


**Local Government Elections  
Workshop**

March, 2020

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**Housekeeping Items**

- Cell phones off or on vibrate
- Washroom location
- Fire exits
- Breaks

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**Common Acronyms**

CA	<i>The Cities Act</i>
DRO	Deputy Returning Officer
EO	Election Official
LGEA	<i>The Local Government Election Act, 2015</i>
LGE Regs	<i>The Local Government Election Regulations, 2015</i>
MA	<i>The Municipalities Act</i>
RO	Returning Officer
NM	Northern Municipality
NMA	<i>The Northern Municipalities Act, 2010</i>
NO	Nomination Officer
PC	Poll Clerk
RM	Rural Municipality
RV	Resort Village

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## Things to Watch For



= Legislative changes

(Sec. 10) = Legislation section reference  
(*The Local Government Election Act, 2015*)

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## Election Dates, 2020

(Sec. 10)

Resort Villages : July 25, 2020  
(last Saturday of July)

\* This is not a change from before.

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## Election Dates, 2020

(Sec. 10)

Cities, Towns, Villages: Monday, November 9<sup>th</sup>

RM's: November 9<sup>th</sup>  
(Reeve and councillors for odd-numbered divisions)

Northern Municipalities: November 9<sup>th</sup>  
(unless moved to second last Wednesday of September, or last Wednesday of September, or first Wednesday of October)

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## General Elections & Terms of Office

- General elections are held for each office every four years.
  - Rural municipalities hold a general election for selected divisions every two years.
- Each council member holds office for a four-year term. (Sec. 16)
- Terms begin and end at the first meeting of council after election day.

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## Council's Election Duties

Council shall:

- set the remuneration to be paid to EOs (Sec. 52);
- pay all or municipality's share of the costs incurred in holding the election (Sec. 33);
- set date of a by-election (Sec. 11); and
- in a rural municipality, name one or more polling places within Saskatchewan for each division (Sec. 24).

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## General Election Bylaw (Sec. 9.1)



- must be passed at least 90 days before election day;
- used for changing the method of providing public notice.

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## General Election Bylaw, Con't

(Sec. 9.1)



- inclusion of candidate's occupation on nomination paper and ballot, if desired;
- form of the ballot;
- establishment of a mail-in ballot system;
- rules respecting the return of a deposit to a candidate, for municipalities with population over 20,000;
- disclosure of campaign finances;
- use of voting machines; and/or
- distribution and authorization of candidacy promotional advertisements.

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## Residency

(Sec. 3 & 4)

- Residency impacts both the ability to run for office and the ability to vote.
- A person's residence is the place they typically refer to as "home".
- Special rules for students and members of the Canadian Forces.

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## Candidate Qualifications

(Sec. 42)

In ALL municipalities, a candidate:

- is at least 18 years of age on election day;
- is not disqualified by this or any other Act;
- is a Canadian citizen on the day the nomination paper is submitted; and
- is a Saskatchewan resident for six consecutive months prior to the day the nomination paper is submitted;

**PLUS...**

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## Candidate Qualifications, Con't

(Sec. 42)

City, Town, Village, Northern Municipality	Resort Village	Rural Municipality
* Has resided in the municipality for at least three consecutive months prior to the day of submitting the nomination paper.	* Has resided in the resort village (RV), or on land now in the RV, for at least three consecutive months prior to the day of submitting the nomination paper; or * Is the assessed person of property in the RV, or now in the RV, for at least three consecutive months prior to the day of submitting the nomination paper; or * Is the spouse of a person mentioned in one of the above paragraphs.	* Is eligible to vote in the rural municipality.

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## Eligibility & Disqualification

- A person cannot be nominated for more than one office within a municipality.
- Candidates cannot be a court judge or the municipality's auditor or solicitor.
- Municipal employees are required to take a leave of absence to seek office. If elected, resignation as employee is deemed to have occurred on the day before being declared elected.

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## Voters in an Urban Municipality

(cities, towns, villages)

(Sec. 36)

An eligible voter is:

- a) a Canadian citizen;
- b) at least 18 years of age;
- c) a Saskatchewan resident for six consecutive months before election day; and
  - i. has resided in the municipality, or on land now in the municipality, for at least three consecutive months immediately before election day; or
  - ii. is the owner of assessable land in the municipality, or land now in the municipality, for at least three consecutive months immediately before election day.

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**Voters in an Urban Municipality**  
(resort villages)  
(Sec. 36)

An eligible voter is:

- a) a Canadian citizen;
- b) at least 18 years of age; and
  - i. a resident of the RV, or of land now in the RV, for at least three consecutive months immediately before election day; or
  - ii. is the assessed person of property in the RV, or land now in the RV, for at least three consecutive months immediately before election day.



