

Local Government Elections

Roles and Responsibilities

Part 1 of 3

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Recommended Downloads

- *The Local Government Election Act, 2015*
- *The Local Government Election Regulations, 2015*
- Local Government Election Guide
- Election Schedule and Calendar

With recent changes to the Act and Regulations, new resources have also been created. Check out the Publications Centre on saskatchewan.ca to ensure you have the most current copy of each of the above.

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Common Abbreviations

| | |
|------------------|--|
| RO | Returning Officer |
| DRO | Deputy Returning Officer |
| NO | Nomination Officer |
| PC | Poll Clerk |
| EO | Election Official (includes RO, DRO, NO and PC) |
| LGEA | <i>The Local Government Election Act, 2015</i> |
| LGEA Regs | <i>The Local Government Election Regulations, 2015</i> |
| MA | <i>The Municipalities Act</i> |
| MA Regs | <i>The Municipalities Regulations</i> |
| NMA | <i>The Northern Municipalities Act</i> |
| NMA Regs | <i>The Northern Municipalities Regulations</i> |
| CA | <i>The Cities Act</i> |
| CA Regs | <i>The Cities Regulations</i> |

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Roles and Responsibilities

- Council
- Administrator
- Municipal Election Officials
 - Returning Officer (RO)
 - Deputy Returning Officer (DRO)
 - Poll Clerk (PC)
- Voters
- Candidates

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Council



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Council Duties

- Council **shall**:
 - ✓Set the remuneration to be paid to municipal election officials
 - ✓Pay all costs (or the municipality's share) incurred in holding a municipal election
 - ✓Set the polling place(s) for each division (RMs only)
 - ✓In the case of a municipal by-election to fill a vacancy, set the date the election is to be held on

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The Municipalities Act (MA) Council Powers

- For municipalities governed under the MA, council **may**, by bylaw:
 - ✓Increase or decrease the number of council members at least 180 days prior to election day (MA 80)
 - ✓Establish wards (MA 83)
 - ✓Require criminal record checks (MA 89.1)

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The Northern Municipalities Act (NMA) Council Powers

- For municipalities governed under the NMA, council **may**, by bylaw:
 - ✓Increase or decrease the number of council members at least 180 days prior to election day (NMA 99)
 - ✓Require criminal record checks (NMA 104.1)

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The Cities Act (CA) Council Powers

- For cities governed under the CA, council **may**, by bylaw:
 - ✓ Increase or decrease the number of council members at least 180 days prior to election day (CA 54)
 - ✓ Establish wards (CA 57)
 - ✓ Require criminal record checks (CA 63.1)

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The Local Government Election Act, 2015 (LGEA) Council Powers

- Council also has **discretionary** authority set out in the LGEA
- As of **January 1, 2020**, the LGEA now provides for council to exercise their authority in the form of a **General Election Bylaw**

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General Election Bylaw (LGEA 9)

- A General Election Bylaw is **only required if council determines it is not feasible or practicable** to publish municipal election notices in a newspaper
- All or part of the contents of the required municipal election notice can be...



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General Election Bylaw (LGEA 9)

- ✓ Distributed by **mail** to all voters
- OR**
- ✓ Published on a **website** or publicly distributed by other **electronic means**
- OR**
- ✓ By any other means of publishing or giving notice as long as it is **within the same timeframe and frequency required**



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General Election Bylaw (continued)

Council must pass the General Election Bylaw
at least 90 days

prior to election day **if** they determine that notices are to be distributed by mail, on a website or publically distributed by other electronic means



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General Election Bylaw (continued)

- A General Election Bylaw can also address any of the following matters if not addressed within their own separate bylaw(s):
 - ✓ The disclosure of candidate campaign contributions and finances
 - ✓ The addition of the occupation to the nomination paper and ballot
 - ✓ The rules for the deposit required to be returned to the candidate following the municipal election (cities only)
 - ✓ The use of voting machines
 - ✓ The form of ballots
 - ✓ The establishment of a mail-in ballot voting system
 - ✓ The distribution and authorization of candidate advertisements

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BEST PRACTICE TIP



Consider **all** matters that council may wish to address in a General Election Bylaw prior to the 90-day deadline imposed.

