibility – S. 36-37

A voter may vote only once during an election. If a person is eligible to vote in more than one municipality, they are entitled to vote at the election of each of those municipalities.

VOTER ELIGIBILITY		
(a) is a Canadian citizen; (b) is at least 18 years of age;		
City, Town, or Village	Resort Village	Rural Municipality
(c) has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election; and	(i) has resided in the resort village, or on land now in the resort village, for at least three consecutive months immediately preceding the day of the election;	(i) has resided in the rural municipality, or on land now in the rural municipality for at least three consecutive months immediately preceding the day of the election;
(i) has resided in the municipality, or on land now in the municipality, for at least three consecutive months immediately preceding the day of the election; or	(ii) is the assessed person with respect to property in the resort village, or property now situated in the resort village, pursuant to section 207 of <i>the Municipalities Act</i> for at least three consecutive months immediately preceding the day of the election; or	(i.1) is the registered owner of property in the rural municipality, or property now situated in the municipality;
(ii) is the owner of assessable land situated in the municipality, or land now situated in the municipality, for at least three consecutive months immediately preceding the day of the election.	(iii) is the spouse of a person mentioned in subclause (i), or (ii).	(ii) is the assessed person with respect to property situated in the rural municipality, or property now in the rural municipality, pursuant to section 207 of <i>The Municipalities Act</i> ;
		(iii) is the occupant of a trailer or mobile home in the municipality that is the object of a permit required pursuant to section 306 of <i>The Municipalities Act</i> ;
		(iv) is the spouse of a person mentioned in subclause (ii) or (iii); or
		(v) is the chief executive officer of a duly incorporated co-operative, corporation or religious association that is assessed on the last revised assessment roll with respect to property in the rural municipality that is not exempt from taxation.

## Voting in Wards (Urban only) – S. 38

If a city, town, resort village or village is **not** divided into wards, a voter is eligible to vote for mayor and all vacant councillor positions.

If a city, town, resort village or village is divided into wards, a voter is eligible to vote in the ward where they reside. The voter may vote for the councillor(s) of the ward and the mayor. If the voter does not reside in the municipality, they may vote in the ward where they own land.

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

## Voting in RM Divisions – S. 39

Where an RM is separated by divisions, each voter is entitled to vote for the reeve **and** for one division councillor. The administrator must notify voters of the division they are entitled to vote by indicating the division number on the assessment notice indicating the division number on the tax notice.

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

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

If a voter owns assessed property in more than one division, but does not live in the municipality, they are eligible to vote in the division where they have the highest total assessment. If the total assessment is equal, the person votes in the lowest numbered division. The voter does have the option to designate one of those divisions as the division in which they wish to vote by providing written notice to the administrator on or before the first of September in any year and is bound by the notice so long as they have property in those same divisions.

Where a voter has property in one division and their spouse has property in another division, either spouse may designate one of those divisions as the division in which they wish to vote by providing written notice to the administrator on or before the first of September in any year. Both persons are bound by the notice so long as they have property in those same divisions. Remember, this can only be done if a voter does not reside in the RM.

## Voter Registry – S. 53.1 – 53.5

Municipalities may provide for the establishment and maintenance of a voter registry that consists of persons who are or will be eligible to vote at the next general election. The information collected in a voter registry is only for the purpose of preparing a voters list. Unless council provides otherwise, the RO is responsible for the preparation or revision of a voter registry and can appoint assistants to assist. A voter registry may be manual or in an electronic format.



A voter registry must only contain the following information:

- Surname, given name and any middle name;
- Residential address, including postal code, of the residence of the person, and the mailing address, including postal code, if the mailing address is different from the residential address;
- Date of birth;
- Gender;
- Telephone number;
- The permanent unique identifier assigned (the RO may assign or utilize a permanent unique identifier to be used to assist in distinguishing a person from another person or verifying information about a person);
- Whether the person is or will be eligible to vote with respect to the public or separate school division; and
- In the case of an RM, the division in which the person is or will be eligible to vote; and in the case a municipality that is divided into wards, the ward in which the person is or will be eligible to vote.

