BILL

No. 166

An Act respecting Elections in Municipalities and School Divisions and making consequential amendments to other Acts

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SCHEDULE

(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I
Preliminary Matters

Short title

1 This Act may be cited as *The Local Government Election Act, 2014*.

Interpretation

2(1) In this Act:

"administrator" means an administrator of a municipality appointed pursuant to *The Municipalities Act*, an administrator or clerk of a northern municipality appointed pursuant to *The Northern Municipalities Act, 2010*, a City Clerk appointed pursuant to *The Cities Act* or a commissioner or clerk appointed pursuant to *The Lloydminster Charter*;

"board" means a board of education within the meaning of *The Education Act, 1995*;

"board member" means a member of a board;

"business day" means a day other than a Saturday, Sunday or holiday;

"by-election" means an election held to fill a vacancy in the office of mayor, reeve, councillor or board member on a day named pursuant to section 11 or 12;

"candidate" means a person nominated in accordance with this Act for election to a council or board;

"chief enumerator" means the person who is chief enumerator pursuant to section 54;

"clerk" means the clerk or administrator of a municipality;

"council" means the council of a municipality;

"councillor" means a member of council other than the mayor or reeve;

"court" means, other than in section 43, the Court of Queen's Bench;

"deputy returning officer" means a deputy returning officer appointed pursuant to section 48;

"division" means a division of a rural municipality established pursuant to Part IV of *The Municipalities Act*;

"election" means:

(a) an election of members of council;

(b) an election of board members; or

(c) a vote of voters for approval of a bylaw or resolution or to obtain their opinion on any question or resolution submitted to them, pursuant to *The Cities Act*, *The Municipalities Act*, *The Northern Municipalities Act, 2010*, *The Lloydminster Charter* or *The Education Act, 1995*, as the case may be;

and includes a by-election;

"election day" means:

(a) in the case of a general election, a date set pursuant to section 10;

(b) in the case of a by-election, a date set pursuant to sections 11 and 12; and

(c) in the case of a vote with respect to a bylaw, resolution or question pursuant to Part IX, a date set pursuant to section 146;

"election official" includes a returning officer, deputy returning officer, poll clerk, revising officer, associate returning officer, nomination officer, enumerator, constable and any other supervisory officer and assistant appointed pursuant to section 48, 49 or 54;

"election procedure bylaw" means a bylaw passed by a council or board pursuant to section 147;

"elector" means a person described in section 36 who is eligible to vote in an election;

"enumerator" means an enumerator appointed pursuant to section 54;

"general election" means:

(a) an election held pursuant to section 10; or

(b) a first election held in a newly established municipality or school division;

"hospital" means a facility designated as a hospital pursuant to *The Regional Health Services Act* that has five or more patient or resident beds and includes any free-standing facility that is designated pursuant to subsection 4(1) of *The Mental Health Services Act* and that:

(a) serves persons who are patients pursuant to that Act; and

(b) has five or more patient beds;

"judge" means a judge of the court sitting at the judicial centre nearest to which the municipality or school division is situated;

"member" means a mayor, reeve, councillor or board member, as the case may be;

"minister" means, other than in section 23, the member of the Executive Council to whom for the time being the administration of this Act is assigned;

"municipality" means a municipality as defined in *The Municipalities Act* or *The Northern Municipalities Act, 2010* or a city as defined in *The Cities Act*, and includes the City of Lloydminster;

"newspaper" means a printed publication or local periodical that is distributed at least weekly in a municipality or area that is affected by a matter with respect to which a provision of this Act requires publication in a newspaper, but does not include:

(a) a publication exclusively for advertising; or

(b) an advertising supplement to or contained in a newspaper;

"nomination day" means:

(a) in the case of a general election, the day set in accordance with section 73;

(b) in the case of a by-election, the day set in accordance with section 11;

"nomination paper" includes any required attachments;

"northern school division" means a school division located in the Northern Saskatchewan Administration District;

"personal care facility" means a personal care home licensed pursuant to *The Personal Care Homes Act*, a special-care home designated pursuant to *The Regional Health Services Act*, a residential-service facility licensed pursuant to *The Residential Services Act* or an approved home as defined in *The Mental Health Services Act*, but only if the home or facility accommodates or cares for at least five individuals;

"polling area" means a polling area established pursuant to section 22;

"polling place" means a polling place named or established pursuant to section 22, 24, 28 or 29;

"prescribed form" means a form prescribed in the regulations;

"property" means land or improvements or both;

"public school board" means the board of a public school division;

"public school division" means a public school division as defined in *The Education Act, 1995*;

"rejected ballot" means a ballot rejected by the deputy returning officer pursuant to this Act;

"returning officer" means a person appointed as a returning officer pursuant to section 47;

"school division" means a school division as defined in *The Education Act, 1995*;

"separate school board" means the board of a separate school division;

"separate school division" means a separate school division as defined in *The Education Act, 1995*;

"spouse" means a person's legally married spouse or someone with whom the person cohabits and has cohabited as a spouse in a relationship of some permanence;

"vacancy" means an elected office for which there is no duly elected incumbent;

"voter" means a person described in section 36 who is eligible to vote in an election;

"voters list" means a list of voters prepared pursuant to section 54;

"voter's registration form" means a voter's registration form in the prescribed form;

"ward" means:

(a) a ward described in Division 2 of Part V of *The Cities Act*, Division 2 of Part V of *The Municipalities Act* or Division 2 of Part 5 of *The Lloydminster Charter*; or

(b) a sub-division described in section 40 of *The Education Act, 1995*.

(2) References in this Act to time of day are references to the local time of the municipality or school division to which the reference relates.

(3) Terms used in this Act and not defined in this section have the meanings ascribed to them in:

(a) *The Cities Act*, with respect to an election involving a city;

(b) *The Municipalities Act*, with respect to a municipality governed by that Act;

(c) *The Northern Municipalities Act, 2010*, with respect to a municipality governed by that Act;

(d) *The Lloydminster Charter*, with respect to the City of Lloydminster; or

(e) *The Education Act, 1995*, with respect to school divisions.

(4) Subject to subsection (5), for the purposes of this Act, a school division is wholly or substantially within a municipality if:

(a) at least 80% of the geographic area of the school division is within the municipality; or

(b) a majority of the schools operated by the school division are within the municipality.

(5) For the purposes of this Act, a separate school division is wholly or substantially within a municipality only when the public school division within which it is situated is wholly or substantially within a municipality.

Rules of residence

3 For the purposes of this Act:

(a) the residence of a person is the place in which the person's habitation is fixed and to which, when the person is absent from that place, he or she has the intention of returning;

(b) a person who is temporarily absent from the place where the person's habitation is fixed does not lose his or her residence;

(c) no person, while he or she remains in Saskatchewan, loses his or her residence until he or she has acquired another residence; and

(d) no person has more than one residence in Saskatchewan and, if the person has more than one home in Saskatchewan, he or she shall elect one home as his or her residence.

Ordinary residence - Canadian Forces, students

4(1) In this section:

(a) **"Canadian Forces"** means the Canadian Forces within the meaning of the *National Defence Act* (Canada);

(b) **"member of the Canadian Forces"** means:

(i) a member of the regular force or the special force of the Canadian Forces; or

(ii) a member of the reserve force of the Canadian Forces who is on full-time training or service or on active service.

(2) If a person leaves his or her residence in Saskatchewan to serve as a member of the Canadian Forces outside Saskatchewan, the person is deemed:

(a) to be ordinarily resident in the place in which he or she was resident immediately before leaving Saskatchewan; and

(b) to continue to have that ordinary residence while serving as a member of the Canadian Forces.

(3) If a person leaves his or her residence in Saskatchewan to serve as a member of the Canadian Forces elsewhere in Saskatchewan, that person is, while serving as a member of the Canadian Forces in Saskatchewan, deemed to have one of the following as his or her place of residence:

(a) the place where he or she was last ordinarily resident;

(b) the place where he or she is residing.

(4) If a person leaves his or her residence in a province or territory other than Saskatchewan to serve as a member of the Canadian Forces in Saskatchewan, that person is, while serving as a member of the Canadian Forces in Saskatchewan, deemed to have acquired an ordinary residence in Saskatchewan for the duration of his or her service.

(5) If a person leaves his or her residence because he or she lives with a person mentioned in subsection (2), (3) or (4) as the spouse or dependant of that person, his or her place of residence may be determined as follows:

(a) in the case where the spouse or dependant lives with a person mentioned in subsection (2) or (4), he or she is considered to be resident in the place where the person mentioned in subsection (2) or (4) resides; or

(b) in the case where the spouse or dependant lives with a person mentioned in subsection (3), he or she is considered to be resident in one of the places mentioned in clauses (3)(a) and (b).

(6) If a person leaves his or her place of residence in Saskatchewan to study at an educational institution outside Saskatchewan, the person is deemed to be ordinarily resident in the place in which he or she was resident immediately before leaving Saskatchewan and is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies.

(7) If a person leaves his or her place of residence in Saskatchewan to study at an educational institution elsewhere in Saskatchewan, the person is deemed to be ordinarily resident in the two following places:

(a) in the place where he or she was residing immediately before leaving to pursue his or her studies, and the individual is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies;

(b) in the place to which he or she has moved for the purpose of pursuing his or her studies and in which he or she was residing on the day on which the writ was issued.

(8) If a person leaves his or her place of residence in another province or territory of Canada to study at an educational institution in Saskatchewan, the person is deemed to have acquired an ordinary residence in Saskatchewan for the duration of his or her studies.

Application of *The Controverted Municipal Elections Act* to board elections

5(1) All proceedings for contesting an election or voting on a bylaw or question pursuant to this Act are to be taken pursuant to *The Controverted Municipal Elections Act*.

(2) The validity of the election of a board member may be contested before a judge by any person entitled to vote at the election, and *The Controverted Municipal Elections Act* applies, with any necessary modification, to that contested election.

Act prevails

6(1) Except insofar as they are inconsistent with this Act, *The Municipalities Act*, *The Cities Act*, *The Northern Municipalities Act, 2010*, *The Education Act, 1995* and *The Lloydminster Charter* apply, with any necessary modification, to a municipality or school division.

(2) If there is any conflict between this Act and any other Act, this Act prevails, except in relation to the election of boards of trustees of school districts pursuant to *The Education Act, 1995*.

Extension of time

7(1) Except with respect to nomination day or election day, if a certain date is set in this Act on or by which certain things are to be done or proceedings to be taken and it appears that the date was set having regard to an earlier date on or by which certain other things are to be done or proceedings taken, then, notwithstanding any other provision of this Act, if a default is made with respect to the earlier date, a like delay is allowed with respect to the later date.

(2) If a thing required pursuant to this Act to be done at or within a set time cannot be or is not done, the minister may, by order, appoint a further or other time for doing the thing, whether the time within which it ought to have been done has or has not expired, and a thing done within the time appointed by the minister is deemed to have been done within the time set pursuant to this Act.

Results not invalidated

8(1) Subject to subsection (2), no election is to be deemed or declared invalid by reason of:

(a) non-compliance with the provisions of this Act with respect to the holding of the poll or the counting of the votes;

(b) mistakes in the use of forms; or

(c) any inadvertent errors or irregularities.

(2) Subsection (1) applies only if it appears to the court that an election was conducted in accordance with the intent of this Act and that the non-compliance, error or irregularity did not affect the result of the election.

(3) Nothing in this section prevents or affects any remedy that any person has pursuant to *The Controverted Municipal Elections Act*.

Posting of notices

9(1) Notices required to be posted by this Act are to be posted in the following manner:

(a) in a conspicuous public location in the buildings that are the main office of the municipality or school division;

(b) in the office of the returning officer, if that office is different from the location described in clause (a).

(2) Subject to subsection (4), in addition to posting pursuant to subsection (1), a notice mentioned in that subsection is to be published, in the case of an election of:

(a) members of a council of a municipality, in at least one issue of one or more newspapers having general circulation in the municipality;

(b) board members, in at least one issue of one or more newspapers having general circulation in the school division;

(c) in the case of an election in a municipality or school division that is not divided into wards, to be posted in one or more conspicuous locations in the municipality or school division that are different from the location described in clause (1)(a); and

(d) in the case of an election in a municipality or school division that is divided into wards, to be posted in one or more conspicuous locations in each ward within which an election is to be held and in one or more additional conspicuous locations within the municipality or school division that are different from the location described in clause (1)(a).

(3) In addition to the requirements for posting and publication mentioned in subsections (1) and (2), the returning officer may publish the notice in the form of an announcement on a radio or television station received in the area or on a website or by other electronic means.

(4) If all or part of the contents of the notice are distributed by mail or delivered to all resident voters of the municipality or school division, as the case may be, or if reasonable actions are taken to mail or deliver the notice to all resident voters, the contents of the notice that is distributed or delivered need not be published in a newspaper.

PART II
Proceedings Preliminary to Elections

General elections

10(1) Subject to subsections (2) to (4), a general election must be held on October 26, 2016 and after that date at intervals of every four years on the fourth Wednesday of October.

(2) In resort villages, a general election of a council must be held on July 30, 2016 and after that date at intervals of every four years on the last Saturday of July.

(3) The council of a northern municipality or the board of a northern school division may, at least 90 days before the day on which a general election is to be held, set one of the following days as the day on which a general election is to be held:

(a) the second last Wednesday in September;

(b) the last Wednesday in September; or

(c) the first Wednesday in October.

(4) In a rural municipality, the election of members of council:

(a) in the case of odd-numbered divisions and the election of reeves, must be held on October 26, 2016 and after that date at intervals of every four years on the fourth Wednesday of October; and

(b) in the case of even-numbered divisions, must be held on October 24, 2018 and after that date at intervals of every four years on the fourth Wednesday of October.

By-elections

11(1) Subject to sections 12 and 15, if a vacancy occurs on a council or board, that council or board shall, at its next meeting, set a date for the holding of a by-election to fill the vacancy, and that date must be within six months after the date on which the vacancy occurred.

(2) If a by-election is held pursuant to subsection (1), that by-election must be held, as nearly as possible, in accordance with the provisions of this Act respecting general elections.

(3) Nomination day for a by-election held pursuant to subsection (1) must be set in accordance with section 73.

(4) If the council of a municipality neglects or refuses to comply with this section, the minister may appoint a returning officer and set a date for an election to fill the vacancy.

By-election to fill vacancy on board situated in municipality

12(1) If a school division is situated wholly or substantially within a municipality and a vacancy occurs on the board, the board shall request the council to set a date specified by the board as by-election day, unless the board and council agree on another day.

(2) Within 30 days after a request pursuant to subsection (1), the council shall set the date specified or otherwise agreed on as by-election day.

Consultation required re by-elections

13 If a vacancy occurs:

(a) on the board of a school division that is not situated wholly or substantially within a municipality, the board shall:

(i) advise the councils of all municipalities situated in the ward or school division in which the vacancy occurs; and

(ii) consult with the councils mentioned in subclause (i) before setting the date on which the by-election will be held to fill the vacancy; or

(b) on a council, the council shall:

(i) advise the board of all school divisions situated in the municipality in which the vacancy occurs; and

(ii) consult with the boards mentioned in subclause (i) before setting the date on which the by-election will be held to fill the vacancy.

Number less than quorum

14(1) If the number of members of a council or board is reduced by death, resignation, invalidation of election or otherwise below the number required to constitute a quorum, the minister or the minister responsible for the administration of *The Education Act, 1995*, as the case may be, may by order do one or both of the following:

(a) appoint a returning officer and set a date for an election to fill the vacancies;

(b) appoint one or more persons to act as members to constitute a quorum and hold office until the vacancies are filled at an election.

(2) Every person appointed pursuant to clause (1)(b) may exercise all the powers and shall fulfil all the obligations of an elected member.

Vacancy in year of a general election

15 Notwithstanding sections 11 and 12, if a vacancy occurs on a council or board on or after January 1 in the year in which a general election is to be held, the council or board may:

(a) proceed to fill the vacancy by a by-election in accordance with those sections; or

(b) decide not to fill the vacancy until the next general election.

Terms of office

16(1) Subject to subsections (4) and (5), the term of office of members elected at a general election commences at the first meeting of the council or board following the general election and, unless their offices are sooner vacated, continues until the first meeting of the council or board following the next general election.

