


Local Government Elections

Election Day and Post-Election Processes

Part 3 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. Ensure you have the most current copy of each of the above downloaded from the Publications Centre found on saskatchewan.ca.

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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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Election Day and Post-Election Processes

- Voter identification
- Conduct of the vote
- Counting of ballots
- Post-count activities

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IMPORTANT DATES	Cities, Towns, Villages and Rural Municipalities Northern Municipalities	Resort Villages
Nomination Day	Wednesday, October 7, 2020	Saturday, June 20, 2020
Call For Further Nominations <small>(if required)</small>	Wednesday, October 21, 2020	Saturday, July 4, 2020
Election Day	Monday, November 9, 2020	Saturday, August 29, 2020

Polling Hours are 9:00 am - 8:00 pm on Election Day

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Municipal Election Day



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Prior to Opening Polls (LGEA 101)

- Deputy Returning Officer (DRO) must be at the polling place **at least 30 minutes prior** (15 minutes for RMs) to set up
- The DRO must also:
 - ✓ Set up voting compartment(s)
 - ✓ Ensure a black lead pencil is provided in each voting compartment
 - ✓ **Post Form O and Form P**

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Opening Poll (LGEA 102)

- The DRO will show the ballot box is empty to those present prior to closing and sealing the box
- If the same ballot box was previously used at an Advance Poll, the DRO will first show the seal signed by the Advance Poll election officials to any candidates, agents and other election officials present before it is sliced open to be used

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BEST PRACTICE TIP



If using cardboard ballot boxes, ensure that **each** edge is sealed. You may also consider labelling each seal with:

- Name of the municipality
- The date and time the seal is placed
- Signatures of the DRO and Poll Clerk (PC), and candidates and/or agents that may be in attendance

By labeling each seal with the information above, a further safeguard is in effect.

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Agents

(LGEA 103-104)

- A candidate may appoint an agent to act on their behalf by completing **Form T – Appointment of Candidate’s Agent**
- Any candidate or agent who will be present in the polling place during the conduct of the vote must complete **Form U – Declaration of Candidate or Agent** prior to entering the polling place
- During polling hours, the candidate and up to two of their appointed agents may be in the polling place

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Voting Procedures

(LGEA 110)

- A person is not entitled to vote unless they provide valid identification to prove their identity
- If no voter’s list is used, a person is not entitled to vote until they complete **Form R – Voter’s Registration Form**
- Voters have three options to prove his or her identity (name and address) that we will discuss on the next slide

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Options to Prove Identity

OPTION 1	OPTION 2	OPTION 3
One piece of government-issued photo ID that shows name and address	Two pieces of ID that shows the voter's name and address if not all contained in photo ID	A qualified voter vouches for the person without ID by completing Form B – Vouching for Identity
<i>Example:</i> SGI-issued Driver's Licence	<i>Example:</i> Health card with municipal tax notice	<i>Example:</i> Neighbour for neighbour

Ensure to review Appendix D Table 1 of the LGEA Regs to see **all** acceptable forms of ID

Once a qualified voter vouches for another person, they cannot vouch for anyone else **unless** the person being vouched for lives at the same address and is a family member (review Appendix D Table 2 in the LGEA Regs). Candidates, agents and election officials cannot vouch for anyone.

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BEST PRACTICE TIP

Acceptable **photo identification** is ID that is:

- Government-issued
- Valid (non-expired)
- Provides the name and address in addition to photo

Although there are different options available to confirm one's identity as set out in the LGEA, a Saskatchewan driver's licence (or non-driver's photo ID issued by SGI) ticks all the boxes in **one piece** of identification.

A Canadian passport alone does not contain a person's address; therefore, another document like a phone bill that contains the name and address is needed.

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Voting Procedures (LGEA 113-116)

- Once the voter's identity has been confirmed and **Form R** complete (if not using a voter's list) the DRO will:
 - ✓ Make the appropriate entries into the poll book
 - ✓ Place his or her initials in the box on the reverse side of the ballot
 - ✓ Provide the ballot to the voter

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- The voter will:
 - ✓ Proceed to the compartment for voting
 - ✓ Place a cross or other mark in the circle opposite the name of the candidate
 - ✓ Fold the ballot to conceal the face of the ballot and expose the DRO initials
 - ✓ Deliver the folded ballot to the DRO

If the voter requests, the DRO or PC must explain the proper method of voting.