The RO must revise a voter registry when they consider it necessary. A voter registry may be revised by any or all of the following methods:

- Information obtained from conducting an enumeration;
- Using information provided pursuant to an agreement with Elections Saskatchewan or Elections Canada, made pursuant to S. 55;
- Using personal information listed in public telephone directories; and
- Using any other information obtained by or available to the RO.

The information, including a person's name, must be removed from a voter registry for the following reasons:

- The person is no longer alive;
- The person is not eligible to vote;
- In the opinion of the RO, the information is false;
- The person, or their agent, in the prescribed form and manner, requests the removal.

## Voters List – S. 53.6 – 65

The information in this section applies only when council has decided to use a voters list for an upcoming election or by-election. A voters list can be prepared from the information contained in the voter registry. Council can also choose to enumerate the names of voters to prepare or revise the voters list. If wishing to enumerate, council must pass a resolution to do so at least 55 days before the day on which a general election is held. The RO is the chief enumerator responsible for enumeration unless council has appointed another person. The chief enumerator may appoint assistants to enumerate names and to prepare and revise the voters list.

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

The contents of a voters list must state:

- The name of the voter;
- The voter's address or legal land description;
- The division where the voter can vote in a RM (if applicable);
- The ward where the voter can vote in an urban municipality divided into wards (if applicable); and
- May also include whether the voter is eligible to vote in respect of the public or separate school division.

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

At least 31 days before election day, the RO must publish in any manner they consider necessary:

- A copy of the voters list; and
- Information on how a voter or applicant may apply for revisions to the voters list.

If the voters list is in an electronic format and the information above is not published manually, the RO must provide voters with public access to a computer for the purposes of viewing the voters list.

At least 21 business days before election day:

- Voters may apply to the RO 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 specify the grounds on why the person is alleged not to be an eligible voter.
- An applicant can also apply to correct an error or omission in the voters list by filing an application in the form and manner determined by the RO. Applicants, in this circumstance, are those persons:
  - Who are eligible as a voter, but whose name is not on the voters list;
  - Whose name is listed in error on the voters list;
  - Whose designation as a voter of the public school division or separate school division is incorrect; or
  - Whose name is listed in the incorrect division, ward, or polling place on the voters list.

The application to strike a name or to correct an error may be made to the RO:

- In writing; or
- If the municipality's general election bylaw has dealt with methods of application, by email or other electronic means (the email or electronic means must include the applicant's contact information).

Prior to the day of advance voting, the RO will consider all applications received to strike any name from the list or correct any error on the list. If changes are made, the RO will record each change made to the revised voters list. The RO has the authority to, at any time, correct any errors apparent on the face of the voters list. The RO must record each correction.