(2) A member elected in a by-election to fill a vacancy holds office for the unexpired term of the person with respect to whom the vacancy arose.

(3) In a rural municipality, the reeve and each councillor hold office for a term of four years commencing at the first meeting of the council following the date of his or her election.

(4) If an order is made pursuant to subsection 61(2) of *The Municipalities Act*:

(a) in the order, the minister may alter the term of office of the mayor, reeve or any councillor; and

(b) if a new election is required, the minister shall, in the order, set the terms of the newly elected members of the council.

(5) If an election is not held in accordance with section 10, the minister, at any time, may, by order, extend the term of the office of any member of council for a time sufficient for an election to be held in accordance with section 10.

(6) If a candidate is declared elected pursuant to section 77 or 78, his or her term of office commences at the first meeting of council following the day of the election for which the candidate was declared elected.

Disestablishment of school division

17 Notwithstanding sections 10 to 16, if a school division is to be disestablished pursuant to section 60 of *The Education Act, 1995* and if the date of disestablishment is later than the date of the next general election:

(a) no election is to be held for the board of that school division during the next general election; and

(b) the term of office of the existing members of the board continues until the school division is disestablished.

Councillors, board members if wards established

18(1) If a city, town, village or resort village has been divided into wards, the voters of each ward shall elect the proper number of councillors as determined pursuant to *The Cities Act*, *The Municipalities Act* or *The Lloydminster Charter*, as the case may be.

(2) The voters of each ward shall elect one board member in the case of:

(a) a school division that has been divided into wards; or

(b) a portion of a school division that has been divided into wards pursuant to section 18 of *The Education Act* or section 40 of *The Education Act, 1995*.

Election at large if no wards established

19 In a municipality other than a rural municipality or a school division or portion of a school division that has not been divided into wards, the voters of the municipality or school division or portion of a school division shall elect the councillors and board members at large.

Mayor and reeve elected at large

20 All voters of a municipality are entitled to vote in an election for mayor or reeve of that municipality, and each voter may vote only once for mayor or reeve.

Board members who represent Indian Reserve

21 Notwithstanding any other provision of this Act, the election of a board member of a school division with respect to an Indian Reserve is to be conducted in accordance with the regulations.

PART III
Polling Places

Determination of polling areas and places

22(1) If a school division is situated wholly or substantially within a municipality, the council shall:

(a) in accordance with section 25, divide the municipality and school division into as many polling areas as it considers necessary for the convenience of voters; and

(b) name the polling place for each polling area.

(2) Subject to subsection (3), if a school division is not situated wholly or substantially within a municipality:

(a) in the case of a by-election or a vote pursuant to Part IX held at a time other than a general election, the council of the municipality or the board of the school division with respect to which a by-election is to be held shall:

(i) in accordance with section 25, divide the municipality or school division into as many polling areas as the council or board considers necessary; and

(ii) name the polling place for each polling area.

(b) in the case of a general election or a vote pursuant to Part IX held at the same time as a general election, the public school board shall:

(i) in accordance with section 25, divide the public school division and any separate school division and municipalities within the public school division into as many polling areas as it, in consultation with the councils of the municipalities, considers necessary; and

(ii) name the polling place for each polling area.

(3) If a school division to which subsection (2) applies includes a city within its boundaries, subsection (1) applies, with any necessary modification, to that portion of the school division located within the city.

(4) Polling areas established pursuant to subsections (1), (2) and (3) must be numbered consecutively by the council or public school board.

(5) In the case of a school division described in subsection (3), the board shall consult with the council of the city to ensure that, if possible, polling areas in the school division are numbered consecutively.

(6) If a school division is required by an order made pursuant to section 23 to conduct a school board election, the school division shall establish a polling station in each municipality affected by the order.

School division to conduct election

23(1) In this section, **"minister"** means the member of the Executive Council to whom for the time being the administration of *The Education Act, 1995* is assigned.

(2) If a municipality is required pursuant to this Act to conduct a school board election and if the municipality, on written application to the minister, satisfies the minister that conducting the election would cause undue hardship for the municipality or that it would be more practical for the affected school division to conduct the election, the minister may, after consulting with the affected school division, issue an order notwithstanding any other provision of this Act:

(a) relieving the municipality of the responsibility of conducting the election; and

(b) requiring the school division to conduct the election.

Polling places in rural municipalities

24 The council of a rural municipality shall name one or more polling places within Saskatchewan for each division.

Criteria for polling areas and places

25(1) Subject to sections 27 to 30 and 124, in a school division and in a municipality other than a rural municipality, polling areas must be established and polling places must be named in such a way that:

(a) all polling areas contain, as nearly as possible, an equal number of voters;

(b) each voter may vote at one polling place on all matters on which he or she is entitled to vote;

(c) there is at least one polling place situated within or close to each polling area;

(d) a polling place is located, if possible, in a place allowing convenient access to persons who have a disability;

(e) if practical, a polling place is located in each municipality; and

(f) if wards are established, each polling area is within only one ward.

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

(3) A polling place for one or more polling areas may be used in addition to polls established pursuant to subsection (1) and may be located anywhere in the municipality.

Change of polling place

26 If any polling place named pursuant to section 22 becomes unavailable, the returning officer shall:

(a) name another place as an alternate polling place; and

(b) by notice posted at the first-named polling place, direct the voters to the alternate polling place.

Discretion re polling place in resort village

27 A board may decide not to establish a polling place in a resort village for the purpose of board elections.

Polling place in resort village

28 In addition to the polling place named in a resort village, the council of a resort village may name one or more polling places outside its boundaries where voters of the resort village may vote, irrespective of their place of residence, with respect to an election in that resort village.

Hospitals and personal care facilities

29(1) A council or a board, by resolution, may do either or both of the following:

(a) establish a polling place in a hospital, personal care facility or similar institution situated within the municipality or school division at which a voter of the municipality or school division who is receiving care in that institution may vote in an election;

(b) permit a voter of the municipality or school division who is receiving care in a hospital, personal care facility or similar institution situated within the municipality or school division to vote in an election by mail-in ballot in accordance with a mail-in ballot voting system established by bylaw or resolution pursuant to section 92, and facilitate the use of mail-in ballots by delivering the ballots to the facility.

(2) The polling place mentioned in clause (1)(a) may be held on election day or on a day in advance of election day.

Procedure for homebound voting

30(1) Subject to subsections (2) and 46(3), a council or board may provide for the attendance of election officials at a voter's residence at any time between the first day of advance polling and the closing of polls on election day to take the vote:

(a) of a voter in the municipality or school division who is unable to attend at an established polling place to vote because he or she has a disability or limited mobility; and

(b) of a resident caregiver of the voter mentioned in clause (a) if:

(i) the resident caregiver is also a voter in the municipality or school division; and

(ii) because of the care required by the voter mentioned in clause (a), the resident caregiver is not able to attend at an established polling place to vote during the time when polls are open for voting.

(2) If a school division is situated wholly or substantially within a municipality and, pursuant to subsection 46(1), the administrator or another person appointed by the council is the returning officer with respect to both the municipal election and the board election, only the council may make provision pursuant to subsection (1) for the taking of votes mentioned in clauses (1)(a) and (b).

(3) If a council or board has made provision for the taking of votes of voters pursuant to subsection (1), a voter who has a disability or limited mobility, or a person acting on behalf of that voter, may apply to the returning officer in accordance with subsection (4):

(a) to have the voter's vote taken in the manner provided for in subsection (1); and

(b) if applicable, to have the resident caregiver's vote taken in the manner provided for in subsection (1).

(4) An application made pursuant to subsection (3) must:

(a) be in writing and in the prescribed form;

(b) be made in the manner and within the time prescribed by the council or board;

(c) set out the voter's name and address and the reason the voter is not able to attend at an established polling place to vote; and

(d) if applicable, set out the name and address of the voter's resident caregiver and the reason the resident caregiver, who is also a voter in the municipality or school division, is unable to attend at an established polling place to vote during the time when polls are open for voting.

(5) If a returning officer receives an application in accordance with this section and is satisfied that the application is proper and complies with this section, the returning officer shall include each voter's name and address, arranged alphabetically or geographically, on a list in the prescribed form of voters entitled to vote at the election pursuant to this section.

(6) When the returning officer has completed the list pursuant to subsection (5), the returning officer shall advise each voter whose name appears on the list in writing in the prescribed form:

(a) that the name and address of the voter has been entered on the list of voters entitled to vote at the election pursuant to this section; and

(b) of the approximate time and the day when the voter's vote will be taken pursuant to this section.

Additional procedures re homebound voting

31(1) The returning officer shall, on receipt of a request in writing from a candidate or an agent of a candidate, provide the candidate or agent of the candidate with a copy of the list completed pursuant to subsection 30(5).

(2) Subject to subsection (3), every residence where a vote is taken pursuant to this section is deemed to be a polling place, and the procedures for voting provided by this Act apply, with any necessary modification, in and to each residence where a vote is taken pursuant to this section.

(3) The candidate or a candidate's agent mentioned in clauses 103(b) and (c) may choose to be present at the residence of a voter voting pursuant to this section.

(4) If wards have been established in a school division where an election is to be held, the returning officer shall maintain separate ballot boxes for each ward for the purposes of this section.

(5) In a rural municipality, the returning officer shall maintain separate ballot boxes for each division for the purposes of this section.

(6) If the council or board makes provision for the taking of the votes of voters pursuant to subsection 30(1), the returning officer shall include, in the notice of poll given pursuant to section 81, particulars of the provisions that will be made to enable voters to vote pursuant to this section.

Use of ballot boxes

32(1) Subsection (2) applies if the returning officer is of the opinion that:

(a) only a small number of voters are likely to vote:

(i) at an advance poll;

(ii) at a polling place established pursuant to section 29; or

(iii) pursuant to section 30; and

(b) it may be possible to determine for which candidate any of the voters voted.

(2) In the circumstances mentioned in subsection (1), the returning officer may, notwithstanding any other provision of this Act, provide for the use of the same ballot box or boxes:

(a) at the advance poll;

(b) at a polling place established pursuant to section 29;

(c) for voting pursuant to section 30; and

(d) for voting on election day.

(3) If the returning officer uses any ballot box pursuant to subsection (2), the returning officer shall comply with the regulations governing the use of the ballot box for taking the votes of voters in those circumstances.

Expenses of election

33(1) All reasonable expenses incurred in providing for the holding of an election pursuant to this Act must be paid:

(a) in the case of municipal elections, by the municipality;

(b) in the case of board elections, by the school division;

(c) in the case of the same officials, facilities and election materials being used for both municipal and board elections, in proportion to the value of the services used in relation to the municipal and board election, respectively; and

(d) in the case of the same officials, facilities and election materials being used for both public school board elections and separate school board elections, in proportion to the value of the services used in relation to the public school board election and the separate school board election, respectively.

(2) If, pursuant to clauses (1)(c) and (d), there is disagreement as to the amount or proportion of the expenses to be paid by the parties, the matter shall be determined by the Saskatchewan Municipal Board at the request of either party, and the decision of the Saskatchewan Municipal Board is final.

(3) Notwithstanding clauses (1)(c) and (d), a council and a board may enter into any arrangements with respect to the sharing of costs and the provision of services and facilities necessary for the holding of an election.

Disclosure of campaign contributions and expenses

34 At least 60 days before an election, a council, by bylaw, or a board, by resolution, may do either or both of the following:

(a) establish disclosure requirements respecting campaign contributions and expenses;

(b) establish election campaign spending limits.

Agreement with Chief Electoral Officer

35 For the purposes of carrying out this Act, a council or board may enter into agreements with the Chief Electoral Officer of Saskatchewan with respect to supplies, equipment, services or any other assistance that a council or board may require.

PART IV
Voters and Candidates

DIVISION 1
Voters

Eligibility to vote

36(1) A person is eligible to vote in a municipality or school division who, on election day:

(a) is a Canadian citizen;

(b) is at least 18 years of age;

(c) in the case of a municipality other than a resort village or rural municipality, has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election and:

(i) has resided in the municipality for at least three consecutive months immediately preceding the day of the election; or

(ii) is the owner of assessable land situated in the municipality for at least three consecutive months immediately preceding the day of the election;

(d) subject to subsection (2), in the case of a school division:

(i) has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election; and

(ii) has resided in the school division for at least three consecutive months immediately preceding the day of the election; and

(e) in the case of a rural municipality:

(i) has resided in the municipality for at least three consecutive months immediately preceding the day of the election;

(ii) is the assessed person with respect to property situated in the municipality pursuant to section 207 of *The Municipalities Act*;

(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 *The Municipalities Act*;

(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; and

(f) in the case of a resort village:

(i) has resided in the resort village for at least three consecutive months immediately preceding the day of the election;

(ii) is the owner of assessable land situated in the resort village for at least three consecutive months immediately preceding the day of the election;

(iii) is the lessee of land in the resort village for at least three consecutive months immediately preceding the day of the election; or

(iv) is the spouse of a person mentioned in subclause (i), (ii) or (iii).

(2) To be eligible to vote in any election held in a separate school division, the person shall, in addition to the requirement set out in subclause (1)(d), be of the religious faith of the minority that established that separate school division, whether Protestant or Roman Catholic, and, on being registered as a voter in that separate school division, that person is not eligible to vote in any other school division.

(3) A person who is registered as a voter in a public school division is not eligible to vote in any other school division.

(4) The Lieutenant Governor in Council may make regulations respecting any other matter necessary for determining a person's eligibility to vote.

One vote per voter and exceptions

37(1) Subject to subsection (2), a voter may vote only once during an election.

(2) A person who is eligible to vote in more than one municipality is entitled to vote at the election in each of those municipalities.

Voting in wards

38(1) If wards are established, a voter may vote:

(a) in the case of a school division, only in the election with respect to the ward in which the voter resides; or

(b) in the case of a municipality, in the ward in which the voter:

(i) resides;

(ii) is the owner of assessable land in the case of a municipality other than a resort village in which the voter does not reside; or

(iii) is the owner or lessee of assessable land in the case of a resort village.

(2) A voter who is the owner of assessable land in more than one ward in a municipality in which the voter does not reside is eligible to vote only in the ward in which the total assessment of the voter's land is highest.

(3) A voter described in subsection (2) shall:

(a) obtain a certificate from the municipal assessor indicating in which ward the voter is eligible to vote; and

(b) present the certificate obtained pursuant to clause (a) to the deputy returning officer when the voter attends the polling place to vote.

Divisions where voters eligible to vote

39(1) The division of a rural municipality with respect to which a person is eligible to vote is determined in accordance with this section.

(2) Notwithstanding any other provision of this Act, if a person is otherwise eligible to vote with respect to more than one division of a rural municipality pursuant to this section:

(a) that person is eligible to vote only with respect to one division in the rural municipality; and

(b) the division with respect to which the person is eligible to vote is determined by establishing which is the first subsection of subsections (3) to (15) to apply to that person.

(3) A person who resides in the rural municipality is eligible to vote at the polling place for the division in which he or she resides.

(4) Notwithstanding that he or she resides outside the rural municipality, a person is eligible to vote at the polling place for a division if he or she:

(a) is assessed with respect to property situated in the division and in that division only; or

(b) is the occupant of a trailer or a mobile home that is the object of a permit required pursuant to section 306 of *The Municipalities Act* in the division and in that division only.

(5) If a person is assessed with respect to property that he or she owns or occupies in two or more divisions but does not reside in any of those divisions, the person:

(a) is eligible to vote at the polling place for the division in which his or her total assessment is the highest; and

(b) in the case of equality of assessment, is eligible to vote at the polling place for the division bearing the lowest number.

(6) If one person is assessed with respect to property jointly held with another person or persons, the total assessed value of that property is to be used with respect to each voter in determining the division in which he or she votes.

(7) Notwithstanding subsection (5), by notifying the administrator in writing before September 1 in any year, a person who does not reside within the rural municipality but is assessed with respect to property situated in two or more divisions may designate the division in which he or she wishes to vote.

(8) If a person makes a designation pursuant to subsection (7), he or she is:

(a) eligible to vote at the polling place for the division so designated; and

(b) bound by the notice given pursuant to subsection (7) as long as he or she continues to be assessed only in the same divisions.