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**Administrator
Returning Officer
(RO)**

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**Administrator Duties
(LGEA 47)**

- The **administrator** of the municipality is the **Returning Officer (RO)**
- Council can appoint another person as the RO at least 90 days prior to election day



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Returning Officer Duties

- The **Returning Officer (RO)** is responsible for **all** matters relating to the municipal election, which includes all of the following:
 - ✓ Appointing all other election officials
 - ✓ Calling for nominations
 - ✓ Receiving nominations
 - ✓ Establishing one or more advance polls (as required)
 - ✓ Receiving election results
 - ✓ Declaring election results
- Before starting any of their duties required for the election, the RO must complete **Form E – Oath, Affirmation or Declaration of Election Official**

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Returning Officer Appointments

- For each polling place (including an advance poll) the RO is **required** to appoint each of the following:
 - ✓ Deputy Returning Officer (DRO)
 - ✓ Poll Clerk (PC)
- The RO **may** act as the DRO for an election in municipalities with:
 - ✓ A population of less than 200
 - OR**
 - ✓ Only one polling place



A RO must also appoint enumerators if a voter's list is being prepared.

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Other Election Officials

- The RO may **choose** to appoint any of the following:
 - ✓ Nomination Officers (NO) – receive nominations and issues receipts on behalf of the returning officer
 - ✓ Constables – to maintain order at a polling place
 - ✓ Any other officials deemed necessary to conduct the municipal election



Remember – although the RO is responsible for appointing election officials, council is responsible for setting their remuneration. The RO should communicate with council how many individuals they will need to appoint early in the election process as it is a budgetary item for the municipality.

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Municipal Election Officials



All election officials should be at least 18 years of age



Election officials cannot be a candidate in the election

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Municipal Election Officials
(continued)

- The RO must complete **Form D – Appointment of Election Official** for each appointment made
- Before starting any of their duties, appointed election officials must also complete **Form E – Oath, Affirmation or Declaration of Election Official** as administered by the RO or a person authorized to administer oaths



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**Deputy Returning Officer
(DRO)**

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Deputy Returning Officer Duties

- The DRO is responsible for the overall operation of the polling place
- Their responsibilities include:
 - ✓ Setting up the polling place
 - ✓ Posting required notices and signs
 - ✓ Ensuring voters complete voter registration forms (unless voter's list is used)
 - ✓ Providing assistance to voters with disabilities
 - ✓ Keeping track of ballots
 - ✓ Providing direction to candidates and agents
 - ✓ Counting ballots after the poll is closed
 - ✓ Making the final decision to approve or reject a ballot
 - ✓ Completing required forms following the count
 - ✓ Closing the poll
 - ✓ Returning all election materials to the RO



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Poll Clerk (PC)

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Poll Clerk Duties

- The PC reports to the DRO and assists 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
 - ✓ Closing the poll

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BEST PRACTICE TIP



As the RO, consider asking individuals from different municipalities to serve as your election officials. Election officials are not required to be eligible voters in the election that is being held. However, **all** election officials must be able to perform their duties in a professional, non-partisan manner and maintain secrecy throughout the entire election process.

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Voters



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Voter Eligibility
(LGEA 36)

- For all municipalities, as of the municipal election day a voter must:
 - ✓ Be at least 18 years of age
 - AND**
 - ✓ Be a Canadian Citizen
 - AND**
 - ✓ Meet the applicable criteria for the type of municipality the election is being held for...



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**Voter Eligibility
Cities, Towns and Villages**

- Resided in Saskatchewan for at least 6 months preceding the municipal election, **and**:
- For at least 3 consecutive months prior to election day either:
 - ✓ Resided in the municipality
 - OR**
 - ✓ Is the owner of assessable land in the municipality

The eligibility criteria noted above also applies to land that is now in the municipality as part of the LGEA amendments effective January 1, 2020.