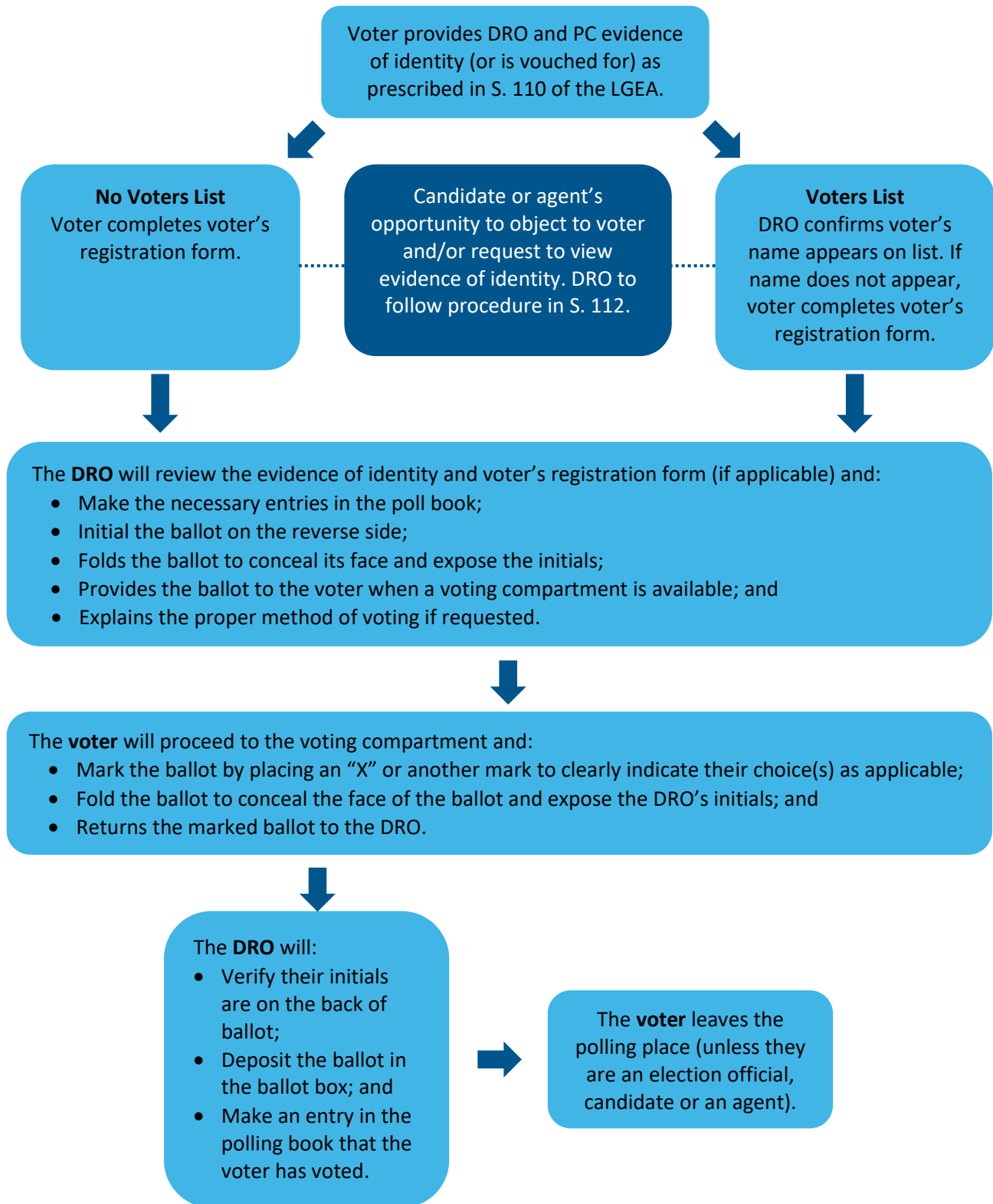
If the name of a person is deleted from the voters list after it has been published, the RO must immediately notify the person, either personally or by registered mail, the reason their name was deleted from the list and advise them of the eligibility requirements of a voter.

**A voter whose name does not appear on the voters list or revised voters list is still eligible to vote.**

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

Check out all of the  
[Election Resources](#)  
on Saskatchewan.ca.

## Voting Process Flow Chart



## Voter Identification and Failure to Comply– S.110-111

All eligible voters must prove their identity to the DRO and PC at the poll in order to vote at the election. This can be done in one of the following ways:

- Providing one piece of government-issued ID that contains a photo of the voter and their address (i.e. SGI-issued driver's license);
- Providing two pieces of information from the list in Table 1 of Appendix D of the LGEA Regs that both show the voter's name and at least one of the documents shows the voter's address.

A person who is unable to provide identification may also have another voter vouch for them by completing [Form B – Vouching for Identity](#). A person who vouches for another voter can only vouch for one person unless a relationship as described in Table 2 Appendix D of the LGEA Regs exists. An election official, candidate, or candidate's agent cannot vouch for a voter.

Persons who fail to establish their identity as described above or complete a voter's registration form when required to do so pursuant to S. 107, 108, 109 and 112 is not entitled to vote.

## Objections to a Voter – S.112

Candidates or agents in attendance at the poll may object to the eligibility of a voter who is intending to vote. Objections are directed to the DRO, not to the voter. A candidate or agent is not required to provide a reason for the objection. An objection does not automatically disqualify the voter.