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**Voters in a Rural Municipality**

In addition to Canadian citizenship and age requirements, a voter of an RM must:

- meet one of the following criteria:
  - (i) be a resident of the RM, or of land now in the RM, for at least three consecutive months immediately preceding the day of the election;
  - (i.1) be the registered owner of property in the RM, or property now in the RM;
  - (ii) be the assessed person of property in the RM, or now in the RM, pursuant to Sec. 207 of the MA;
  - (iii) be the occupant of a permitted trailer or mobile home in the RM, or land now in the RM, pursuant to Sec. 306 of the MA;
  - (iv) be the spouse of a person mentioned in clause (ii) or (iii); or
  - (v) be 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.



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**Voting in Wards**  
(Sec. 38)

- If an urban municipality is divided into wards, a voter is eligible to vote **in the ward where he or she resides**.
- If the voter does not reside in the municipality but owns land there, he/she votes in the ward where they own land.
- If the voter does not reside in the municipality AND owns land in more than one ward, he/she votes in the ward with the total highest land assessment (certificate required).

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### Voting in Divisions

(Sec. 20 & 39)

- Each voter in a RM is entitled to vote for the reeve and for one division councillor.
- The administrator must notify voters in which division they are entitled to vote by indicating the division number on the assessment notice and on the tax notice. (MA Sec. 215 & 267)

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### Determining the Division

(Sec. 39)

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

1. the division where the voter resides;
2. the division where all the voter's assessed property is situated;
3. the division where the voter holds a permit as the occupant of a trailer or mobile home (pursuant to Sec. 306 of MA);

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### Determining the Division, Con't

Property in more than one division:

4. if a non-resident voter owns assessed property in more than one division, he or she votes in the division in which their total assessment is the highest;
5. if the total assessment is equal, the person will vote in the lower-numbered division; or
6. non-residents may choose to designate a division on or before September 1 (binding till change occurs).

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**List of Assessed Property Owners (RM)**  
 (Sec. 40 Repealed)



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**Returning Officer**  
 (Sec. 47 - 48)

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

- calling for nominations;
- receiving nominations;
- appointing all other EOs; and
- receiving and declaring election results.

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**Election Officials**  
 (Sec. 46, 48, 49)

Legislation requires the RO to appoint:

- one or more DROs for each polling place, including for advance polls;
- PCs for each polling place, including advance polls; and
- enumerators, if a voters list is being prepared.

The RO may also choose to appoint:

- NOs to receive nominations and issue receipts on behalf of the RO;
- constables to maintain order at a polling place; and
- any other officials deemed necessary to conduct the election.

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## Deputy Returning Officer

The DRO:

- sets up the polling place and posts all required notices and signs;
- ensures voters complete voter registration forms (unless a voters' list is used);
- provides assistance to voters with disabilities;
- keeps track of ballots;
- provides direction to candidates and agents;
- counts the ballots after the poll is closed;
- makes the final decision to approve or reject a ballot;
- completes required forms;
- closes the poll; and
- turns over all election materials to the RO.

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## Poll Clerk

The poll clerk:

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

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## Oaths

(Sec. 50)

Before starting any duties required for the election, the RO must complete Form E – Oath, Affirmation or Declaration of Election Official witnessed by a notary public, a commissioner for oaths or a justice of the peace.

All other EOs (DRO, PC, NO, constable, etc.) must also complete the oath witnessed by the RO or a person authorized to administer oaths.

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## Posting Notices

(Sec. 9)

All notices pursuant to the LGEA are to be posted as follows:

- in the municipal office;
- in the RO's office, if different than municipal office;
- in one or more public locations within the municipality/ward; and
- in at least one issue of a newspaper that circulates within the municipality (unless council has made other posting provisions in their general election bylaw as per **Sec. 9.1-9.2**).



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## Notices and Forms

Prescribed	Non-Prescribed
<ul style="list-style-type: none"> <li>• Form H – Notice of Call for Nominations</li> <li>• Form L – Notice of Call for Further Nominations</li> <li>• Plus many more...</li> </ul>	<ul style="list-style-type: none"> <li>• Notice of Poll</li> <li>• Notice of Abandonment of Poll</li> <li>• Notice of Advance Poll</li> </ul>
Prescribed forms available at: <a href="http://Publications.Saskatchewan.ca">Publications.Saskatchewan.ca</a>	

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## Call for Nominations

(Sec. 73 & 66)

Nomination Day = October \_\_\_\_, 2020

For RVs = June \_\_\_\_, 2020

Notice of Call for Nominations (Form H) is posted and public notice provided at least 10 business days before nomination day.