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- Once the ballot has been delivered back to the DRO, the DRO will:
 - ✓ Verify that their initials are on the ballot without unfolding it
 - ✓ Deposit the ballot in the ballot box
 - ✓ If using **Form Q – Poll Book**, indicate that the voter has voted in the appropriate column(s)
 - ✓ If using the poll book portion of **Form R – Voter's Registration and Poll Book**, number the registration form and fasten it to the other registration forms

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Objections to Eligibility to Vote (LGEA 112)

- Candidates or agents may object to the eligibility of a voter who has not yet voted
- Objections are to be directed to the DRO only
- A reason for the objection is not required
- An objection does not automatically disqualify the voter




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• After an objection is made, the DRO will:

- ✓ Ask the voter to complete **Form R – Voter’s Registration and Poll Book**
- ✓ Record the objection and the name of the person who raised it in the poll book
- ✓ Initial the entry made in the poll book
- ✓ If using **Form Q – Poll Book**, indicate that the person has voted in the appropriate column(s)
- ✓ If using the poll book portion of **Form R – Voter’s Registration and Poll Book**, number the registration form and fasten it to the other registration forms



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Special Situations during Voting (LGEA 117-126)



- Forfeiture of Vote
- Incorrect Polling Place
- Spoiled Ballot
- Voters Requiring Assistance to Vote
- Inaccessible Polling Place
- Interpreters
- Declined Ballot

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Forfeiture of Vote (LGEA 117)

- A person forfeits their right to vote if they do either of the following:
 - ✓ leaves or attempts to leave without returning the ballot to the DRO
 - ✓ Intentionally deals with the ballot in a way that it cannot be used to indicate properly their intention to vote
- The DRO will:
 - ✓ Record the forfeiture in the poll book with the reason
 - ✓ Write “forfeited” on the ballot and place it in the envelope marked “Forfeited and Declined Ballots”

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Spoiled Ballot (LGEA 118)

- A voter who has *unintentionally* spoiled their ballot in such a way that it cannot be used to properly indicate their vote can return the ballot to the DRO
- The DRO will write “spoiled” on the ballot and place in envelope marked “Spoiled Ballots”
- The DRO will supply the voter with a new ballot

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Voters Requiring Assistance to Vote (LGEA 123)

- A voter may require help if they are unable to vote according to manner set out in s. 113-116 of the LGEA
- The DRO will provide **Form V – Declaration of Voter Unable to Vote in the Manner Described in the Act** to those who request assistance

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1. The voter may vote with the assistance of the DRO either within or outside the voting compartment
 - The DRO marks ballot with the voter’s wishes in the presence of only the PC and agents
2. The voter may vote with the assistance of a friend who must complete **Form X – Declaration of Friend**
 - The friend will accompany the voter into voting compartment to mark the ballot with the voter’s wishes
3. The voter has a visual impairment and wishes to cast their vote without assistance
 - The DRO provides **Form W – Template for Use of Visually Impaired Voters**

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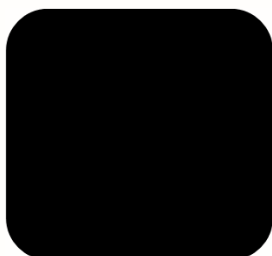
Declined Ballot (LGEA 126)

- A voter may decide not to mark their ballot and return it to the DRO
- If the voter indicates to the DRO that it is unmarked, the DRO will:
 - ✓ Write "declined" on the ballot
 - ✓ Place it in an envelope marked "Declined Ballots"
 - ✓ Indicate the returned ballot in the Poll Book and initial

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Close of Poll



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Close of Poll Procedure (LGEA 128)

The DRO must:

- Certify the total number of persons who have voted at the poll
- Open the ballot box(es) in the presence of the PC, any candidates or their agents in attendance and the RO (if in attendance)
- Examine each ballot individually



Only the candidate or their agent may be in the polling place after the polls have closed to observe the count. It is good practice to review the procedures with those in attendance.

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Close of Advance Poll (LGEA 85)

- At the close of an Advance Poll, the DRO will seal the ballot box so no other ballots can be placed in the box
- The ballot box will remain sealed until either:
 - ✓ The opening of poll on election day if the same ballot box is used for election day
 - OR**
 - ✓ The close of polls on election day to count the ballots at the place designated by the RO
- The DRO will also seal all election records, supplies and materials in a separate locked container and provide it with the ballot box to the RO for safekeeping until election day

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Reconcile Ballots

OPTION 1	OPTION 2
Total number of unused, spoiled and declined ballots	Total number of spoiled ballots, declined ballots and number of voters as per the poll book
+	-
Total number of voters who cast ballots	Number of ballots from the start of the poll
=	=
Number of ballots provided to the DRO when the poll opened	Number of unused ballots

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Count Process

- The DRO is the **only** person to handle a ballot
- DRO examines the ballot and decides if ballot is **rejected** or **counted**
- A candidate (or agent) may object to DRO's decision
- Official tally sheet is prepared by election official (PC)

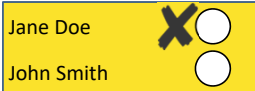
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Rejected Ballots (LGEA 129)

- The DRO must reject every ballot that:
 - ✓ The voter marked more votes than they are entitled to make
 - ✓ Can identify the voter by anything written or marked on the ballot
 - ✓ Can identify the voter by the ballot being torn, defaced or treated improperly
 - ✓ No vote is marked

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- A ballot must not be rejected if it is marked with something other than an "X"
- A ballot must not be rejected if the voter marked their ballot completely or partly out of the circle opposite the candidate's name

If the voter's mark on the ballot clearly indicates an intent to vote for the candidate opposite whose name the mark is placed, the DRO must not reject the ballot.