After an objection is made, the DRO will:

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

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

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

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

## 10. Special Situations

### Forfeiture of Vote or Declined Ballot – S. 117

A person forfeits their right to vote if the voter:

- Leaves or attempts to leave without returning the ballot to the DRO;
- Intentionally marks the ballot in a way that a clear choice is not indicated; or
- Returns the ballot to the DRO declining to vote.

The DRO will:

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

### Spoiled Ballot – S. 118

If a person accidentally spoils a ballot, the DRO provides a replacement ballot. The DRO will:

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

Examples of spoiled ballots may include things such as accidentally tearing the ballot or realizing too many candidates have been voted for.

### Voters with a Disability or Limited Mobility – S. 123

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

- Request the DRO to assist the voter marking the ballot (within or outside the voting compartment) according to the voter’s wishes in the presence of the PC and candidate/agent; or
- If accompanied by a friend, the DRO shall permit that person to accompany the voter to the voting compartment after completing [Form X – Declaration of Friend](#).

The DRO shall note particulars in the poll book including the reason why the ballot was marked for the voter, who marked the ballot for the voter (e.g. the DRO or name of friend) and the word “declared” after the name of the voter and the friend if applicable.

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

## Interpreters – S. 125

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

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

Immediately at the close of the poll, the **DRO** will:

- Prepare a certificate to attach to the poll book that indicates the name of the last voter and number of voters at the poll;
- Explain the process of counting ballots to candidates or agents present; and
- Reconcile the number of ballots.



Ballots are counted by the DRO in the presence of other election officials and the candidate(s) or their agent.

- DRO has authority to reject ballots per S. 129 and 131.
- A candidate or agent may object to the decision of DRO to accept or reject a ballot.



The DRO completes **Form Z – DRO Statement of Results** after all ballots are counted and provides form to the RO with the ballot box and all other election materials.



### **Declaration of Results**

- RO declares person(s) having highest number of votes for each office elected (as applicable), completes **Form CC – Declaration of Results** and provides to the administrator to be posted in municipal office and presented to council.
- If equal number of votes reported on Form Z, RO resolves tie vote by conducting draw pursuant to S. 141. If general election bylaw provides by-election resolves tie, RO declares seat remains vacant until by-election held.

Recount may be requested by candidate or voter within 10 business days. Judge directs recount procedure.



The administrator:

- Must, as soon as possible, notify the Ministry of Government Relations of the election results using the [online reporting form](#) and update [municipal directory system](#) found on Saskatchewan.ca; and
- Three months after election day, destroy the contents of the ballot box in front of two witnesses.



# 11. Process After the Close of Poll – S. 127 -157

## Preliminary

Any voter in or waiting for admission into the polling place at the time the poll closes is entitled to vote. No other voters should be permitted to enter the polling place after the polls close.

After the advance poll has closed, the DRO shall:

- Seal the ballot box in a manner so that no ballots can be deposited in the ballot box without breaking the seal and provide for its safekeeping;
- Secure all other election materials in a sealed container (if possible);
- Prevent any person from having access to the ballot box or election supplies;
- If a voters list is used, deliver the advance poll book prepared according to S. 40 of the LGEA Regs to the RO;
- If there is no voters list and [Form R – Voter’s Registration Form and Poll Book](#) is used, enclose the forms in the secured container; and
- Return ballot box and all election materials to the RO.

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

**Certificate of Voters**

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

---

*[Signature of DRO]*

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

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

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

To reconcile the number of ballots at the polling station:

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

## Counting the Ballots – S. 128

After reconciling the number of ballots, the DRO will:

- Open the ballot box in the presence of the PC, any candidates or their agents in attendance, and the RO (if in attendance);
- Verify there are no ballots stuck within any interior flaps:
  - If separate ballot boxes are being used for each office, the other boxes should remain sealed until the DRO is ready to count those ballots;
- Verify that the number of ballots equal the number of voters in the poll book:
  - If the number of ballots is not equal to the number of voters, open the other ballot boxes to determine if a ballot was placed in the incorrect ballot box; and
- Separate the ballots according to colour (if applicable).