(9) If a person is assessed with respect to property situated in one division and his or her spouse is assessed in another division, either person may designate one of those divisions as the division in which they wish to vote by notifying the administrator in writing before September 1 in any year.

(10) If a person makes a designation pursuant to subsection (9), both spouses are:

(a) eligible to vote at the polling place for the division so designated; and

(b) bound by the notice given pursuant to subsection (9) as long as they continue to be assessed in the same divisions.

(11) The persons mentioned in subsection (9) may change the designation of the division in which they are eligible to vote pursuant to subsection (9) to another division in which one or the other is assessed by notifying the administrator in writing not less than four years before an election is to be held in the division designated in the new notice.

(12) A voter mentioned in subclause 36(1)(e)(i) is eligible to vote in the division in which the voter resides.

(13) A voter mentioned in subclause 36(1)(e)(iv) is eligible to vote in the division in which the spouse of the voter is eligible to vote.

(14) A chief executive officer mentioned in subclause 36(1)(e)(v) who does not reside in the rural municipality:

(a) is eligible to vote at the polling place for the division in which the total assessment of the co-operative, corporation or religious association of which he or she is chief executive officer is the highest; and

(b) in the case of equality of assessment, is eligible to vote at the polling place for the division bearing the lowest number.

(15) A person who is the owner of assessable property in more than one division in a rural municipality in which he or she does not reside:

(a) may obtain a tax notice from the administrator indicating in which division he or she is eligible to vote; and

(b) if the person obtained a tax notice pursuant to clause (a), he or she shall present the tax notice to the deputy returning officer when he or she attends the polling place to vote.

(16) The Lieutenant Governor in Council may make regulations respecting any other matter necessary for determining the division in which a person is eligible to vote.

Duties of administrator in a rural municipality

40 In a rural municipality:

(a) the administrator shall state in the assessment notice to be sent pursuant to section 216 of *The Municipalities Act* the division in which the owner or owners are eligible to vote in an election;

(b) if assessable property is owned jointly by two or more persons, the administrator, in the assessment notice, shall state the division in which each owner of that property is eligible to vote in an election; and

(c) before each general election or by-election, the administrator shall post in his or her office a list of the owners of assessable property and the division in which those persons are eligible to vote.

Voting place

41 Every voter that has not already voted pursuant to section 29, 30 or 92 shall vote:

(a) in a rural municipality, only at the polling place for the division in which the voter is eligible to vote, as established by section 39; or

(b) in a municipality other than a rural municipality, only at the polling place for the polling area in which the voter resides or in which the voter is otherwise eligible to vote, or at a polling place set up in accordance with subsection 25(3).

DIVISION 2
Candidates

Candidates in municipal election

42 A person is eligible to be nominated as a candidate in a municipal election and to hold office as a member of council if the person:

(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 that he or she submits the nomination paper;

(d) has resided in Saskatchewan for at least six consecutive months immediately preceding the date on which he or she submitted the nomination paper and:

(i) in the case of a municipality other than a rural municipality or a resort village, has resided in that municipality for at least three consecutive months immediately preceding the date on which he or she submitted the nomination paper; or

(ii) in the case of a resort village:

(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 he or she submitted the nomination paper; or

(B) has been the owner or lessee of assessable land situated in the resort village, or on land now in that resort village, for at least three consecutive months immediately preceding the date on which he or she submitted the nomination paper; or

(C) is the spouse of a person mentioned in paragraph (A) or (B); and

(e) in a rural municipality, subject to subsection 72(1):

(i) resides in Saskatchewan; and

(ii) is eligible to vote in the rural municipality.

Disqualification

43(1) None of the following persons are eligible to be nominated or elected or to hold office as a member of a council:

(a) a judge of any court;

(b) an auditor or solicitor of the municipality.

(2) No person is disqualified from being nominated, elected or holding office as a member of a council by reason of having an interest in a contract with the municipality.

(3) The following persons may seek nomination to the council, the board or a joint board, as defined in *The Education Act, 1995*, with which the person is employed if the person has first obtained a leave of absence in accordance with clause 2-54(1)(a) of *The Saskatchewan Employment Act*:

(a) an employee of the municipality;

(b) an employee of a board or commission appointed by a council;

(c) an employee of the board of education;

(d) an employee of the joint board.

(4) Notwithstanding clause 2-54(1)(c) of *The Saskatchewan Employment Act*, an employee described in subsection (4) who is elected is deemed to have resigned from his or her position of employment on the day before the day on which he or she is declared elected unless for any reason the results of the election are overturned.

Consequence of disqualification

44 Pursuant to sections 120 to 124 of *The Cities Act*, sections 147 to 151 of *The Municipalities Act*, sections 165 to 169 of *The Northern Municipalities Act, 2010* and section 136 of *The Lloydminster Charter*, a member of a council is disqualified from council if the member:

(a) when nominated, was not eligible for nomination or election as a candidate pursuant to section 42 or 43; or

(b) ceases to be eligible for nomination or election or to hold office pursuant to section 42 or 43.

Candidates in board election

45 A person is eligible to be nominated as a candidate for and hold office as a board member for a school division if the person:

(a) is a voter of the school division on the day of the election;

(b) is a Canadian citizen at the time that he or she submits his or her nomination paper; and

(c) has resided:

(i) in the school division for at least three consecutive months immediately preceding the date on which he or she submitted the nomination paper; and

(ii) in Saskatchewan for at least six consecutive months immediately preceding the date on which he or she submitted the nomination paper.

PART V
Election Officials

Returning officer for elections in school divisions

46(1) If a school division is situated wholly or substantially within a municipality, the returning officer for a general election, a by-election or a vote pursuant to Part IX is the administrator of the municipality with respect to both municipal elections and board elections, unless the council of the municipality, at least 90 days before election day for a general election, or when setting a date for a by-election or a vote pursuant to Part IX, appoints another person as returning officer.

(2) If a school division is not situated wholly or substantially within a municipality, the returning officer for a general election, a by-election or a vote pursuant to Part IX held at the same time as the general election:

(a) for the purpose of the election, held in a municipality within the school division, is the administrator of the municipality, unless the council of the municipality at least 90 days before election day appoints another person as returning officer; and

(b) for the purpose of the school board election, is the person appointed by the board as the returning officer at least 90 days before election day.

(3) Notwithstanding subsection (2), for the purposes of municipal and board elections, the boards of any separate school divisions, the councils of any municipalities within a public school division and the public school board may agree by each passing a complementary bylaw or resolution giving effect to the agreement:

(a) to appoint only one returning officer; and

(b) to provide for taking the votes of voters pursuant to section 30.

(4) If a school division is situated substantially within a municipality, the returning officer, as determined pursuant to this section, has the same authority and jurisdiction with respect to voters in any portion of the school division that lies outside the boundaries of the municipality as the returning officer has with respect to the voters in the municipality.

(5) Notwithstanding any other provision of this Act, if a school division is required by an order made pursuant to section 23 to conduct a school board election, the returning officer is the person appointed by the board as the returning officer at least 90 days before election day.

Returning officer

47(1) The administrator of the municipality is the returning officer unless a council appoints another person as returning officer at least 90 days before election day.

(2) The returning officer is responsible for all matters relating to the election as provided in this Act.

(3) If the returning officer is for any reason unable to act or perform his or her duties, the council or board shall appoint another person to act in that capacity.

(4) A person appointed pursuant to subsection (3) may exercise all the powers, shall perform all the duties and is subject to the same liabilities as the returning officer in whose place the person is acting.

Appointment of election officials

48(1) A returning officer may appoint one or more persons as associate returning officers and may delegate to them any duty or power imposed or conferred on returning officers pursuant to this Act.

(2) A returning officer may appoint one or more persons as nomination officers to receive nominations and issue receipts on behalf of the returning officer.

(3) A returning officer shall appoint, in writing, in the prescribed form:

(a) a deputy returning officer or, if the returning officer considers it necessary, more than one deputy returning officer for a polling place;

(b) a deputy returning officer or, if the returning officer considers it necessary, more than one deputy returning officer for an advance poll;

(c) a deputy returning officer for a polling place established pursuant to section 29;

(d) a deputy returning officer for the purpose of taking the votes of voters pursuant to section 30 if provision has been made pursuant to that section for taking the votes of voters;

(e) a deputy returning officer for the purpose of receiving mail-in ballots, if the council has passed a bylaw pursuant to section 92;

(f) poll clerks; and

(g) any other officials that may be necessary for the conduct of an election.

(4) Notwithstanding subsection (3), a returning officer may act as deputy returning officer in a municipality or school division with a population of less than 200 or in which there is only one polling area.

(5) If a deputy returning officer or any person appointed pursuant to this section is unable to act, the returning officer shall appoint a person to act in the place of that person.

Constables

49 A deputy returning officer or, if there is more than one, the deputy returning officer designated by the returning officer in the deputy returning officer's appointment may appoint a constable to preserve peace and maintain order at a polling place.

Oath or declaration of office

50(1) Every returning officer, before entering on the duties of his or her office, shall take an oath, affirmation or make a declaration in the prescribed form.

(2) Every deputy returning officer, poll clerk, constable or other person appointed to act as an official at an election shall, before entering on his or her duties, take an oath, affirmation or make a declaration in the prescribed form before the returning officer or any person authorized to administer oaths, affirmations or declarations in Saskatchewan.

Poll clerk as deputy returning officer

51 If a deputy returning officer is ill or otherwise unable to act, a poll clerk may act in place of the deputy returning officer.

Remuneration of election officials

52 A council or board shall set the remuneration to be paid to election officials acting with respect to an election.

Prohibition and impartiality

53(1) No candidate shall act as an election official.

(2) All election officials shall act fairly and impartially when performing their duties.

PART VI
Voters List

Preparation of voters list

54(1) Subject to subsection (2), at least 55 days before the day on which a general election is held, the council or board may provide for the enumeration of the names of voters and the preparation of a voters list.

(2) If a school division is located wholly or substantially within a municipality, only the council may provide for the enumeration of the names of voters and the preparation of a voters list.

(3) For the purposes of enumeration, the returning officer is the chief enumerator, unless the council or board otherwise specifically directs.

(4) The chief enumerator shall conduct the enumeration of voters and prepare and revise the voters list.

(5) The chief enumerator may appoint assistants for the purpose of enumerating the names of voters and preparing and revising the voters list.

Use of data from federal or provincial sources

55(1) The council of a municipality may enter into agreements with respect to sharing or using a voters list, or any voter data used for the purpose of creating a voters list, with any officer who is appointed or body that is appointed or established pursuant to an Act or an Act of the Parliament of Canada and who or that is responsible for conducting an election.

(2) Any information obtained pursuant to subsection (1) must be used only for the purpose of preparing or revising a voters list.

Contents of voters list

56(1) The voters list must be in the prescribed form and must state:

(a) each voter's name;

(b) each voter's street address or the legal description of the land located within the municipality;

(c) whether the voter is eligible to vote with respect to the public or separate school division;

(d) in the case of a rural municipality, the division in which the voter is eligible to vote; and

(e) in the case of a municipality that is divided into wards, the ward in which the voter is eligible to vote.

(2) If in the enumeration the enumerator does not indicate the school division with respect to which the person intends to vote, that person is deemed to be a voter of the public school division.

Posting of voters list

57 At least 31 days before the day on which a general election is held, the chief enumerator:

(a) shall cause to be posted in the offices of the board and of the administrator, and in any other public place that he or she considers necessary:

(i) a copy of the voters list; and

(ii) a copy of the notice of revision of voters list in the prescribed form; and

(b) may cause to be posted in a conspicuous place in each ward:

(i) a copy of the voters list for the polling areas in the ward; and

(ii) a copy of the notice of revision of voters list in the prescribed form; and

(c) shall cause notice of the postings mentioned in clauses (a) and (b) to be published at least once in a newspaper having general circulation in the municipality.

Application to strike name

58(1) Any voter may apply to the chief enumerator at least 15 business days before the day on which a general election is to be held to have the name of any person struck off the voters list on the ground that the person is not eligible as a voter.

(2) Every application pursuant to subsection (1) must be in writing and must specify the grounds on which the applicant alleges that the person is not eligible to be a voter.

(3) An application pursuant to subsection (1) may be made by a person on his or her own behalf.

Application to correct error

59(1) In this section, **"applicant"** means a person:

(a) who is eligible as a voter, but whose name does not appear on the voters list;

(b) whose name is listed in error on a voters list;

(c) whose designation as a voter of a public school division or separate school division is incorrect; or

(d) whose name is listed on a voters list in the incorrect division, ward or polling area.

(2) At least 15 business days before the day on which a general election is to be held, an applicant may apply to the chief enumerator to correct the error or omission in the voters list by filing with the chief enumerator a voter's registration form setting out the information necessary to correct the error or omission.

Revised voters list

60(1) At least 10 business days before the day on which a general election is to be held, the chief enumerator shall:

(a) consider all applications made pursuant sections 58 and 59; and

(b) if the chief enumerator considers that a change is necessary, amend the voters list and initial and date each change.

(2) The voters list amended pursuant to subsection (1) is the revised voters list.

Procedure if name deleted

61(1) If the name of a person is deleted from the voters list, the chief enumerator shall immediately cause to be served personally or sent by registered mail to that person, at the mailing address given in the voters list, a notice indicating the reason that the person's name was deleted from the list and advising him or her of the eligibility requirements of a voter set out in section 36.

(2) Subsection (1) does not apply if the name was deleted at the request of the person whose name was deleted or if the deleted name is that of a deceased person.

Errors

62 The chief enumerator may, at any time, correct any errors apparent on the face of the voters list and, if a correction is made, the chief enumerator shall initial and date each correction.

Copies of voters list

63(1) The chief enumerator shall provide, on request, one copy of the voters list to each candidate free of charge.

(2) Subject to section 55, the voters list must only be used as follows:

(a) by election officers for the purpose of carrying out their duties pursuant to this Act or the regulations;

(b) by a candidate, for communicating with voters, including for soliciting contributions and campaigning.

Use of voters list

64 A board or council may use the voters list or revised voters list prepared by either a board or a council in accordance with sections 54 to 63:

(a) at the general election with respect to which the list is prepared; and

(b) at any election or by-election held within four years after the general election described in clause (a).

Duties of chief enumerator re voters list

65 No chief enumerator shall knowingly fail to:

(a) prepare a voters list when requested to do so by council;

(b) enter on the voters list the name of any person whom the chief enumerator knows to be entitled to have his or her name placed on this list;

(c) enter on the voters list any other particulars as provided by this Act;

(d) omit from the voters list the name of any person who is not a voter;

(e) take all reasonable steps to protect against any use of a voters list other than a use authorized by this Act.

PART VII
Nominations

Call for nominations: notice

66(1) At least 10 business days before nomination day, the returning officer shall publish a notice in the prescribed form calling for nominations with respect to the vacancies to be filled by election.

(2) In the case of a school division that is situated wholly or substantially within a municipality and in the case of a school division described in subsection 22(3), the person designated by the board shall give notice to the administrator of the municipality of the number of vacancies required to be filled to constitute full membership of the board.

(3) The notice mentioned in subsection (1) is to be posted in accordance with section 9.

Nomination paper

67(1) A person may be nominated as a candidate for election by submitting a nomination paper in the prescribed form to the returning officer or nomination officer on a day and during the hours specified in section 74.

(2) Subject to the requirements of this section, nomination papers may be submitted personally or by agent by personal service, by registered mail, by ordinary mail, by fax, by email or as otherwise specified by the returning officer.

(3) In a municipality that is not a rural municipality, a nomination paper must be signed:

(a) in the case of a municipality with a population of 20,000 or more that is not divided into wards, by at least 25 voters of the municipality;

(b) in the case of a municipality with a population of 20,000 or more that is divided into wards, by at least 25 voters of the ward for which the nomination is made;

(c) in the case of a municipality with a population of less than 20,000 that is not divided into wards, by at least five voters of the municipality;

(d) in the case of a municipality with a population of less than 20,000 that is divided into wards, by at least five voters of the ward for which the nomination is made;

(e) in the case of a school division that is not divided into wards, by at least 10 voters of the school division;

(f) in the case of a school division that is divided into wards, with respect to nomination for the office of board member for a ward, by at least 10 voters of the ward;

(g) in the case of nomination for the office of mayor of a municipality with a population of 20,000 or more, by at least 25 voters of the municipality;

(h) in the case of nomination for the office of mayor of a municipality with a population of less than 20,000, by at least five voters of the municipality; or

(4) In a rural municipality, a nomination paper must be signed:

(a) in the case of reeve, by at least two voters of the rural municipality; and

(b) in the case of councillors, by at least two voters of the division for which the person is seeking office.