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**Voter Eligibility
Resort Villages**

- For at least 3 consecutive months prior to election day for the resort village either:
 - ✓ Resided in the resort village
 - OR**
 - ✓ Is the assessed person with respect to property in the resort village pursuant to section 207 of the MA
 - OR**
 - ✓ Is the spouse of a person mentioned above

The eligibility criteria noted above also applies to land that is now in the resort village as part of the LGEA amendments effective January 1, 2020.

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**Voter Eligibility
Rural Municipalities**

- Meet **one** of the following criteria:
 - ✓ Resided in the RM for at least 3 consecutive months
 - OR**
 - ✓ Is the registered owner of property in the RM
 - OR**
 - ✓ Is the assessed person with respect to property in the RM pursuant to section 207 of the MA
 - OR**
 - ✓ Is the occupant of a trailer or mobile home in the RM that is the object of a permit pursuant to section 306 of the MA
 - OR**
 - ✓ Is the spouse of any of the above
 - OR**
 - ✓ Is the CEO of a duly incorporated co-operative, corporation or religious association that is assessed and not exempt from taxation

The eligibility criteria noted above also applies to land that is now in the RM as part of the LGEA amendments effective January 1, 2020.

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Assessed Person – Resort Villages & RMs (MA 207)

- An **assessed person** is:
 - ✓ The registered owner of land as per Land Titles
OR
 - ✓ The owner of land under a bona fide agreement for sale
OR
 - ✓ The occupant of land under a lease, licence, permit or contract that, by agreement with the registered owner, is assessed with the property
OR
 - ✓ The person assessed with respect to an improvement **(RM only)**

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RMs Only – Voting in Divisions (LGEA 39)

- Each voter in a RM is entitled to vote for the reeve **and** for one division councillor
- The administrator must notify voters the division they are entitled to vote by including the division number on the assessment notice and the tax notice

Effective January 1, 2020 an RM administrator is no longer required to prepare and post an assessed owners list.

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RMs Only – Voting in Divisions (LGEA 39)

The division where a person is eligible to vote is determined by the **first clause** that applies to the person:

1. The division where the voter resides
2. The division that the voter is the registered or assessed owner of property
3. The division that the voter holds a permit as the occupant of a trailer or mobile home
4. In the same division as their spouse
5. If voter is the CEO of a corporation, in the division where the highest assessment exists



Residents of an RM always vote in the division where they live.

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RMs Only – Voting in Divisions (LGEA 39)

- If a voter is the registered owner or the assessed owner of property under a lease, licence or permit in more than one division, the voter will vote in the division with the highest assessment
- If the assessment value is equal, the person will vote in the lowest numbered division
- The same is applicable for land in the name of a corporation – the CEO of the corporation will vote in the division with the highest assessment
- If the assessment is equal, the person will vote in the lowest numbered division

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A voter can only vote in one division although, individually, they may meet several of the eligibility requirements for more than one division



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Voting in Wards (LGEA 38)

- If wards are established, a person may vote in the ward in which the voter:

| Cities, Towns and Villages | Resort Villages |
|---------------------------------|---|
| Resides | Resides |
| OR | OR |
| Is the owner of assessable land | Is the owner or lessee of assessable land |

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Municipal Election Voter Eligibility

| Cities, Towns and Villages | Resort Villages (RV) | Rural Municipalities (RM) |
|---|--|--|
| Resided in Saskatchewan for at least 6 months AND | For at least 3 consecutive months prior to election day either: | Resided in the RM for at least 3 consecutive months or on land now in the RM prior to election day OR |
| For at least 3 consecutive months prior to election day either: | Resided in the RV or on land now in the RV OR | Is the registered owner of property in the RM or now in the RM OR |
| Resided in the municipality or on land now in the municipality OR | Is the assessed person with respect to property in the RV, property now in the RV pursuant to section 207 of the MA OR | Is the assessed person with respect to property in the RM or now in the RM as per section 207 of the MA OR |
| Is the owner of assessable land in the municipality or land now in the municipality | Is the spouse of either of the above | Is the occupant of a trailer or mobile home in the RM or land now in the RM, that is the object of a permit pursuant to section 306 of the MA OR |
| | | Is the spouse of any of the above OR |
| | | Is the CEO of a duly incorporated co-operative, corporation or religious association that is assessed and not exempt from taxation |