During the counting process, the DRO should be the only person to handle the ballots. After examining each ballot carefully, the DRO must determine if the ballot should be accepted or rejected. Where a ballot may be questionable, the DRO should decide immediately rather than deferring the decision until all the other ballots have been counted. In the event a problematic ballot is crucial to determining the outcome of the election, the objectivity of the DRO can be called into question.

After determining if the ballot will be counted or rejected:

- The DRO will announce the decision;
- The PC will record the decision accordingly on a tally sheet; and
- The DRO will show the ballot to other EOs and observers, which at this viewing opportunity, a candidate or agent may object to the decision of the DRO.

## Rejected Ballots – S. 129

The DRO must reject every ballot that:

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

## Improper Marking Not Rejected – S. 130

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

## Ballots Not Initialled – S. 131

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

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

## Objections – S. 132

A candidate or an agent may object to the decision of the DRO to accept or reject a ballot. When an objection is raised, the DRO must:

- Number the objection starting with “1” on the back of the ballot with the DRO’s initials;
- Record the objection in full in the poll book along with the number placed on the ballot; and
- After considering the information provided to the objection, record the objection either as “Rejection objected to” or “Counting objected to” on the reverse side of the ballot.

If [Form R – Voter’s Registration Form and Poll Book](#) is used for the election, note the number of the objection on a separate sheet of paper. The DRO will initial each entry on this paper, which will then be attached to and form part of the poll book.

The DRO’s decision to reject or count an objected ballot is final. A candidate or voter may request a recount to be conducted by a judge. See the *Recounts* section of this guide.

## Tie Vote – S. 141, 141.1

Council may require that a by-election is held to resolve a tie vote. If this procedure is not set out within a general election bylaw, the RO shall:

- Establish a date and location where the tie vote will be resolved;
- Notify the two or more candidates who have an equal number of votes of the date and location; and
- Arrange for at least two witnesses, who are not candidates, to observe the resolution of the tie vote.

At the date and location established above, the RO shall:

- Write the names of the candidates separately on blank sheets of paper of equal size, colour and texture;
- Fold the sheets in a uniform manner making sure the names are concealed;
- Deposit them in a receptacle; and
- Direct a person to withdraw one of the sheets of paper.

The candidate whose name is on the sheet of paper pulled from the receptacle shall be declared elected.

## Post Count Activities - Statement of Results – S. 136

After all the ballots are counted, the results are recorded in duplicate on prescribed [Form Z – Deputy Returning Officer's Statement of Results](#). Copies of the statement are provided to the candidate or an agent, if requested. A separate [Form Z – Deputy Returning Officer's Statement of Results](#) is completed for each office. The DRO makes a declaration of poll using [Form BB – Declaration of Poll](#) and attaches the declaration to the cover of the poll book.

The DRO must prepare the following separate packets or envelopes for each office that was the subject of a vote, that would include:

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

### Quick Tip:

Supply the DRO with labelled envelopes such as "Spoiled and Declined ballots", "Rejected ballots" and "Unused ballots" for each poll.

Each packet or envelope is sealed and clearly marked with:

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

After all forms are completed and packets are sealed, the DRO performs the following actions:

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

## Declaration Results – S. 139

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

A copy of the declaration of results for each office must also be provided to the council. A motion at the first meeting of council following the election could acknowledge the declaration of results were provided, as required, by the RO.

## Notification to the Ministry of Government Relations – S. 140

As soon as possible after the ballots have been counted, or after members have been declared elected by acclamation, the administrator must report the election results to the Ministry of Government Relations through the online platform Municipal Election Results Form (MERT). Information that must be reported includes:

- The names of **all** candidates, including if defeated;
- The personal mailing addresses of each council member elected by either acclamation or the result of a vote;
- Confirmation whether the RO moved polling hours or location in the event of an emergency;
- In the case of RMs, confirmation:
  - There is a policy established for the review of division boundaries; or
  - If elections were conducted at large, with no reference to divisions;
- In the case of NMs, if council set an alternate election date.

### Quick Tip:

Administrators, check out this [information document](#) to help you [report election results](#).

Don't forget to also update the [Municipal Directory System](#).

Election results are required to be reported both at the time of a general election and after a by-election has been held.