(5) Every nomination paper must include:

(a) the name and occupation of the nominee;

(b) the nominee's street address or the legal description of the land located within the municipality on which the nominee's eligibility to vote is based;

(c) the nominator's street address or the legal description of the land located within the municipality on which the nominator's eligibility to vote is based;

(d) in the case of a nomination for the office of board member, a statement that each nominator is a voter of the school division for which the person is nominated; and

(e) the nominee's acceptance, in the prescribed form, of the nomination statement.

(6) No nomination is complete or shall be accepted by the returning officer unless the provisions of subsections (3) and (4) are met and the nominee's acceptance of nomination statement is:

(a) signed by the person nominated;

(b) witnessed by two people;

(c) accompanied by any deposit required pursuant to section 68; and

(d) with respect to a nominee in a municipal election, accompanied by any criminal record check required pursuant to a bylaw passed pursuant to *The Cities Act*, *The Municipalities Act*, *The Northern Municipalities Act, 2010* or *The Lloydminster Charter*.

(7) Nomination papers that are not complete or otherwise not accepted may be replaced or corrected if the new or corrected nomination papers are submitted before the nomination period ends.

(8) A returning officer or nomination officer shall:

(a) post in an area to which members of the public have access in the municipal office or the school board office, as the case may be, copies of the nomination papers received;

(b) ensure that the copies remain posted until close of polls on election day; and

(c) provide any information on any nomination paper submitted, or a copy of the nomination paper, to any person on request.

(9) In addition to posting pursuant to subsection (7), nomination papers may be made publicly available by posting on a website or by other electronic means.

Deposit required

68(1) The nomination paper for every nominee for the office of councillor or mayor in a municipality with a population of 20,000 or more, or for the office of board member in a school division that is situated wholly or substantially within a municipality with a population of 20,000 or more, must, when filed with the returning officer or nomination officer, be accompanied by a deposit of $100 or by a certified cheque or money order in that amount made payable to the municipality or the board, as the case may be.

(2) The returning officer or nomination officer shall not accept a person's deposit until he or she is satisfied that the person's nomination is complete.

(3) On being accepted by the returning officer or nomination officer, the deposit becomes the property of the municipality or the board, as the case may be.

(4) The amount of the candidate's deposit shall be promptly returned to the candidate following election day or the day on which the candidate is declared elected pursuant to section 77, 78 or clause 80(b), if the candidate and the candidate's manager:

(a) have complied with this Act and the regulations; and

(b) if a council has passed a bylaw or a board has passed a resolution pursuant to section 34, have complied with the provisions of the bylaw or resolution.

(5) If a candidate dies before the election, the amount of the candidate's deposit must be returned to the candidate's personal representative.

Procedure re nomination paper

69(1) Only one person shall be nominated for election on each nomination paper.

(2) A voter may sign the nomination paper of more than one person.

(3) No candidate shall nominate himself or herself.

(4) No proceedings taken pursuant to this Act with respect to the nomination of any candidate are invalid for informality if there has been substantial compliance with this Act.

(5) The onus to submit a complete and truthful nomination paper is on the person nominated for election to an office.

(6) After the election, the returning officer shall deliver all completed nomination forms in his or her possession to the administrator or to the person designated by the board, as the case may be, and the forms shall be retained by the municipality or the board, as the case may be, for the duration of the term of office for which the election is being held.

Restriction on nominations

70(1) Subject to subsection (2), no person is eligible to be nominated as a candidate to hold office:

(a) as both mayor and councillor of a municipality;

(b) as councillor in more than one ward or division of a municipality; or

(c) as board member in more than one ward of a school division.

(2) A person who is eligible to be nominated as a candidate and hold office in more than one municipality is eligible to be nominated and hold office in each of those municipalities.

(3) A person who is eligible to be nominated as a candidate and hold office in a municipality and a board member in a school division is eligible to be nominated and hold office in both capacities.

Eligibility of incumbents, except in rural municipalities

71(1) A person holding an elected office is eligible:

(a) in a municipality other than a rural municipality:

(i) during the last year of his or her current term of office, to be nominated for re-election to that office or as a candidate for any other elected office of the municipality for which he or she is qualified; and

(ii) to be nominated as a candidate for mayor if a vacancy is to be filled at a by-election; and

(b) in a school division, during the last year of his or her current term of office, to be nominated for re-election to that office.

(2) For the purposes of subclause (1)(a)(ii), the person is not required to resign from his or her current office on nomination day.

(3) If a person holding the office of councillor is elected as mayor in a by-election, that person is deemed to have resigned from the office of councillor on the day before the day on which he or she is declared elected as mayor.

Eligibility of incumbents in rural municipalities

72(1) No person is eligible to be nominated or elected as:

(a) a councillor for more than one division; or

(b) a councillor of a division and the reeve of the rural municipality.

(2) Except in the case of a general election held in the last year of a councillor's term of office, no councillor or person who has been declared elected to a future term of office as councillor pursuant to section 77, 78 or 80 is eligible to be nominated or elected as reeve unless he or she has, before filing his or her nomination paper, filed his or her resignation as councillor with the administrator.

(3) A resignation filed pursuant to subsection (2) takes effect:

(a) in the case of a general election, at the first meeting of the council following the general election; or

(b) in the case of an election other than a general election, immediately on the filing of the resignation.

Nomination day

73 Nomination day is:

(a) the fifth Wednesday before election day; or

(b) in the case of:

(i) a resort village, the fifth Saturday before election day;

(ii) a northern municipality or northern school division, the Wednesday that is five weeks before election day as determined pursuant to subsection 10(3);

(iii) a first election of a newly incorporated municipality or school division, the day set as nomination day in the order incorporating the municipality or pursuant to section 42 of *The Education Act, 1995*, as the case may be;

(iv) a first election of a newly incorporated northern municipality, the Wednesday that is five weeks before the day set for the election in the order establishing the northern municipality.

Receiving nominations

74(1) Subject to subsection (2), a returning officer or nomination officer shall receive nominations for candidates:

(a) in a general election or a by-election, between 9:00 a.m. and 4:00 p.m. on nomination day;

(b) in the case of an election in a resort village, between 11:00 a.m. and 2:00 p.m. on nomination day; and

(c) in the case in the case of a first election of a newly incorporated municipality or newly established school division, between 9:00 a.m. and 4:00 p.m. on nomination day.

(2) The returning officer or nomination officer shall receive nominations for candidates, in addition to the times set out in subsection (1), at any time during normal office hours during the period after the posting of the call for nominations until the time set out in subsection (1) for the receipt of nominations on nomination day.

Receipt for nomination paper

75 If a nomination paper is submitted to the returning officer or nomination officer within the time specified in section 74, the returning officer shall, if satisfied that the form is complete, issue a receipt in the prescribed form to the candidate or the candidate's agent.

Withdrawal of nomination

76(1) A person who has been nominated pursuant to section 67 in accordance with section 66 may withdraw his or her nomination by filing with the returning officer or nomination officer a written statement to that effect, signed by the person and two witnesses or by the returning officer or nomination officer, at any time during normal office hours during the period from the receipt of the person's nomination until 24 hours after the close of nominations.

(2) The name of a person who withdraws his or her nomination pursuant to subsection (1) must not appear on the ballot.

Nominations equal to vacancies

77 On the close of the period for withdrawal of nominations, if the number of persons remaining in nomination is equal to the number to be elected to any office, the returning officer shall declare the persons nominated to be elected, and there shall be no polling with respect to that office.

Nominations less than vacancies

78(1) On the close of the period for withdrawal of nominations, if the number of persons remaining in nomination is less than the number to be elected to any office, the returning officer shall:

(a) declare the persons then in nomination for that office, if any, to be duly elected; and

(b) give notice in the prescribed form in accordance with section 9 calling for further nominations for the remaining vacancies in office to be received by the returning officer or nomination officer during normal office hours from the close of the period for withdrawal of nominations until:

(i) in the case of a nomination as mayor or councillor of a resort village, 2:00 p.m. on the second Saturday following the date of the close of the period for withdrawal of nominations; and

(ii) in the case of a nomination other than one mentioned in subclause (i), 4:00 p.m. on the second Wednesday following the date of the close of the period for withdrawal of nominations.

(2) If the number of persons remaining in nomination after the second call for nominations is fewer than the number required to be elected to any office, the returning officer shall declare those then in nomination to be duly elected, and the council or board shall, at its next meeting, provide for the holding of a by-election in accordance with section 11 to fill the remaining vacancies.

Death of candidate before close of period for withdrawal

79 If a candidate dies before the close of the period for withdrawal of nominations, that candidate's nomination is void.

Death of candidate before close of voting

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

(a) if no candidate would be elected by acclamation as a result of the death, the election must proceed as if the deceased candidate had not been nominated; or

(b) if the number of candidates remaining for the office is the same or less than the number to be elected, the returning officer shall immediately declare the remaining candidate or candidates elected.

Notice of poll

81 If the number of persons nominated is more than the number required to be elected to any office, the returning officer shall, within 10 business days after the close of the nomination period, give notice in accordance with section 9 that an election is to be held in accordance with section 10 or 11, as the case may be.

Abandonment of poll

82 If a poll for an office is not required pursuant to section 77, subsection 78(2) or clause 80(b), the returning officer shall immediately give notice of abandonment of the poll in accordance with section 9.

PART VIII
Polling

DIVISION 1
Advance Polls

Advance polls

83(1) In a municipality other than a rural municipality or a resort village, the returning officer shall authorize the establishment of one or more advance polls within the municipality for voters to cast their votes in advance of election day.

(2) In a rural municipality or resort village, the council may direct the returning officer to establish one or more advance polls within the rural municipality or resort village for voters to cast their votes in advance of election day.

(3) If requested by a petition signed by at least five voters at least 30 days in advance of election day, the returning officer of a rural municipality shall establish one or more advance polls for voters to cast their votes in advance of election day.

(4) The returning officer may:

(a) authorize the establishment of one or more advance polls outside the municipality or school division, as the case may be, for voters to cast their votes in advance of the day appointed for the holding of an election; and

(b) authorize the establishment of one or more advance polls in accordance with section 29.

(5) Subject to subsection (6), respecting an advance poll established pursuant to subsections (1) to (4), the returning officer shall set the days and hours during which the advance poll is open.

(6) An advance poll mentioned in subsection (5) must be open at least three days but not more than 15 days before election day.

Polling place

84 If an advance poll is established pursuant to section 83, the returning officer shall:

(a) establish at least one place for the advance poll that is conveniently accessible to a voter who has a disability;

(b) give notice of the advance poll in accordance with section 9; and

(c) subject to sections 85 and 86, conduct the advance poll in the same manner, as nearly as possible, as a poll at a general election.

Sealing, safekeeping of election materials

85 At the close of the advance poll on each day on which it is held, the deputy returning officer shall:

(a) 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;

(b) cause all election records, supplies and materials to be enclosed in a sealed or securely locked container other than the ballot box and provide for the safekeeping of that container until its contents are required; and

(c) prevent any person from having access to the ballots and election material until the close of polls on the day of the election.

Close of advance poll

86(1) At the close of the advance poll on the last day it is held, the deputy returning officer shall:

(a) proceed in accordance with section 85;

(b) if a voters list is used, prepare and deliver to the returning officer an advance poll list in the prescribed form; and

(c) attend at the place designated by the returning officer on the close of the polls on election day.

(2) The returning officer shall ensure that a copy of the voters list marked in accordance with clause 87(1)(a) or (b) is provided to each deputy returning officer with respect to the election for which the advance poll was held.

If voters list used

87(1) If a voters list is used in an election and the returning officer has received the advance poll list from the deputy returning officer in accordance with section 86, the returning officer shall:

(a) make an entry in the voters list opposite the name of each voter whose name appears on the list and whose vote has been received at an advance poll, showing that the voter has voted; or

(b) make a certificate in the prescribed form for each polling area, showing the name and address of each voter listed on the voters list for that polling area who has voted at an advance poll, and provide the certificate to the deputy returning officer of the polling area before the opening of the poll on election day.

(2) Before opening the poll on election day, the deputy returning officer of the polling area shall make an entry in the voters list supplied to him or her opposite the name of each voter whose name appears on the certificate showing that the voter has voted.

DIVISION 2
Temporarily Displaced Voters

Temporarily displaced voters

88(1) For the purposes of this section, a voter is temporarily displaced if the voter:

(a) on election day, is absent from the municipality, school division or ward in which the voter is ordinarily resident;

(b) has not voted before election day at an advance poll established pursuant to section 83; and

(c) due to special or unusual circumstances, cannot conveniently return to the municipality, school division or ward in which the voter is ordinarily resident to vote on election day.

(2) If the returning officer determines that a majority of the voters in a municipality, school division or ward, as the case may be, are temporarily displaced on election day, the returning officer may postpone the poll.

(3) On postponing a poll pursuant to subsection (2), the returning officer shall, if possible, post a notice in accordance with section 9 at the established polling place advising:

(a) that the poll has been postponed; and

(b) that the date, time and place of the new poll will be established and published within 14 days after the date of the postponement.

(4) Within 14 days after the date of the postponement pursuant to subsection (2), the returning officer shall:

(a) establish a new poll, to be held within 60 days after the date of the postponement; and

(b) publish a notice respecting the date, time and place of the new poll in accordance with section 9.

(5) If a poll is postponed pursuant to subsection (2) and a new poll established:

(a) the provisions of this Act apply, with any necessary modification, to votes taken at the new poll and to the procedures to be followed after the poll closes;

(b) the term of office of the existing elected members continues until:

(i) in the case of a municipality, the date of the first meeting of the council after the date of the new poll; and

(ii) in the case of a board, the date of the organizational meeting of the board;

(c) in the case of a municipality, the first meeting of council is to be held within 14 days after the date of the new poll; and

(d) notwithstanding section 72 of *The Education Act, 1995*, in the case of a board, the organizational meeting of the board is to be held within 30 days after the date of the new poll.

(6) Subject to subsection (5), this Act, *The Education Act, 1995*, *The Municipalities Act*, *The Cities Act*, *The Northern Municipalities Act, 2010* and *The Lloydminster Charter* apply, with any necessary modification, to the terms of office of members elected at a poll established pursuant to this section.

DIVISION 3
Poll

Vote by ballot

89(1) Voting pursuant to this Act must be by ballot.

(2) If a poll is required, the returning officer shall cause a sufficient number of ballots for the purpose of the election to be printed in accordance with section 91.

Voting machines

90(1) If this section or the regulations conflict with any other provision of this Act or any other Act or any other regulations, this section and the regulations prevail.

(2) Notwithstanding any other provision of this Act or *The Controverted Municipal Elections Act* but subject to the regulations, the council, or if the board conducts the election, the board, may, by bylaw in the case of a council and by resolution in the case of a board, provide for the use at elections of voting machines, voting recorders, optical scanning vote tabulators or other similar devices.

(3) Subject to the provisions of this section, the returning officer or the deputy returning officer may make any modification to the requirements of this Act or *The Controverted Municipal Elections Act* that is necessary to deal with a vote taken in accordance with this section.

(4) A bylaw or resolution mentioned in subsection (2):

(a) must include provisions:

(i) respecting the form of ballot; and

(ii) respecting procedures for voting and for counting votes; and

(b) may include provisions respecting any other matter that the council or board considers necessary or advisable.

(5) The municipality or school division shall forward a copy of the bylaw or resolution mentioned in subsection (2) to the minister promptly after it is passed.

(6) The failure to forward a copy of a bylaw or resolution pursuant to subsection (5) does not affect the validity of the bylaw or resolution.