Post and provide public notice on or before :

September \_\_\_\_, 2020

June \_\_\_\_, 2020 (RVs)

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## Completed Nomination Papers

**(Sec. 67)**

No nomination is complete or shall be accepted unless the nominee's acceptance statement is:

- signed by the person nominated;
- witnessed by two people;
- accompanied by a completed version of the municipality's public disclosure statement;
- accompanied by a deposit (if required);
- accompanied by a criminal record check (if required).



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## Filing the Nomination Papers

A nomination paper may be submitted to the RO or NO by:

- personal delivery by the candidate or a person acting on the candidate's behalf;
- registered or ordinary mail;
- fax;
- email; or
- as otherwise specified by the returning officer.

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## Receiving Nominations

**(Sec. 74)**

Nominations for candidates will be received at the specified location:

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

Remember to issue a receipt for the completed nomination paper.

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## Withdrawal Period and Nomination Outcome

- Period for withdrawal of nominations (24 hours after close of first call for nominations). (Sec. 76)
- RO must assess the outcome for each office. Possibilities include:
  - equal number of nominations and vacancies;
  - less nominations than vacancies; or
  - more nominations than vacancies.

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## Candidates Acclaimed

(Sec. 77)

When the number of nominations is equal to the number of vacancies to be filled, the returning officer will:

- declare the candidates elected; and
- post a Notice of Abandonment of Poll (not a prescribed form).

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## Call for Further Nominations

The RO will need to call for further nominations when:

- there are no nominations for a single person office (mayor, reeve; ward/division councillor):
  - post Form L – Notice of Call for Further Nominations
- the number of nominations is less than the number to be elected (councillors elected at large):
  - declare any nominated candidates to be acclaimed; and
  - post Form L – Notice of Call for Further Nominations

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## Vote Required

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

- declare a vote will be held;
- name when, where, and for what offices the vote will be held;
- name when and where the results of the vote will be declared; and
- post a Notice of Poll (not a prescribed form)

The RO will also post a Notice of Advance Poll (not a prescribed form) if applicable.

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## Death of a Candidate

(Sec. 80)

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

- if there are more remaining candidates than vacancies, a vote is required and the election proceeds; or
- if the number of remaining candidates is equal to the vacancies, the RO immediately declares the remaining candidates elected.

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## Ballots

- Ballots are prescribed forms – Form N:
  - Refer to bylaw for requirement of occupation and/or arrangement of names.
  - Provide printer with a copy of Section 41, Regulations.
- When ballots are received:
  - verify accuracy of candidate information;
  - ensure same font used for all candidates; and
  - count the ballots.

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**Mail-In Ballots**  
**(Sec. 92 & Regs Sec. 18)**

- Council may enact a bylaw permitting mail-in ballots.
- A mail-in ballot system cannot extend the time for voting.
- Secrecy must be maintained.
- The bylaw should describe the system established by the municipality.

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**Mail-In Ballots, Con't**

- Voters will complete Form R – Voters Registration Form and a Declaration of Person Requesting Mail-in Ballot.
- Candidates or agents have the right to view these forms on election day.
- Voter will prove identity and residency.
- Bylaw may establish a deadline to apply.
- RO enters notation in poll book of applications.

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**Mail-In Ballots, Con't**

- Bylaw may allow use of blank ballots.
  - Preferred option is to use printed ballots.
  - All mail-in ballots should use only one format.
- No ballots should be provided prior to Notice of Poll.
- Voter secrecy must be protected.
  - Preferred option is to use a system of envelopes.

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### Mail-In Ballots, Con't

- Prior to issuing ballot, initial and fold.
- Provide detailed instructions to voter, such as:
  - the purpose of each envelope;
  - what to include in each envelope; and
  - how to mark each envelope.

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### Election Supplies

- Ballot boxes must be durable and sealable.
- Voting compartments must provide privacy for electors.
- Ensure a sufficient supply of all forms.
  - Checklist provided in the Election Guide.

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### Prior to Opening Polls

- The RO provides each DRO with the supplies required to conduct the election.
- The DRO should review the supplies received to make sure that everything they need has been provided.
- It is important to count the number of ballots.
- The polling place should be set up to ensure easy entry and exit of voters during peak times.
- Post required notices: Form O, Form P, Sec. 181.

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## Rights of Candidates

Candidates have the right to:

- obtain a copy of the voters list, if one was prepared; and
- be in the polling place to observe proceedings while voters are voting.

Each candidate may have two agents in attendance at each polling place to observe procedures. Candidates and agents may:

- object to the right of any voter intending to vote;
- examine a voter's evidence of identity; and
- request verification of vouching procedure.