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Missing DRO Initials (LGEA 131)

- If an examined ballot is missing the DROs initials, the DRO may initial the ballot and count it **if** they are satisfied of all of the following:
 - ✓ They provided the ballot to a voter intending to vote
 - ✓ The omission of their initials was by mistake
 - ✓ The ballot is needed to balance to the total number ballots supplied

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Objection to Ballot (LGEA 132)

- A candidate or their agent may object to a ballot rejected or the refusal of the DRO to reject a ballot
- After an objection is made, the DRO will:
 - ✓ Number the objection by placing a number on the reverse side of the ballot with their initials
 - ✓ Record the objection in the poll book with the same number on the ballot (if **Form R** was used in the election, record on a separate piece of paper)
 - ✓ Initial the note made in the poll book
 - ✓ Note the ballot with "rejection objected to" or "counting objected to" as appropriate

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Post Count Activities (LGEA 133 and 135)

- After all ballots are counted, the DRO will complete:
 - ✓ **Form Z – Deputy Returning Officer’s Statement of Results** in duplicate for each office an election was held for
 - ✓ **Form BB – Declaration of Poll** to be attached to the poll book



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Materials in Packets (LGEA 136)

- Separate packets are required for each office that an election was held
- Each packet must contain separate envelopes for each of the following:
 - ✓ Counted Ballots – No Objection
 - ✓ Counted Ballots – Subject to an Objection
 - ✓ Rejected Ballots
 - ✓ Spoiled and Declined Ballots
 - ✓ Unused Ballots

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BEST PRACTICE TIP



As the Returning Officer, provide pre-labeled envelopes and packets to your DRO to assist in the post-count activities. DROs must remember to seal each envelope and packet before placing it in the ballot box to be retained for 3 months.

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- After all ballot packets are complete, the DRO will place all of the following in the ballot box:
 - Sealed Ballot Packets
 - Poll Books
 - Voter registration forms
 - Any other election forms received
 - Form Z – DRO’s Declaration of Results** (original copy)
- The DRO will seal the ballot box once all items are placed in it and deliver it to the RO.*

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Declaration of Results (LGEA 139-140)

- The RO determines results of the election based on the number of votes provided on **Form Z** received from all DROs
- The RO will complete **Form CC – Declaration of Results** to be posted in the municipal office and provide a separate copy to the municipal council
- As soon as possible, the administrator must:
 - Provide the election results to the Ministry of Government Relations
 - Update the Municipal Directory System


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Tie Vote
(LGEA 141)


- If two or more candidates have an equal number of votes, the RO will:
 - ✓ 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 so that the names are concealed
 - ✓ Deposit them in a receptacle
 - ✓ Direct a person to withdraw one of the sheets

The candidate whose name is on the sheet is declared elected

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Safekeeping of Election Materials
(LGEA 142)

- RO delivers the ballot boxes and duplicate **Form CC** to the administrator for all offices an election was held for
- The municipal administrator is responsible for safekeeping election materials when an election is complete
- The contents of the ballot boxes must be kept for three months after election day
- The nomination forms for all of the candidates must be kept for the duration of the term of office (four years from the first meeting of council)

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Recount
(LGEA 158-159)

- A recount would allege errors were made by the DRO during the ballot count procedure that may impact the outcome of the election
- A voter must apply to the RO by completing **Form MM – Notice of Request for Recount** within 10 business days of the declaration of election results
- The RO completes **Form NN – Certificate of Returning Officer (re: Request for Recount)** within 4 business days of receiving **Form MM**
- The RO presents **Form NN** to a judge and provides a copy to the voter requesting the recount

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**Offences in Election
(LGEA 169-184)**

- LGEA details certain actions as an offence that include (but not limited to):
 - mismanaging ballots
 - compromising voter secrecy
 - interfering with voters
 - printing, displaying or distributing unidentified election advertising
 - furnishing false or misleading information to an election official

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*The Local Government
Election Act, 2015*
Part XI.1

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**Controverted Elections
(LGEA 185.1 – 185.8)**

- Actions undertaken are pursued directly through the courts
- Offences include:
 - ✓ Bribery
 - ✓ Threats
 - ✓ Becoming an eligible voter for the purpose of influencing the outcome of the election
- Penalties may include fines, the loss of the seat, and being disqualified from running for office for a period of four years

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Summary

- Identification provided must confirm **both** the name and address in either one piece of government-issued photo ID or two pieces of non-photo ID
- Candidates and agents can be present during the vote, but only one or the other may be present for the count
- Explain the close of polls and count process to candidate(s) and agent(s) present
- Organization is key – ensure all election materials including all necessary envelopes for ballots are readily available for DROs on election day
- Maintaining an accurate poll book to reflect the conduct at the election for **all** polls is important
- Report the election results online regardless if members were acclaimed or elected

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