(7) Subject to the regulations, a judge who determines pursuant to this Act that a recount of ballots counted by a device mentioned in subsection (2) is required:

(a) shall determine whether the recount or any part of it is to be conducted manually, using the device, or both; and

(b) notwithstanding subsection (3), may make any modification to the requirements of this Act or *The Controverted Municipal Elections Act* that is necessary to deal with a recount in which a device mentioned in subsection (2) is used.

Form of ballot

91(1) Every ballot for the election of a member:

(a) must be in the prescribed form;

(b) must be printed on the type and quality of paper prescribed in the regulations;

(c) must state the number of persons required to be elected;

(d) must, subject to subsections (2) and (3), contain the names and occupations of all duly nominated candidates arranged in alphabetical order of their surnames and, in the case of two or more candidates having the same surname, in alphabetical order of the initial of their given names;

(e) if two or more candidates have the same surname and given names, may state, at the request of either candidate, each candidate's address on the ballot;

(f) if a candidate so requests, must show in brackets:

(i) a name by which he or she is commonly known; and

(ii) with respect to a municipal election, his or her affiliation with a voters' organization or the word "Independent";

(g) must not indicate in any manner that a candidate has at any time held office as a member; and

(h) must bear on the back:

(i) the name and address of the printer who printed the ballot; and

(ii) a rectangle, at the top of which must be printed "DRO initials".

(2) If, in the opinion of the returning officer, there may be five or more candidates in a municipality or school division, the council or board may, by bylaw or resolution passed at least 55 days before the day on which a general election is held, provide for the arrangement of the names of the candidates on the ballot:

(a) by having the returning officer:

(i) write the name of each candidate on blank paper, with the papers for all candidates being of the same size, colour and texture;

(ii) fold the papers in a uniform manner so that the names are concealed;

(iii) deposit the papers prepared in accordance with subclauses (i) and (ii) in a receptacle;

(iv) direct a person to draw the papers from the receptacle until all names have been withdrawn; and

(v) arrange the names on the ballot in the order that they are withdrawn from the receptacle; or

(b) by having the returning officer:

(i) direct a person to electronically generate the names of the candidates in random order; and

(ii) arrange the names on the ballot in the order that they are generated.

(3) At least 55 days before the day on which a general election is held, a council, by bylaw, or a board, by resolution, may provide that the following provisions must govern the form of ballots:

(a) ballots must be printed in as many lots as there are candidates for the office;

(b) in the first lot, the names of the candidates must appear, as the case may be:

(i) in alphabetical order pursuant to clause (1)(d);

(ii) in the order that the names are withdrawn from the receptacle pursuant to clause (2)(a); or

(iii) in the order that the names are generated pursuant to clause (2)(b);

(c) in the second lot the names must appear in the same order as in the first lot, except that the first name in the first lot must be placed last;

(d) in each succeeding lot, the order must be the same as that of the preceding lot, except that the first name in the preceding lot must be placed last; and

(e) tablets of ballots to be used at polling places must be made up by combining ballots from the different lots in regular rotation so that no two consecutive voters will receive ballots from the same lot, and so that each candidate's name will appear first and in each other position substantially the same number of times on the ballots used.

(4) A bylaw or resolution passed pursuant to subsection (2) or (3) remains in force until it is repealed by the council or board, as the case may be.

(5) Different types of ballots must be used for the voting for each of mayor or reeve, councillors, board members and for any other purpose for which a vote is required, and each type of ballot may be of a different size or colour of paper.

(6) If a municipality has been divided into wards, separate ballots for councillors must be used with respect to the wards.

(7) If a school division has been divided into wards, separate ballots for board members must be used with respect to the wards.

(8) In a rural municipality, separate ballots must be prepared for the councillors for each division of the rural municipality.

Mail-in ballot

92(1) Notwithstanding any other provision of this Act or *The Controverted Municipal Elections Act* but subject to subsection (2) and any regulations made for the purposes of this section, a council, by bylaw, or a board, by resolution, may establish a mail-in ballot voting system for the purpose of receiving ballots in an election.

(2) A bylaw or resolution mentioned in subsection (1):

(a) must not extend the period for the receipt of mail-in ballots beyond the closing of the polls on election day; and

(b) must provide that mail-in ballots received after the closing of the polls on election day:

(i) are deemed to be spoiled ballots; and

(ii) are to be dealt with by the deputy returning officer in the manner set out in subsection 118(2).

Election materials

93(1) Before election day, the returning officer shall cause to be delivered to the deputy returning officer:

(a) a sufficient number of ballots and voter's registration forms;

(b) a sufficient number of printed Directions for Voting in the prescribed form;

(c) a poll book in which to record the names and qualifications of the voters;

(d) a sufficient number of printed copies of sections 3, 4, 7 and 8 of *The Controverted Municipal Elections Act* in the prescribed form as required pursuant to clause 101(2)(b);

(e) a sufficient number of ballot boxes and voting compartments; and

(f) any other materials and supplies that may be necessary for the holding of the elections and for carrying out the provisions of this Act.

(2) If a voters list is used in an election, the returning officer shall:

(a) provide to the deputy returning officer one copy of the voters list for the polling area and one copy of the advance poll list mentioned in clause 86(1)(b); and

(b) provide, free of charge, one copy of the advance poll list mentioned in clause 86(1)(b) to each candidate who requests one.

Voting compartments

94(1) Every polling place must be furnished with at least one compartment in which the voters can mark their ballots screened from observation.

(2) The deputy returning officer at the polling place shall maintain the voting compartments in proper condition.

Ballot boxes

95(1) The ballot boxes must:

(a) be constructed of durable material;

(b) have two durable seals; and

(c) be constructed in such a way that the ballots can be deposited and cannot, when the box is sealed with one of the seals, be withdrawn unless and until the seal is broken.

(2) A ballot box may be constructed of cardboard or any other recyclable material, if the requirements of subsection (1) are complied with.

(3) In a rural municipality, if the polling places for two or more divisions are located in one room, it is not necessary to provide a separate ballot box for each division.

(4) If a school division is wholly or substantially within a municipality, the returning officer may use the same ballot box for both municipal and board elections.

(5) If a school division is not wholly or substantially within a municipality but the returning officers of the municipality and school division have agreed to share election officials or only one returning officer is appointed for the purposes of municipal and board elections, the returning officers may agree to share the same ballot box for both the municipal and board elections but only if the returning officers also agree:

(a) to designate the same returning officer as the returning officer to whom election materials are delivered as required by section 137; and

(b) on the disposition of the ballot box pursuant to subsection 142(1).

Poll book

96(1) The poll book must be in the prescribed form and must contain a sufficient number of columns to accommodate the requirements of the election.

(2) Notwithstanding subsection (1), the returning officer may fasten together voter's registration forms for use as a poll book, and if the returning officer has done so, the voter's registration forms are deemed to be a poll book for the purposes of (1).

(3) All entries in the poll book must be numbered in consecutive order and if voter's registration forms are used as a poll book pursuant to subsection (2), they must be fastened together and numbered in consecutive order.

Transfer certificate

97 Subject to section 99, if a voter has been appointed as an election official or candidate's agent at a polling place other than the polling place at which he or she is entitled to vote, the returning officer shall, on the application of that voter, supply him or her with a certificate in the prescribed form entitling the voter to vote at the polling place at which he or she is required to attend instead of at the polling place where he or she would otherwise be required to vote.

Transfer certificate for voters

98 Subject to section 99, on the application of a voter who has a disability, the returning officer or deputy returning officer shall supply that voter with a certificate in the prescribed form entitling that voter to vote at a polling place allowing convenient access instead of at a polling place where that voter would otherwise be required to vote.

No transfer from ward

99 If a municipality or school division is divided into wards, no person shall transfer his or her vote from one ward to another ward.

Duration of poll

100(1) Subject to subsections (2) and (3), polls must be open for voting by 9:00 a.m. and must close at 8:00 p.m. on election day.

(2) The returning officer may open polls for voting earlier than 9:00 a.m. on election day.

(3) The council or board that is responsible for naming polling places pursuant to sections 22 and 24 may determine the times during which the polls in a polling place established pursuant to section 29 are to be kept open, as long as the polls are kept open for at least one hour.

Duties before opening of poll

101(1) The deputy returning officer shall attend at the polling place:

(a) in a rural municipality, at least 15 minutes before the time set for the opening of the polling place for voting; and

(b) in a municipality other than a rural municipality, at least 30 minutes before the time set for the opening of the polling place for voting.

(2) Before the opening of the polling place for voting, the deputy returning officer shall:

(a) on the request of any candidate or candidate's agent, count the ballots intended to be used at the polling place, in the presence of the candidate or candidate's agent;

(b) cause the printed Directions for Voting and copies of sections 3, 4, 7 and 8 of *The Controverted Municipal Elections Act* to be posted at the entrance to, and in every voting compartment of, the polling place;

(c) provide a black lead pencil in each compartment of the polling place;

(d) if a voters list is being used in the election, and a certificate has been supplied pursuant to clause 87(1)(b), make entries in the poll book in accordance with that clause; and

(e) if a voters list is not being used in the election, cause a copy of section 181 to be posted at the entrance to the polling place.

DIVISION 4
Procedures While Poll is Open

Opening of poll

102(1) At the opening of the poll, the deputy returning officer shall show the ballot box to the persons present in the polling place so that they may see that the ballot box is empty and then in their presence:

(a) close the ballot box;

(b) attach to the ballot box one of the seals with which the deputy returning officer is provided in a manner that ensures that it is impossible to open the ballot box without breaking the seal; and

(c) place the ballot box in the deputy returning officer's unobstructed view for the receipt of ballots.

(2) Subsection (1) does not apply to a ballot box that has been used previously to receive votes in the election pursuant to section 32.

(3) If a ballot box mentioned in subsection (2) is to be used, the deputy returning officer shall show the ballot box to the persons present in the polling place in a manner so that they may see that any seal remains intact.

(4) During the hours of voting, the deputy returning officer shall keep the sealed ballot box in the deputy returning officer's view and in full view of all persons present from time to time in the polling place.

Persons entitled to be in polling place

103 During the hours that the poll is open for the purposes of voting, only the following persons are entitled to be present in the polling place with respect to each polling area:

(a) any election official who has been duly appointed and assigned duties in conducting the poll;

(b) each candidate for the office with respect to which the vote is being held;

(c) not more than two duly authorized agents of a candidate;

(d) any person who is acting as an escort or assistant to a voter who requires the person's services pursuant to sections 123 and 125;

(e) any voter waiting to cast his or her ballot.

Agents

104(1) If a person presents to the deputy returning officer a written notice in the prescribed form and signed by a candidate, the person named in the notice shall:

(a) be recognized by the deputy returning officer as an agent of the candidate; and

(b) on making a declaration in the prescribed form, be permitted to exercise his or her duties and functions as an agent.

(2) A candidate may be present at any place at which his or her agent is authorized to attend pursuant to subsection (1) and may:

(a) undertake the duties that his or her agent might have undertaken; or

(b) assist his or her agent in the performance of any duties.

(3) The deputy returning officer may designate the location in a polling place from which an agent or candidate may observe the conduct of the election.

Oath, affirmation or declaration of office, secrecy

105(1) Every candidate and candidate's agent authorized to attend at a polling place or at the counting of the votes shall, before entering the polling place, take an oath, affirmation or declaration of secrecy in the prescribed form.

(2) An oath, affirmation or declaration required pursuant to this section may be taken before the returning officer, deputy returning officer or poll clerk or any other person authorized by law to administer an oath, affirmation or declaration.

Evidence of voting

106 The receipt by a person of a ballot within the polling place is admissible in evidence as proof, in the absence of evidence to the contrary, that the person was at that polling place and voted.

Voting if no voters list

107(1) If a voters list has not been prepared, a person who wishes to vote shall:

(a) complete, or cause to be completed, a voter's registration form obtained from the election official at the polling place; and

(b) deliver the completed form to the deputy returning officer.

(2) The deputy returning officer shall cause to be recorded in the poll book the name and residence of the person and, if applicable, whether the person is a voter of the public school division or separate school division.

Voting if voters list

108(1) If a voters list has been prepared and the name of a person wishing to vote:

(a) appears on the voters list, the deputy returning officer shall cause to be recorded in the poll book the name and residence of the person, and, if applicable, whether the person is a voter of the public school division or separate school division; or

(b) does not appear on the voters list, the deputy returning officer shall require the person to complete a voter's registration form and deliver it to the deputy returning officer who shall cause to be recorded in the poll book the information specified in clause (a).

(2) Every person whose name is on the voters list is entitled to vote without making a voter's declaration unless the person is required to make a voter's declaration pursuant to section 109 or 112.

When voter's declaration can be demanded

109 No deputy returning officer shall fail to require an individual who appears at the polling place to make a voter's declaration if the deputy returning officer has reasonable grounds to believe that the individual:

(a) is not entitled to vote;

(b) is tendering his or her vote under a false name or designation;

(c) is impersonating another person or falsely representing himself or herself as being on the voters list;

(d) has already voted; or

(e) has participated in or committed any corrupt practice.

Evidence of identity

110 A voter shall:

(a) provide to the deputy returning officer and the poll clerk one of the following to prove his or her identity:

(i) one piece of identification issued by the Government of Canada, the Government of Saskatchewan, a municipality or a government agency that contains a photograph of the voter and his or her name and address;

(ii) two pieces of information prescribed in the regulations, each of which establishes the voter's name and at least one of which establishes the voter's address; or

(b) establish his or her identity in accordance with the procedures prescribed in the regulations.

Refusal or failure to comply with requirements

111 A person is not entitled to vote if the person fails or refuses to:

(a) make a declaration required pursuant to section 107, 108, 109 or 112; or

(b) establish his or her identity pursuant to section 110.

Rights of candidate and agent re entitlement to vote

112(1) If a candidate or his or her agent objects to the eligibility of any person intending to vote, the deputy returning officer shall:

(a) require the person to complete a voter's registration form if the person has not already done so;

(b) enter the objection in the poll book opposite the name of the person;

(c) note in the poll book the name of the person who made the objection; and

(d) initial the entry in the poll book.

(2) A candidate or his or her agent may make a request to the deputy returning officer with respect to any person intending to vote to:

(a) see the evidence required pursuant to clause 110(a); or

(b) verify that the procedures mentioned in clause 110(b) have been followed.

(3) On receipt of a request made pursuant to subsection (2), the deputy returning officer shall:

(a) require the person who intends to vote to show the evidence required pursuant to clause 110(a) to the candidate or candidate's agent whether or not the person has already done so; or

(b) verify with the candidate or agent that the procedures mentioned in clause 110(b) have been followed.

Provision of ballot to voter

113(1) Before providing a ballot to a voter and permitting the voter to vote, a deputy returning officer shall:

(a) make the entries in the poll book required pursuant to sections 107, 108 and 112;

(b) ensure that the voter has complied with any requirement to make a declaration pursuant to section 109;

(c) ensure that he or she is satisfied that the voter's identity has been established in accordance with section 110; and

(d) place his or her initials in the box on the reverse side of the ballot.

(2) The deputy returning officer may, or on the request of a voter, shall, either personally or through the poll clerk, explain the proper method of voting.

Marking ballot

114 On receiving a ballot, the voter shall:

(a) proceed into the compartment provided for voting;

(b) place a cross or other mark that clearly indicates the voter's choice in the circle provided on the ballot opposite the name of the candidate;

(c) fold the ballot in a manner so as to conceal the face of the ballot and to expose the initials of the deputy returning officer on the reverse side; and

(d) leave the compartment and, without displaying the ballot so as to make known the person for whom he or she has voted, deliver the folded ballot to the deputy returning officer.

Deposit of ballot

115(1) When the deputy returning officer receives the ballot from the voter, the deputy returning officer shall, without unfolding it, verify the deputy returning officer's initials on the ballot and deposit the ballot in the ballot box.

(2) When the ballot has been deposited pursuant to subsection (1), the deputy returning officer or poll clerk shall:

(a) enter in the poll book in the proper column or columns, after the voter's name, the word "voted" or a checkmark; or

(b) number the voter's registration form and fasten it to the other voters' registration forms for use as a poll book in accordance with sections 96 and 121.

Voter to leave

116 After a voter has delivered the ballot to the deputy returning officer and observed the deputy returning officer deposit the ballot in the ballot box, the voter shall leave the polling place unless he or she is otherwise entitled to remain.