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Residency

(LGEA 3)



- Residency impacts the ability to vote
- A person's residence is the place that they typically refer to as **home**
- It is important to remember that a person does not lose their residency:
 - ✓ If he or she is temporarily absent and has the intention of returning (extended vacation, rebuilding or renovating and has to temporarily move, etc.)
 - ✓ As long as the person remains in Saskatchewan, until they acquire another residence
- Special provisions are in place for active members of the **Canadian Forces** and **full-time students** (LGEA 4)

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BEST PRACTICE TIP



Creating awareness and educating the public of the voter eligibility requirements is important. Consider publishing requirements on your municipality's website or in a newsletter. You may also consider keeping **Form R – Voters Registration Form** readily available for discussion with citizens that come into your office.

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Candidates



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**Candidate Eligibility
(LGEA 42)**

In order to be eligible to be nominated as a candidate in a municipal election and to hold office as a member of council a person must be:

1. At least 18 years of age on the day of the election
2. Not disqualified pursuant to this or any other Act (cannot be a judge of any court, or the auditor or solicitor of the municipality)
3. A Canadian citizen at the time that he or she submits the nomination paper
4. Resided in Saskatchewan for at least 6 consecutive months immediately preceding the date on which he or she submitted the nomination paper
5. AND...

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**Candidate Eligibility
Cities, Towns and Villages**

- Resided in the city, town or village for at least 3 consecutive months immediately preceding the date on which he or she submitted the nomination paper



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**Candidate Eligibility
Resort Villages**

- For at least 3 consecutive months immediately preceding the date on which he or she submitted the nomination paper:
 - ✓ Reside in the resort village
 - OR**
 - ✓ Is the assessed person with respect to property in the resort village pursuant to section 207 of the MA
 - OR**
 - ✓ Is the spouse of either of the above

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**Candidate Eligibility
Rural Municipalities**

- Resides in Saskatchewan
- Is **eligible to vote** in the RM
 - ✓ Resided in the RM for at least 3 consecutive months
 - OR**
 - ✓ Is the registered owner of property in the RM
 - OR**
 - ✓ Is the assessed person with respect to property in the RM pursuant to section 207 of the MA
 - OR**
 - ✓ Is the occupant of a trailer or mobile home in the RM that is the object of a permit pursuant to section 306 of the MA
 - OR**
 - ✓ Is the spouse of any of the above
 - OR**
 - ✓ Is the CEO of a duly incorporated co-operative, corporation or religious association that is assessed and not exempt from taxation

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**Candidate Disqualification
(LGEA 43)**

- ⊗ A person cannot be nominated for more than one office within a municipality
- ⊗ As mentioned earlier, a person cannot be a judge of any court, the auditor or solicitor of the municipality
- ⊗ A council member cannot be an employee of the municipality or an employee of any committee, business improvement district or controlled corporation of the municipality
 - If a municipal employee wishes to run for council, they are required to take a leave of absence to seek office
 - If elected, they must resign their employment from the municipality

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Summary

- Council has a limited role in the municipal election process
- The administrator is the Returning Officer (RO) unless council has appointed another person
- The RO is responsible for appointing all other election officials to conduct the municipal election and council is responsible for setting the remuneration of election officials
- The RO must appoint at least one Deputy Returning Officer (DRO) and one Poll Clerk (PC) for each polling place
- Voter requirements for municipal elections differ between the different types of municipalities
- Candidate requirements also differ between the several types of municipalities
- Understanding and communicating election requirements for your municipality is key

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Coming up next...

In Part 2 we will cover:

- Actions required leading up to election day
- Election notices and other forms
- Nomination day and outcomes

In Part 3 we will cover:

- Election day
- Post-election activities

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