## Retention of Materials – S. 142

After the election, the RO must provide the ballot box and the duplicate statement of results to the administrator, who is then responsible for their safekeeping. Unless a judge has ordered otherwise, the contents of the ballot boxes are destroyed three months after election day in the presence of two witnesses. The witnesses must sign an affidavit attesting that they have witnessed the destruction of the election documents before a justice of the peace, a notary public or a commissioner for oaths. The nomination papers for all candidates, whether elected or defeated, must be kept for the duration of the term of office (four years from the first meeting of council).

The administrator or RO may electronically store any information used in conducting an election for the purpose of preparing for future elections if the information is stored securely.

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

## Offences – S. 169-185

The LGEA details certain actions as an offence in a municipal election. Offences include:

- Mismanaging ballots;

- Compromising voter secrecy;
- Interfering with voters;
- Displaying prejudice as an EO;
- Canvassing near polling places on election day;
- Interfering with EOs;
- Asking voters to demonstrate how they voted;
- Signing a candidate’s acceptance form containing a false statement;
- Providing a ballot to a person who does not complete a voter’s registration form when required to do so;
- Printing, displaying or distributing unidentified election advertising;
- Interfering with official election notices; or
- Furnishing false or misleading information to an EO.

## Penalties – S. 184

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

Every person who contravenes any provision of the LGEA or its regulations (including voters, EOs, candidates, agents, etc.) for which no other penalty is provided is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000, imprisonment for a term of not more than two years or both.

## Results Not Invalidated – S. 8

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

No election is deemed or declared invalid by reason of:

- Non-compliance with the provisions of the LGEA with respect to the holding of the poll or counting of the votes;
- Mistakes in the use of forms; or
- Any inadvertent errors or irregularities.

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

## 12. Contesting the Election – S. 185.42

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

- A candidate at the election;
- The council of the municipality;
- Any voter if the council member is:
  - In by acclamation; or

- Ineligible, disqualified or has forfeited the seat; and
- A voter who assisted any eligible person to cast their ballot at the election.

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

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

## Recounts – S. 158, 166

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

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

- Completes [Form NN – Certificate of Returning Officer \(re: Request for Recount\)](#);
- Presents the certificate to a judge; and
- Delivers a copy of the certificate to the person requesting a recount.

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

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

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

## 13. Bylaws, Resolutions and Questions – S. 143-157

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

A plebiscite is:

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

A referendum:

- Refers a political question to the voters for a decision;
- May be initiated by council or by the voters;
- If initiated by council, are bound by the vote for three years after the vote; and
- By the voters needs to be initiated by a petition of the voters.

Ensure to consult the appropriate municipal legislation (*The Municipalities Act, The Cities Act and The Northern Municipalities Act, 2010*) regarding petitioning for a referendum.

A petition:

- Can be for a referendum on a bylaw or resolution on any matter except for the following:
  - The adoption of an operating budget;
  - The adoption of a capital budget; or
  - The authorization of a tax levy;
- Has to be signed by the greater of 15 per cent of the population or 25 voters;
- Must consist of one or more pages, each of which must contain:
  - An identical statement of the purpose of the petition; and
  - A statement that the voter knows, by signing the petition, they are attesting they are a voter of the municipality and have not already signed the petition;
- Is the responsibility of the administrator to ensure the petition is sufficient and report to council within 30 days after the petition was filed; and
- That is deemed sufficient shall be submitted to the voters by council.

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

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

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

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

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

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

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



A draft election procedure bylaw (Vote on Questions or Bylaw) is available on the Government of Saskatchewan website.

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

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

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

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

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

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

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

- The form issued by the RO appointing them as a representative, and their prescribed [Form HH – Declaration of Representative](#).

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

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

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

The RO performs the following:

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

Recounts regarding a vote on a bylaw, resolution or question are to be conducted, as nearly as possible, in the same manner as at an election for a mayor, reeve or councillors.

## Actions of Municipal Employees Regarding Voting for Bylaws, Resolutions and Questions – S. 144

No municipal employee is to be:

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

No municipal employee shall:

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

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

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

## Appendix A Election Supplies Checklist – S. 93

The RO must supply each polling place with:

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