Removal of ballot from polling place prohibited

117(1) No person who has received a ballot from the deputy returning officer shall take it out of the polling place.

(2) A person forfeits his or her right to vote at the election in progress if, after receiving a ballot from the deputy returning officer, the person:

(a) leaves or attempts to leave the polling place without first delivering his or her ballot to the deputy returning officer as required by this Act; or

(b) intentionally deals with the ballot in such a manner that it cannot be used to indicate properly his or her intention to vote.

(3) The deputy returning officer shall record in the poll book every forfeiture pursuant to subsection (2) and the reason for the forfeiture.

Ballot inadvertently spoiled

118(1) A voter who has inadvertently dealt with his or her ballot in such a manner that it cannot be used to indicate properly his or her intention to vote shall, on delivering to the deputy returning officer the ballot inadvertently dealt with, receive another in its place.

(2) If a ballot is delivered to the deputy returning officer pursuant to subsection (1), the deputy returning officer shall:

(a) write "spoiled" on the ballot; and

(b) preserve it for reference in the deputy returning officer's report of the count of the votes.

Certain errors on voters list

119(1) If the name of a voter is on a voters list for a polling area other than the polling area in which the voter is entitled to vote, he or she may apply to vote at the correct polling place by completing a voter's registration form.

(2) If the school division in which the person is a voter is incorrectly described on the voters list, the voter may apply for a correction to the list by making a declaration in the prescribed form.

(3) If a voter complies with subsection (1) or (2), the deputy returning officer shall:

(a) permit that voter to vote; and

(b) record in the poll book:

(i) the name and residence of the voter; and

(ii) whether the person is a voter of the public school division or separate school division.

(4) If a voter refuses to make a declaration or to complete a voter's registration form pursuant to subsection (1) or (2), that refusal must be recorded in the poll book and that person is not entitled to vote.

Attendance at incorrect polling place

120 Subject to sections 97 and 98, the deputy returning officer shall not allow a voter to vote at the polling place and shall direct that voter to the proper polling place if the voter:

(a) is at the incorrect polling place;

(b) is entitled to vote in a different division from the division served by the polling place; or

(c) is not eligible to vote in the municipality or school division.

Recording ballots

121(1) When a voter receives a ballot, the deputy returning officer shall cause to be placed in the appropriate column of the poll book a check mark opposite the name of the person receiving the ballot to indicate that the person has received a ballot for mayor, reeve, councillor, board member or other matter on which the person is entitled to vote.

(2) If a voters list is not used, the prescribed voter's registration form and poll book must be used and the poll book section of the form must be marked as indicated in subsection (1).

Secrecy of voting

122 Subject to section 123, when a voter is voting, no other person is allowed to occupy a position from which the other person can see the way in which the ballot is marked.

Voters who have a disability or limited mobility

123(1) A deputy returning officer shall, on the request of a voter who is unable to read or is unable, for any physical reason, to vote in the manner prescribed by this Act, at the option of the voter, do one of the following:

(a) require the voter making the request to make a declaration in the prescribed form and shall, either within or outside the compartment provided for voting:

(i) assist the voter by marking the voter's ballot in the manner directed by the voter in the presence only of the poll clerk and of the candidates' agents in the polling place; and

(ii) place the ballot in the ballot box;

(b) if the voter has taken a declaration in the prescribed form and is accompanied by a friend, permit the friend to accompany the voter into the compartment provided for voting and to mark the voter's ballot for the voter;

(c) if the voter is visually impaired, provide the voter with a template in the prescribed form to enable the voter to mark the ballot in secret.

(2) A friend who is permitted to mark the ballot of a voter shall, before marking the ballot make a declaration in the prescribed form that he or she will keep secret the name of the candidate marked on the ballot of the voter.

(3) No person shall act as the friend of more than two voters in the same election.

(4) The deputy returning officer or poll clerk shall enter in the column for remarks in the poll book opposite the voter's name:

(a) the reason that the ballot was marked for the voter;

(b) whether it was marked by the deputy returning officer or by a friend and, if by a friend, the name of the friend; and

(c) the word "declared" after the name of the voter and the friend.

(5) Anyone who accompanies a voter may act as a friend for the purposes of this section.

(6) For the purpose of taking a person's vote, the deputy returning officer and the poll clerk may attend on the person if:

(a) the person is a patient of a hospital, personal care facility or similar institution that is named or established as a polling place; and

(b) the person is bedridden or is physically unable to vote at the polling place.

(7) The deputy returning officer, after permitting those voters who have received ballots to vote in the polling place, may temporarily suspend voting proceedings in the polling place to permit a person to vote pursuant to subsection (6).

Inaccessible polling place

124(1) This section applies to a voter who attends at a polling place to vote but is unable to enter the polling place because he or she has a disability or limited mobility.

(2) A voter mentioned in subsection (1), or a person acting on behalf of the voter, may make an oral or written request to the returning officer or deputy returning officer to have the voter's vote taken at a nearby place that has convenient access for the voter.

(3) If a request is made pursuant to subsection (2), the returning officer or deputy returning officer shall attend the voter at the alternate place mentioned in subsection (2) during the time when polls are open for voting in order to take the voter's vote.

(4) The procedures for voting provided by this Act apply, with any necessary modification, in and to each location where a vote is taken pursuant to this section.

(5) The returning officer or deputy returning officer may, after permitting those voters who have received ballots to vote in the polling place, temporarily suspend voting proceedings in the polling place to allow a voter to vote pursuant to this section.

Interpreters

125(1) The deputy returning officer may permit an interpreter or sign language interpreter, other than a person who is a candidate or agent of a candidate, to translate any declaration and any lawful question necessarily put to the voter and the voter's corresponding answers.

(2) Every interpreter shall take an oath or affirmation or make a declaration in the prescribed form.

(3) If a voter votes in accordance with subsection (1), the deputy returning officer shall cause to be entered in the poll book opposite the name of the voter, in the proper column, that the vote of the voter is marked pursuant to this section.

Declined ballot

126(1) If a voter declines to mark his or her ballot, the voter may so indicate to the deputy returning officer.

(2) If a voter returns the ballot and indicates that it is unmarked, the deputy returning officer shall:

(a) write "declined" on the ballot;

(b) preserve it for reference in the deputy returning officer's report of the count of the votes; and

(c) indicate the return of the ballot in the poll book and mark the deputy returning officer's initials.

Voting after close of poll

127 Every voter qualified to vote at the polling place who is in the polling place at the time set for closing the polling place is entitled to vote.

DIVISION 5
Procedures After Close of Poll

Procedures after poll closes

128(1) At the close of the poll on election day, the deputy returning officer of each poll shall:

(a) certify, by his or her signature on the poll book after the name of the last person entered, the total number of persons who have voted at the poll;

(b) open the ballot box in the presence of:

(i) the poll clerk;

(ii) any candidates or their agents in attendance; and

(iii) the returning officer if in attendance; and

(c) examine each ballot and, subject to sections 130 and 131, reject each ballot described in section 129.

(2) If a ballot box has been used at an advance poll or at a polling place established pursuant to section 29 or 30, at the close of polls on election day the deputy returning officer shall deliver the ballot box to the regular polling place, or to a place designated by the returning officer, before the deputy returning officer carries out his or her duties pursuant to subsection (1).

Rejected ballots

129 The deputy returning officer shall reject every ballot:

(a) subject to section 131, that does not have the deputy returning officer's initials on its reverse side;

(b) on which the voter made more votes than the voter is entitled to make;

(c) on which anything is written or marked so as to identify the voter;

(d) that has been torn, defaced or otherwise treated by the voter so as to identify the voter;

(e) subject to section 130, that is marked in a manner other than that specified in clause 114(b); or

(f) on which no vote is marked.

Improper marking not rejected

130 If the voter's mark on his or her ballot clearly indicates an intent to vote for the candidate opposite whose name the mark is placed, the ballot is not to be rejected for the sole reason that the voter marked his or her vote:

(a) out of, or partly out of, its proper space; or

(b) with a mark other than a cross.

Ballots not initialled

131(1) If, on examining the ballots, the deputy returning officer finds a ballot that he or she has not initialled, the deputy returning officer shall sign his or her initials on the ballot and shall count the ballot as if he or she had previously initialled it if the deputy returning officer is satisfied that:

(a) he or she delivered the ballot to a voter intending to vote;

(b) the omission of his or her initials was inadvertent; and

(c) the ballot is required to enable the deputy returning officer to account for all ballots supplied to him or her.

(2) Subsection (1) does not relieve the deputy returning officer from any penalty to which he or she may be liable for failure to sign his or her initials on the reverse side of a ballot before delivering it to a voter intending to vote.

Objections re ballots

132(1) A candidate or candidate's agent may object to the rejection of a ballot pursuant to section 129 or the refusal of the deputy returning officer to reject any ballot found in the ballot box.

(2) If there is an objection pursuant to subsection (1), the deputy returning officer shall:

(a) number the objection by placing a number on the reverse side of the ballot with the deputy returning officer's initials;

(b) record the objection in full in the poll book together with the number; and

(c) endorse the ballot that is the subject of the objection with "rejection objected to" or "counting objected to", as the case may be.

(3) After hearing an objection pursuant to subsection (1), the deputy returning officer shall:

(a) decide whether to accept or reject the ballot;

(b) note his or her decision in the poll book; and

(c) initial the entry.

Statement of results

133(1) The deputy returning officer at each poll shall:

(a) count the votes given on the ballots that have not been rejected; and

(b) prepare in duplicate and sign a written statement of results, in the prescribed form, for each office.

(2) On request, the deputy returning officer shall give to each candidate or agent a copy of the statement of results prepared pursuant to subsection (1).

(3) The deputy returning officer shall attach to the poll book a copy of the statement of results prepared pursuant to subsection (1).

Presence of candidate at count

134 Each candidate or one of his or her agents is entitled to be present during the count of the votes.

Declaration of poll

135 On completion of the count of votes, the deputy returning officer shall make a declaration of poll in the prescribed form and attach it to the cover of the poll book.

Materials in packets

136(1) On completion of the count of votes, the deputy returning officer shall, in the presence of the persons authorized to attend pursuant to section 134, prepare separate packets for each office with respect to:

(a) the original of the statement of results;

(b) all of the counted ballots to which no objection has been made;

(c) all of the counted ballots to which objection has been made;

(d) all of the rejected ballots;

(e) all of the spoiled and declined ballots; and

(f) all of the unused ballots.

(2) The deputy returning officer shall:

(a) mark each packet clearly to:

(i) identify its contents;

(ii) indicate the date of the vote;

(iii) indicate the name of the deputy returning officer; and

(iv) if applicable, indicate the number of the polling area; and

(b) seal each packet.

Duplicate statement and ballot box delivered to the returning officer

137 The deputy returning officer or, if there is more than one, the deputy returning officer designated by the returning officer in the deputy returning officer's appointment shall:

(a) place the voters list, the poll book, all forms used with respect to the election and the package prepared pursuant to section 136 in the ballot box;

(b) seal the box; and

(c) deliver the box along with the duplicate copy of the statement of results to the returning officer.

Summing of votes

138(1) On receipt of the ballot boxes and the statement of results, the returning officer shall sum up the number of votes given for each of the candidates named on the ballots as reported on the duplicate statement of results.

(2) If the duplicate copy, as well as the original of the statement of results, has been placed in error in the ballot box, the returning officer:

(a) may open the ballot box and remove the copy of the statement of results in the presence of two witnesses; and

(b) if the ballot box is opened pursuant to clause (a), shall reseal the box.

(3) If the duplicate copy of the statement of results is or appears to be incomplete, the returning officer:

(a) may, in the presence of two witnesses, open the ballot box and remove the original statement for the purpose of verifying the result of the poll; and

(b) if the ballot box is opened pursuant to clause (a), shall return the original statement to the ballot box and reseal it.

(4) Nothing in subsection (2) or (3) authorizes the opening of any envelopes appearing to contain ballots cast for the various candidates, but, in the absence of other information, the endorsements on those envelopes may be adopted as indicating the result of the poll at the polling place in question.

Declaration of results

139(1) At the time and place appointed for the purpose, the returning officer shall:

(a) publicly declare to be elected the person or persons having the highest number of votes for each office to be filled; and

(b) post in the municipal office a declaration of results, in the prescribed form signed by the returning officer, showing the number of votes cast for each person whose name appears on the ballot and the names of any persons declared elected pursuant to section 77, 78 or clause 80(b).

(2) The council or board, as the case may require, must be provided with a copy of the declaration of results with respect to the municipal or board election.

Notice to minister

140(1) As soon as is practicable after the counting of the votes, the administrator shall give written notice to the minister in a form satisfactory to the minister of:

(a) the name and address of each person who has been elected as a member in an election; and

(b) any other information that the minister may require.

(2) As soon as is practicable after the counting of the votes, the person designated by the board shall give written notice to the member of the Executive Council responsible for the administration of *The Education Act, 1995* in a form satisfactory to that member of:

(a) the name and address of each person who has been elected as a member in an election; and

(b) any other information that the member of the Executive Council responsible for the administration of *The Education Act, 1995* may require.

Tie vote

141(1) If, on the summing of the votes, two or more candidates for any vacant office have an equal number of votes, the returning officer shall:

(a) write the names of those candidates separately on blank sheets of paper of equal size, colour and texture;

(b) fold the sheets in a uniform manner and so the names are concealed;

(c) deposit them in a receptacle; and

(d) direct a person to withdraw one of the sheets.

(2) The candidate whose name is on the sheet withdrawn pursuant to subsection (1) shall be declared elected.

(3) Subsections (1) and (2) apply with any necessary modification in the case where there is more than one office to be filled.

Safekeeping of election materials

142(1) When an election is completed:

(a) the returning officer shall deliver to the administrator or to the person designated by the board, as the case may be, the ballot boxes and duplicate statements of results; and

(b) the administrator or the person designated by the board, as the case may be, is then responsible for their safekeeping in accordance with this section.

(2) The administrator or the person designated by the board, as the case may be, shall:

(a) retain all election documents sealed or resealed in the ballot boxes pursuant to sections 137 and 138 for three months after election day; and

(b) as soon as possible after the three-month period mentioned in clause (a), unless otherwise ordered by a judge, cause them to be destroyed in the presence of two witnesses whose affidavits to that effect shall be taken and filed in the records of the municipality or school division, as the case may be.

(3) All election documents, other than those sealed or resealed in the ballot boxes pursuant to sections 137 and 138, are deemed to be public documents of the municipality or school division, and must be retained in accordance with section 90 of *The Cities Act*, section 116 of *The Municipalities Act*, section 132 of *The Northern Municipalities Act, 2010*, section 369 of *The Education Act, 1995* or section 156 of *The Lloydminster Charter*, as the case may be.

(4) Notwithstanding subsection (2), the administrator or the person designated by the board, as the case may be, shall retain the nomination forms of all candidates for the duration of the term of office for which the election is held in accordance with section 69.

(5) At the end of the term of office, the administrator shall destroy the nomination papers from the previous election in the presence of two witnesses.

(6) Affidavits of the witnesses mentioned in subsection (2) attesting that they have witnessed the destruction of the nomination papers are to be taken before a justice of the peace, a notary public or a commissioner for oaths and filed by the administrator among the records of the municipality.

PART IX
Votes on Bylaws, Resolutions or Questions

Procedure

143(1) If a bylaw, resolution or question is submitted to the voters pursuant to *The Cities Act*, *The Municipalities Act*, *The Northern Municipalities Act, 2010*, *The Education Act, 1995* or *The Lloydminster Charter*, the other Parts of this Act apply, with any necessary modification, to that vote, except as modified or extended by this Part.

(2) Without limiting the generality of subsection (1), the following provisions apply to a vote on a bylaw, resolution or question, with any necessary modification:

(a) section 50;

(b) section 53;

(c) section 105;

(d) section 171;

(e) section 172;

(f) section 173;

(g) section 174;

(h) section 175;

(i) section 176; and

(j) section 177.

Limitation on actions of municipal employees

144(1) No municipal employee is to be:

(a) compelled in any manner 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

(b) threatened or discriminated against in any manner for refusing to take part in an undertaking or to make a contribution mentioned in clause (a).

(2) No municipal employee shall:

(a) directly or indirectly use or seek to use the authority or official influence of his or her position to influence the vote of any other person on a bylaw, resolution or question; or

(b) during his or her hours of duty in the position in which he or she is employed, engage in any form of activity in favour of or against a bylaw, resolution or question.

(3) Notwithstanding subsections (1) and (2), a municipality may, as part of its election procedure bylaw passed pursuant to section 146, designate one or more municipal employees, other than a person who is or will become an election official, as spokesperson for the municipality in favour of or against the bylaw, resolution or question.

(4) Nothing in this section limits an elected member of council from supporting or opposing a bylaw, resolution or question and communicating his or her position to a voter.

Vote for school division

145(1) If a bylaw respecting a loan is to be submitted for the assent of the voters of a school division that is situated wholly or substantially within a municipality, the board may:

(a) give notice to the council of the authorization of the loan by the Saskatchewan Municipal Board; and

(b) forward to the council a copy of the bylaw and of the authorization, both certified by the board of the school division, with a request that the bylaw be submitted to the voters.

(2) Section 12 applies, with any necessary modification, to a request pursuant to subsection (1).

Election procedure bylaw

146(1) A council or board shall, by an election procedure bylaw, set the day and terms for the election pursuant to this Part and proceed in accordance with the provisions of this Act, as nearly as possible, with respect to the conduct of a general election.

(2) The day set for the taking of a vote must be not less than three weeks but not more than five weeks after the first publication or posting of the notice pursuant to section 147.

(3) The election procedure bylaw:

(a) may provide that a vote pursuant to this Part must be taken on the same day and at the same time and places as the general election or by-election;

(b) may apply to the taking of a vote on two or more bylaws, resolutions or questions on the same day;

(c) must set a time when and a place where the returning officer shall declare the results of the vote; and

(d) must set a time when and place where the returning officer shall attend to receive representations and designate voters to represent supporters and opponents of the bylaw, resolution or question in accordance with section 149.

Notice of vote

147(1) At least three weeks before the day on which a vote is to be held, the council or board shall give, in accordance with section 9, a notice setting out:

(a) a correct statement of the question to be submitted to a vote and, in the case of a bylaw or resolution, a statement of its object;

(b) in the case of a bylaw, the object of which is to borrow money for capital purposes:

(i) the amount of the debt or liability to be created by the proposed borrowing;

(ii) how the amount is to be repaid; and

(iii) the amount to be provided annually for payment of the principal and interest on the debt or the amount of annual instalments, as the case may be;

(c) in the case of a bylaw granting a special franchise, the bylaw in full;

(d) the time and place set pursuant to clause 146(3)(c); and

(e) the time for the taking of the vote and the location of the polling place.

(2) Notwithstanding subsection (1), in a resort village, the council, in lieu of advertising in a newspaper, may post notices in at least three widely separated conspicuous places in the resort village at least three weeks before the day of the vote.

(3) Each notice given pursuant to this section must contain the certification of the returning officer:

(a) with respect to the correctness of the statement of the question or the object of a bylaw or resolution, as the case may be; and

(b) stating, in the case of a bylaw, that it shall or may be finally passed by the council or board, if the assent of the voters is given, in accordance with *The Cities Act*, *The Municipalities Act*, *The Northern Municipalities Act, 2010*, *The Education Act, 1995* or *The Lloydminster Charter*, as the case may be.

(4) If two or more bylaws, resolutions or questions are to be submitted at the same time, the notice required by this section may include summaries of all the proposals.

Form, printing of ballot

148(1) The ballot must be in the prescribed form except:

(a) if more than one bylaw, resolution or question is to be submitted to a vote, the ballot is to be modified in the manner that the council or board may state by resolution so that it serves for the voting on all the bylaws, resolutions or questions;

(b) in the case of a bylaw to repeal an existing bylaw, the ballot is to be modified in the manner that the council or board may determine to facilitate the vote;

(c) if a vote is to be taken with respect to two or more bylaws, resolutions or questions pursuant to section 132 of *The Municipalities Act*, section 106 of *The Cities Act*, section 150 of *The Northern Municipalities Act, 2010* or section 174 of *The Lloydminster Charter,* the ballot is to contain:

(i) a question whether the voters are in favour or not of any of the bylaws, resolutions or questions being submitted to the voters; and

(ii) the bylaws, or a statement of their objects, as the case requires, in a manner that indicates that the voter may indicate his or her approval with respect to one bylaw only.

(2) The returning officer shall cause to be printed a sufficient number of ballots in the form set out in subsection (1).

Representatives

149(1) At the time and place appointed pursuant to clause 146(3)(d), the returning officer shall attend to receive representations requesting the appointment of voters to be authorized to attend at the polling place and at the final summing up of the votes and shall, from among those representations, designate in writing, in the prescribed form:

(a) not more than two voters for each polling area who are willing to act on behalf of those who support the bylaw, resolution or question;

(b) not more than two voters for each polling area who are willing to act on behalf of those who oppose the bylaw, resolution or question;

(c) not more than one voter to attend at the final summing up of votes who is willing to act on behalf of those who support the bylaw, resolution or question; and

(d) not more than one voter to attend at the final summing up of votes who is willing to act on behalf of those who oppose the bylaw, resolution or question.

(2) Voters appointed pursuant to clauses (1)(a) and (1)(b) are entitled to be present at the polling place and to perform at the polling place any functions that this Act authorizes agents of candidates to perform.

(3) Voters appointed pursuant to clauses (1)(c) and (1)(d) are entitled to be present at the final summing up of votes and to perform at the final summing up of votes any functions that this Act authorizes agents of candidates to perform.

(4) Every voter appointed pursuant to subsection (1) shall:

(a) before he or she is designated, make a declaration in the prescribed form before the returning officer; and

(b) before being admitted to the polling place or to the summing up of the votes, produce his or her written appointment to the deputy returning officer at the poll or to the returning officer, as the case may require.

(5) In the absence of a voter authorized pursuant to this section to attend at the final summing up of the votes, any voter representing the same interest as the absent voter may, on making a declaration in accordance with clause (4)(a), be admitted to attend and act on behalf of the absent voter.

Count of votes

150 Immediately on the close of the poll, the deputy returning officer in every polling place shall open the ballot box and proceed to count, from the ballots that are not rejected, the votes for and the votes against the bylaw or resolution and the affirmative and negative votes on a question.

Statement of results

151(1) When the count of the votes pursuant to section 150 is complete, the deputy returning officer shall prepare and sign the deputy returning officer's statement of results in duplicate in the prescribed form.

(2) The deputy returning officer shall give to a voter authorized to attend pursuant to section 149, on request, a copy of the statement of results prepared pursuant to subsection (1).

Declaration of results

152 On receipt of the ballot boxes and duplicate statements of results, the returning officer shall:

(a) at the time and place appointed for the purpose, sum up the number of votes for and against the bylaw or resolution, or in the affirmative or negative of the question, as the case may be, as reported to the deputy returning officer on the statement of results; and

(b) at the time and place set by the election procedure bylaw, declare the results of the vote.

Statement of results

153 The returning officer shall prepare a statement immediately after declaring the results of the vote, certified by the returning officer to be true, indicating that the majority of persons who voted on the bylaw or resolution have given or withheld, as the case may be, their approval of the bylaw or resolution, or have voted in the affirmative or negative, as the case may be, of the question.

Determining majority

154 In determining whether the required majority of the persons who voted have approved or disapproved of the bylaw or resolution or have voted in the affirmative or negative of a question, the returning officer shall not take into account the ballots that were rejected at the count of the votes pursuant to section 150.

Tie vote

155 In the case of an equality of votes, the matter is deemed to be resolved in favour of the situation as it exists at the time the vote is taken.

Notice of results

156 As soon as possible after the counting of the votes on a bylaw, resolution or question, the returning officer shall give notice of the results in the prescribed form:

(a) in the case of a bylaw, resolution or question for the purposes of a board, to the member of the Executive Council responsible for the administration of *The Education Act, 1995*, the Saskatchewan Municipal Board and the board;

(b) in the case of a bylaw, resolution or question for the purposes of a municipality, to the council.

Recount

157 Any recount of votes with respect to the voting on a bylaw, resolution or question is to be conducted, as nearly as possible, in the same manner as at an election for a mayor, reeve or councillors.

PART X
Recount of Votes

DIVISION 1
Request for Recount

Request to returning officer for recount

158(1) Subsection (2) applies if the returning officer has declared the results of a vote pursuant to section 139 or 152 and one of the following circumstances exists:

(a) the difference between the number of votes cast for any elected member and the candidate having the next highest number of votes is less than the number of ballots counted but objected to plus all rejected ballots, except those on which no vote was made;

(b) the difference between the yes and no or affirmative and negative votes respectively is less than the number of ballots counted but objected to plus all rejected ballots, except those on which no vote was made.

(2) In a circumstance mentioned in subsection (1), any voter or candidate in the municipality or school division, as the case may be, in which the vote was taken, may request a recount by delivering to the returning officer, within 10 business days after the declaration of the results of the vote, a notice in the prescribed form requesting a recount.

Duties of returning officer re request

159(1) Within four business days after the returning officer receives a request pursuant to section 158, the returning officer shall:

(a) issue a certificate in the prescribed form stating that the applicant named in the certificate has requested a recount;

(b) immediately present the certificate to a judge and deliver a copy of it to the person who requested the recount; and

(c) request the judge to appoint a time and place for a recount of votes cast at the election that is the subject of the request.

(2) On a request pursuant to subsection (1), the judge shall appoint a date that is not later than 10 business days after the date on which the request is made and a place for the recount of the votes.

(3) Within four business days after the judge appoints a date pursuant to subsection (1), the returning officer shall serve a true copy of the appointment on the applicant and on any other person that the judge may direct.

Application to judge for recount

160(1) In a circumstance other than those set out in section 158 or if a voter has made a request for a recount and the returning officer fails to comply with subsection 159(1), the voter or candidate may, within 10 business days after the day on which the returning officer has declared the results of the election, apply by affidavit to a judge for a recount.

(2) On an application pursuant to subsection (1), the judge shall appoint a time and place to recount the votes cast at the election if in the opinion of the judge:

(a) a deputy returning officer, in his or her count of the votes, has:

(i) counted or rejected any ballots improperly; or

(ii) made an incorrect statement of the number of ballots cast for a candidate, for or against a bylaw or resolution or in the affirmative or negative of a question;

(b) the returning officer has improperly added up the votes; or

(c) the returning officer has failed to comply with subsection 159(1).

(3) If a judge appoints a time and place pursuant to subsection (2), the judge shall cause a written notice of the time and place at which the judge will recount the votes to be served on the applicant and on any other person that the judge may direct.

DIVISION 2
Procedure

Attendance at recount

161(1) At the time and place appointed for the recount, the returning officer shall attend the recount with the ballot boxes and all documents in the returning officer's possession relating to the election.

(2) The judge, the returning officer, 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.

Opening packets

162(1) At the time and place appointed, the judge shall receive the ballot boxes from the returning officer and proceed with the recount of the ballots with respect to the election in question.

(2) In the presence of the persons authorized to attend and who are then in attendance, the judge shall open the sealed packets containing:

(a) all of the ballots to which no objection has been made and which have been counted;

(b) all of the ballots to which objection has been made but which have been counted;

(c) all of the rejected ballots;

(d) all of the spoiled and declined ballots; and

(e) all of the unused ballots.

Continuation of recount

163 As far as is practicable, a recount must proceed continuously except during the hours that the judge may determine.

Security of documents

164 During any period that the recount is suspended, the judge shall take any precautions that the judge considers necessary for the security of the ballots and documents until the recount is resumed.

Secrecy

165 In conducting the recount of votes, every reasonable precaution must be taken to ensure that the manner in which any person has voted is not disclosed.

Procedure for recount

166(1) A recount must be conducted in accordance with this section.

(2) The judge shall examine the ballots and exclude from the recount any ballot:

(a) subject to subsection (3), that does not have on its reverse side the initials of the deputy returning officer;

(b) on which votes are given for more candidates than the number to be elected for the office in question or, in the case of a vote on a bylaw, resolution or question, that has been marked both yes and no or affirmatively and negatively;

(c) on which anything, except the initials of the deputy returning officer, is written or marked in any manner so as to identify the voter;

(d) that has been torn, defaced or otherwise treated by the voter in any manner sufficient to obscure the voter's intent in the vote or to reveal the voter's identity;

(e) on which no vote is marked; or

(f) that is not contained in one of the packets mentioned in section 136.

(3) No word or mark written or made or omitted to be written or made by the deputy returning officer on a ballot affects the validity of the vote.

(4) The judge shall take note of any objection to a ballot made by any person entitled to attend the recount and shall decide any question arising out of that objection, and the judge's decision is final.

(5) On the completion of the judge's examination of the ballots pursuant to subsection (2), the judge shall:

(a) count the votes given on all the ballots that have not been rejected; and

(b) prepare a written statement setting out:

(i) in the case of an election, the names of the candidates;

(ii) the number of votes given for each candidate or given in the affirmative or negative on a question or for or against a bylaw or resolution;

(iii) the number of ballots on which the initials of the deputy returning officer have not been inscribed;

(iv) the number of ballots rejected by reason of having been marked for more persons than the number to be elected or, in the case of a vote on a bylaw, resolution or question, those rejected by reason of having been marked both for and against or affirmatively and negatively, respectively;

(v) the number of ballots rejected by reason of being torn, defaced, or otherwise treated so as to identify the voter;

(vi) the number of ballots rejected by reason of being unmarked, marked or written on in a manner so as to obscure the intent of the voter or to reveal the voter's identity; and

(vii) the number of ballots not contained in one of the packets.

(6) When the judge has ascertained the result of the voting on the recount, the judge shall:

(a) seal the ballots in separate packets in the manner in which they were received by the judge;

(b) return them to the custody of the returning officer; and

(c) immediately certify the result of the recount to the returning officer.

(7) The returning officer shall post in the returning officer's office the results of the election.

(8) Subject to subsection (9), if two or more candidates with respect to the same office have been allowed the same number of votes as a result of the recount, the judge shall proceed, as nearly as possible, in accordance with section 141 and shall declare the candidate whose name is drawn to be elected.

(9) If the same candidates have an equal number of votes at the recount as at the summing up of the ballots by the returning officer and one of those candidates had been declared elected pursuant to section 141, the judge shall confirm the election of the candidate who had been declared elected by the returning officer.

(10) In the case of an equality of votes with respect to a recount on a bylaw, resolution or question, section 155 applies.

(11) Nothing in this section prevents or affects any remedy that any person may have pursuant to this Act with respect to controverted elections.

Costs

167(1) All costs of and incidental to a recount must be defrayed by the parties to the application in any manner and proportions that the judge may determine having due regard for any of the costs that, in the opinion of the judge, have been caused by unfounded allegations and objections or vexatious conduct on the part of the applicant or the respondent.

(2) If the judge so orders, the costs must be taxed on the tariff of costs of the court.

(3) The payment of any costs ordered by the judge may be enforced by the filing in court of the order and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of those costs.

PART XI
Prohibitions, Offences and Penalties

Divulgence of vote in certain proceedings prohibited

168 No person who has voted in an election shall be required, in any legal proceedings involving an examination of that election, the results or any associated matter, to divulge how he or she voted in an election.

Inspection of contents of ballot box

169(1) No person shall inspect the contents of a sealed ballot box except pursuant to an order of a judge to be granted on evidence satisfactory to the judge that the inspection or production of the contents is required for the purpose of:

(a) the prosecution of an offence in relation to the election;

(b) a recount pursuant to section 158; or

(c) proceedings pursuant to *The Controverted Municipal Elections Act* to contest an election or return.

(2) A judge who makes an order pursuant to this section shall state in the order:

(a) the time and place for the inspection of the contents of the sealed ballot box;

(b) the names of the persons to be present at the inspection; and

(c) any other conditions that the judge considers appropriate.

Offences re ballots and ballot boxes: penalty

170(1) No person shall:

(a) unless authorized to do so, supply a ballot to any person;

(b) fraudulently put a ballot into a ballot box;

(c) fraudulently remove a ballot from a ballot box;

(d) fraudulently remove a ballot from a polling place;

(e) without due authority, destroy, take, open or otherwise interfere with a ballot box or packet of ballots in use for the purpose of an election;

(f) apply for a ballot in the name of another person whether living, dead or fictitious or advise, abet, counsel or procure any other person to do so;

(g) having voted once and not being entitled to vote again at the same election, apply for a ballot in his or her own name or advise, abet, counsel or procure any other person to do so;

(h) vote when he or she is not entitled to vote, whether or not his or her name is on the voters list;

(i) knowingly or wilfully make a false statement when completing a form required pursuant to this Act; or

(j) attempt to do any of the things mentioned in clauses (a) to (i).

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than $5,000, to imprisonment for a term of not more than two years or to both.

Secrecy of vote

171 Every election official or other person in attendance at a polling place shall adhere strictly to the principle of secrecy of the vote and shall not communicate or attempt in any way to communicate information known to them as to the person for whom any vote is given.

Interference with voter prohibited

172 No person shall interfere or attempt to interfere with a person who is voting or attempt to obtain information at the polling place as to how a person has voted or is about to vote.

Communication of information prohibited

173 No person shall communicate to any person any information obtained at a polling place as to the candidate or candidates for whom a voter at the polling place is about to vote or has voted.

Prejudice of election by official prohibited

174 No election official shall knowingly or wilfully prejudice the result of any voting by preventing votes from being taken, by taking unlawful votes or by altering votes, returns or books.

Obstruction of election officials prohibited

175 No council or board, its officers or employees nor any other person shall obstruct or attempt to influence the returning officer or other election officials in the carrying out of their duties as election officials.

Canvassing at polling place and specimen ballot prohibited

176 During the hours that a poll is open, no candidate, no agent of any candidate nor any other person shall, in the polling place or within 100 metres of the building in which the poll is held:

(a) canvass or solicit votes;

(b) persuade or compel a person to vote or refrain from voting;

(c) make any communication to a person regarding any matters relating to voting or the election, other than through the deputy returning officer; or

(d) display, distribute or post a campaign sign, a specimen ballot for a person whose name is on the ballot for election, or any other material purporting to explain how to vote, or leave any of the preceding materials in a voting compartment, except as provided by this Act.

Disclosure of ballot prohibited

177 No person shall directly or indirectly induce a person to display his or her ballot in a manner that reveals how he or she has voted.

Secrecy when counting votes

178 Every officer, clerk and agent in attendance at the counting of the votes:

(a) shall maintain and aid in maintaining the secrecy of the voting; and

(b) shall not communicate or attempt to communicate any information obtained at the counting as to the candidate or candidates for whom any vote is given.

Offence re false statement by candidate

179(1) No person shall sign a candidate's acceptance form that contains a false statement.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than $1,000.

(3) If a person convicted of an offence pursuant to subsection (1) has been elected, that person's election is void, and the council or board shall immediately declare the office to which that person was elected vacant and provide for the holding of a by-election in accordance with section 11.

Offence re acceptance of vote in certain case

180(1) No deputy returning officer shall take or receive, or cause to be taken or received, the vote of a person who has refused to prove his or her identity pursuant to section 110.

(2) A deputy returning officer who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than $5,000, to imprisonment for a term of not more than two years or to both.

Offence re false statements to election officials

181(1) No person shall furnish false or misleading information to a returning officer or to any person who is authorized to act as an election official.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than $5,000, to imprisonment for a term of not more than two years or to both.

Advertising

182(1) In this section:

(a) **"advertisement"** means any of the following that refers to any election or promotes the candidacy of a particular person:

(i) a visual publication, display or representation consisting of images or text;

(ii) any audio publication or representation;

(iii) any advertisement, hand bill, placard, poster, circular or circular letter pamphlet;

(iv) any electronic or digital display;

(v) any radio or television broadcast that refers to any election or promotes the candidacy of a particular person;

(b) **"distribute"** means to do any of the following:

(i) print, or produce by any other process;

(ii) publish;

(iii) distribute by mail or otherwise;

(iv) post;

(v) disseminate or broadcast.

(2) No person shall distribute or cause to be distributed any advertisement that promotes the candidacy of a particular person unless there is included in, or unless there appears on the face of the advertisement:

(a) the name of the candidate on behalf of whom the advertisement is distributed; and

(b) the name of the person who has authorized its printing, display and distribution.

(3) Every person who distributes an advertisement in a manner that is not in accordance with subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than $5,000, to imprisonment for a term of not more than two years or to both.

Offence re interference with notices

183(1) No person shall unlawfully take down, cover up, mutilate, deface or alter a voters list or any notice or other document required to be posted by this Act.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than $5,000, to imprisonment for a term of not more than two years or to both.

General offences

184 Every person who contravenes any provision of this Act or the regulations 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, to imprisonment for a term of not more than two years or to both.

Powers of minister in relation to certain elections in rural municipalities

185(1) An order made by the minister pursuant to subsection 402(6) of *The Municipalities Act*:

(a) may include any provisions that the minister considers appropriate to achieve the purposes of this Act; and

(b) notwithstanding subsection 402(7) of *The Municipalities Act*, may include an order providing an exception to this Act or to a bylaw or regulation made pursuant to this Act.

(2) Without limiting subsection (1), the minister may make an order extending a period or establishing a new date in place of a date set by or pursuant to this Act and giving any other directions that the minister considers appropriate in relation to this Act.

PART XII
Regulations

Regulations

186 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) prescribing forms for the purposes of this Act;

(c) for the purposes of section 21, prescribing the process for the election of a board member of a school division with respect to an Indian Reserve;

(d) governing the use of one or more ballot boxes in the circumstances described in section 32;

(e) for the purposes of section 39, further clarifying the division in which a person is eligible to vote;

(f) for the purposes of section 43, respecting the eligibility and disqualification of candidates and members of council;

(g) for the purposes of section 67, respecting any other matter related to nomination of candidates;

(h) for the purposes of section 90:

(i) prescribing requirements, limits and conditions in relation to voting pursuant to that section, including prescribing different requirements, limits and conditions for different municipalities or school divisions or classes of municipalities or school divisions;

(ii) prescribing that that section does not apply to specified municipalities or school divisions or classes of municipalities or school divisions;

(iii) respecting any matter that the Lieutenant Governor in Council considers necessary for the purpose of conducting elections with the devices mentioned in subsection 90(2);

(i) for the purposes of section 91:

(i) prescribing the form of the ballot;

(ii) prescribing the type and quality of paper to be used for the ballot;

(j) for the purposes of section 92:

(i) prescribing requirements, limits and conditions in relation to mail-in ballot voting, including prescribing different requirements, limits and conditions for different municipalities or school divisions or for different classes of municipalities or school divisions;

(ii) prescribing that subsection 92(1) does not apply to specified municipalities or school divisions or to specified classes of municipalities or school divisions;

(iii) respecting any other matter that the Lieutenant Governor in Council considers necessary for the purpose of conducting elections by mail-in ballot voting;

(k) for the purposes of section 110, prescribing pieces of information to establish a voter's identity, including the following:

(i) prescribing the circumstances in which the pieces of information may be used, prescribing classes of circumstances in which pieces of information may be used and prescribing different pieces of information to be used in different circumstances;

(ii) prescribing the content to be provided in the pieces of information;

(iii) prescribing the form of the pieces of information;

(iv) prescribing the manner in which the pieces of information may be completed and used;

(l) for the purposes of section 110, prescribing alternative procedures to establish a person's identity and residence;

(m) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(n) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART XIII
Repeal, Consequential Amendments and Coming into Force

S.S. 1982-83, c.L-30.1 repealed

187 *The Local Government Election Act* is repealed.

S.S. 2002, c.C-11.1 amended

188(1) *The Cities Act* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended:

(a) in clause (c) by striking out "within the meaning of *The Local Government Election Act*" **and substituting "**as defined in *The Local Government Election Act, 2014*"**;**

(b) in clause (m) by striking out "within the meaning of *The Local Government Election Act*" **and substituting "**as defined in *The Local Government Election Act, 2014*"**; and**

(c) in clause (o) by striking out "as defined in section 2 of *The Local Government Election Act*" **and substituting "**as defined in *The Local Government Election Act, 2014*"**.**

(3) Subclause 61(1)(b)(iii) is amended by striking out "section 18 of *The Local Government Election Act*" **and substituting "**section 25 of *The Local Government Election Act, 2014*"**.**

(4) Subsection 63.1(1) is amended by striking out "section 46 of *The Local Government Election Act*" **and substituting "**section 67 of *The Local Government Election Act, 2014*"**.**

(5) The following subsection is added after subsection 107(4.1):

"(4.2) For the purposes of clauses (2)(d) and (4)(c), the date must include the month, day and year**".**

(6) Section 108 is amended:

(a) in clause (3)(e) by adding "or is incomplete**" after "**stated**"; and**

(b) by repealing subsection (4) and substituting the following:

"(4) Instead of verifying that the requirements of subsection (3) have been met with respect to each petitioner, a clerk may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition.

"(5) A clerk shall not use a random sampling method to determine the sufficiency of the petition as provided for in subsection (4) if the clerk has already excluded the name of any person pursuant to subsection (3).

"(6) A clerk may apply to the court for direction as to the sufficiency of the petition**".**

(7) Section 112.1 is amended:

(a) in clause (a) by striking out "Part V of *The Local Government Election Act*" **and substituting "**Part IX of *The Local Government Election Act, 2014*"**; and**

(b) in clause (b) by striking out "Part V**" and substituting "**Part IX**".**

(8) Subclause 120(1)(e)(i) is amended by striking out "section 145.1 of *The Local Government Election Act*" **and substituting "**section 34 of *The Local Government Election Act, 2014*"**.**

R.S.S. 1978, c.C-27 amended

189 Section 20 of *The Conservation and Development Act* is amended by striking out "Part VIII of *The Local Government Elections Act*" **and substituting "***The Local Government Election Act, 2014*"**.**

R.S.S. 1978, c.C-33 amended

190 Subsection 18(2) of *The Controverted Municipal Elections Act* is amended by striking out "section 160.83 of *The Local Government Election Act*" **and substituting "**section 8 of *The Local Government Election Act, 2014*"**.**

S.S. 2005, c.M-36.1 amended

191(1) *The Municipalities Act* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended:

(a) by repealing clause (g) and substituting the following:

"(g) **'by-election'** means a by-election as defined in *The Local Government Election Act, 2014*"**;**

(b) by repealing clause (n) and substituting the following:

"(n) **'general election'** means a general election as defined in *The Local Government Election Act, 2014*"**; and**

(c) by repealing clause (ccc) and substituting the following:

"(ccc) **'voter'** means a voter as defined in *The Local Government Election Act, 2014*"**.**

(3) Subsection 58(1) is amended by striking out "Part V or VIII of *The Local Government Election Act*" **and substituting "**Part IX of *The Local Government Election Act, 2014*"**.**

(4) Subsection 58(2) is amended by striking out "Part V or VIII of *The Local Government Election Act*" **and substituting "**Part IX of *The Local Government Election Act, 2014*"**.**

(5) Subclause 87(1)(b)(iii) is amended by striking out "section 18 of *The Local Government Election Act*" **and substituting "**section 25 of *The Local Government Election Act, 2014*"**.**

(6) Clause 89(2)(b) is amended by striking out "Part VIII of *The Local Government Election Act*" **and substituting "***The Local Government Election Act, 2014*"**.**

(7) Subsection 89.1(1) is amended by striking out "section 46 or 160.15 of *The Local Government Election Act* **" and substituting "**section 67 of *The Local Government Election Act, 2014* **".**

(8) The following subsection is added after subsection 133(4.1):

"(4.2) For the purposes of clauses (2)(d) and (4)(c), the date must include the month, day and year**".**

(9) Section 134 is amended:

(a) in clause (3)(e) by adding "or the date is incomplete**" after "**petition**"; and**

(b) by repealing subsection (4) and substituting the following:

"(4) Instead of verifying that the requirements of subsection (3) have been met with respect to each petitioner, an administrator may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition.

"(5) An administrator shall not use a random sampling method to determine the sufficiency of the petition as provided for in subsection (4) if the administrator has already excluded the name of any person pursuant to subsection (3).

"(6) An administrator may apply to the court for direction as to the sufficiency of the petition**".**

(10) Section 136 is amended:

(a) in subclause (2)(a)(i) by striking out "section 5 or 160.03 of *The Local Government Election Act* **" and substituting "**section 10 of *The Local Government Election Act, 2014* **"; and**

(b) in subclause (2)(a)(ii) by striking out "section 5 of *The Local Government Election Act* **" and substituting "**section 10 of *The Local Government Election Act, 2014* **".**

(11) Section 139 is amended by striking out "Part V or VIII of *The Local Government Election Act* **" and substituting "**Part IX of *The Local Government Election Act, 2014* **".**

(12) Subclause 147(1)(e)(i) is amended by striking out "section 145.1 of *The Local Government Election Act* **" and substituting "**section 34 of *The Local Government Election Act, 2014* **".**

S.S. 2010, c.N-5.2 amended

192(1) *The Northern Municipalities Act, 2010* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended:

(a) in clause (g) by striking out "section 2 of *The Local Government Election Act* **" and substituting "***The Local Government Election Act, 2014* **";**

(b) in clause (r) by striking out "section 2 of *The Local Government Election Act* **" and substituting "***The Local Government Election Act, 2014* **"; and**

(c) in clause (nnn) by striking out "within the meaning of section 23 of *The Local Government Election Act*" **and substituting "**as defined in *The Local Government Election Act, 2014*"**.**

(3) Subsection 79(1) is amended by striking out "Part V of *The Local Government Election Act*" **and substituting "**Part IX of *The Local Government Election Act, 2014*"**.**

(4) Subsection 79(2) is amended by striking out "Part V of *The Local Government Election Act*" **and substituting "**Part IX of *The Local Government Election Act, 2014*"**.**

(5) Subsection 104(1) is amended by striking out "section 46 of *The Local Government Election Act*" **and substituting "**section 67 of *The Local Government Election Act, 2014*"**.**

(6) The following subsection is added after subsection 151(5):

"(5.1) For the purposes of clauses (2)(d) and (4)(c), the date must include the month, day and year**".**

(7) Section 152 is amended:

(a) in clause (3)(e) by adding "or the date is incomplete**" after "**petition**"; and**

(b) by repealing subsection (4) and substituting the following:

"(4) Instead of verifying that the requirements of subsection (3) have been met with respect to each petitioner, an administrator may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition.

"(5) An administrator shall not use a random sampling method to determine the sufficiency of the petition as provided for in subsection (4) if the administrator has already excluded the name of any person pursuant to subsection (3).

"(6) An administrator may apply to the court for direction as to the sufficiency of the petition**".**

(8) Section 157 is amended by striking out "Part V of *The Local Government Election Act*" **and substituting "**Part IX of *The Local Government Election Act, 2014*"**.**

(9) Subclause 165(1)(e)(i) is amended by striking out "section 145.1 of *The Local Government Election Act*" **and substituting "**section 34 of *The Local Government Election Act, 2014*"**.**

Further consequential amendments

193 The provisions of the Acts set out in Table 1 of the Schedule are amended by striking out "*The Local Government Election Act***" wherever it appears and in each case substituting "***The Local Government Election Act, 2014***"**.

Coming into force

194 This Act comes into force on proclamation.

Schedule

TABLE 1
Change "*The Local Government Election Act*" to "*The Local Government Election Act, 2014*"

[Section 193]

Acts	**Provision**
The Cities Act S.S. 2002, c.C-11.1	47(1) 47(2)(a)(i) and (ii) 47(2)(b) 63 69 120(1)(a) and (b)
The Controverted Municipal Elections Act R.S.S. 1978, c.C-33	2(b.1) and (e) 38
The Municipalities Act S.S. 2005, c.M-36.1	89(1) and (2)(a) 90 95 402(7)
The Northern Municipalities Act, 2010 S.S. 2010, c.N-5.2	2(1)(xx) 103(1) and (2) 109 165(1)(a), (b) and (f) 424(7)
The Residential Tenancies Act, 2006 S.S. 2006, c.R-22.0001	46(2)(a) 47(1)
The Time Act R.S.S. 1978, c.T-14	5(b) 24 29(1) 31

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