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## Advance Poll

(Sec. 83)

- Advance polls are required in legislation for villages, towns, cities, and NMs.
- RVs and RMs are required to have either an advance poll or a mail-in ballot (as per bylaw).
- Advance polls are held at least three days but not more than 15 days before election day.

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## At the Close of Advance Poll

(Sec. 86)

The DRO will:

- seal the ballot box so no other ballots can be placed in the box until either:
  - the opening of poll on election day; or
  - the counting of ballots in the ballot box.
- seal all election records, supplies and materials in a locked container and provide for safe keeping until election day

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## Election Day

- Polls are open from 9:00 a.m. to 8:00 p.m. on election day.
- The DRO is responsible for the polling place on election day.
- Important to arrive early to prepare the polling place.

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## Voting Procedures

- Form R - Voter Registration form used unless a voters list has ben prepared.
- The voter must answer the questions and execute the form.
- The voter must provide appropriate identification prior to receiving a ballot.
- Voting process flow chart available in the election guide.

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## Identification

(Sec. 110)

OPTION 1	OPTION 2	OPTION 3
Gov't-issued ID with photo, name and address	2 non-photo pieces of ID	A qualified voter vouches for another voter with no ID
	Both must show name and at least one must show address	Complete Form B (attach to Form R)
	Refer to Regs Table 1, Appendix D for acceptable documents	Refer to Regs Table 2, Appendix D

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### Objections to a Voter (Sec. 112)

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

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### Special Situations

- Spoiled ballot;
- Forfeiture of voter or declined ballot;
- Voters with a disability or limited mobility;
- Interpreters;
- Inaccessible polling place.

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### After the Close of Poll (Sec. 128)

- Any voters in the polling place at the time of closing (8:00 pm) are entitled to vote.
- The DRO will prepare a non-prescribed certificate after the last name entered into the poll book indicating the number of persons who voted at the poll on election day.
- Only the candidate or one of the candidate's agents may be in attendance to observe the ballot count.

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## Counting the Ballots

- Review procedures with candidates/agents.
- Reconcile ballot numbers:
  - Unused ballots should be difference between initial supply and number of voters + spoiled, declined, etc.
  - Ballots in the box should equal poll book entries.
- DRO examines ballots and decides if ballot is counted or rejected.
  - Candidates/agents may object to DRO's decision.

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## Rejected Ballots

(Sec. 129 - 131)

A rejected ballot:

- has DRO's initials missing (unless DRO is satisfied it should be included);
- has more marks than the voter was entitled to make;
- has been written or marked in a way that could identify the voter;
- has been torn, defaced or otherwise treated; or
- has not been marked.

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## Objections

(Sec. 132)

When an objection is raised by a candidate or an agent, the DRO will:

- number the objection starting with "1" on the back of the ballot and initial the entry;
- record the objection in the poll book along with the number placed on the ballot;
- on the reverse side of the ballot, record the objection either as "Rejection objected to" or "Counting objected to"; and
- decide whether to accept or reject the ballot after considering the information provided.

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**Post-Count Activities**  
(Sec. 135 – 137)

- After ballots are counted, the DRO completes:
  - a Form Z - Statement of Results for each office; and
  - a Form BB - Declaration of Poll which is attached to the poll book.
- Ballots are enclosed in specially marked envelopes before placement in the ballot box with other materials.
- DRO returns ballot box and report to RO.

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**Voting Machines**  
(Sec. 90 & Regs Sec. 4-12)

A bylaw is required by municipalities choosing to use voting machines.

Paper ballots must be used for elections:

- either a voter is provided with a paper ballot to mark, which is then put through the machine; or
- a voter marks an electronic ballot, which is then printed on paper.

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**Voting Machines Bylaw**  
(Sec. 90 & Regs Sec. 4-12)

The bylaw must include provisions for:

- the form of ballot;
- procedures for voting and for counting votes;
- mobile and special polls;
- mail-in ballots;
- accommodating voters with disabilities;
- machine testing and programming;
- procedures in event of machine failure; and
- others...

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**Voting Machines**  
(Sec. 90 & Regs Sec. 4-12)

- All ballots are to be counted by machines.
- All machines are to be programmed to accept all ballots.
- Voting machines are prohibited from being connected to the internet.

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**Declaration of Results**  
(Sec. 138 – 141)

- RO determines results of election based on reports from all DRO's – results are recorded on Form CC.
  - If there is a tie vote, the election is determined on the basis of a draw made by a person other than the RO.
- RO gives election materials to the administrator for safekeeping.
- Administrator notifies council and the Minister of Government Relations:
  - Municipal Election Results Form (MERT); and
  - Municipal Directory.

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**Retention of Materials**  
(Sec. 142)

- The municipal administrator is responsible for safekeeping election materials.
- The contents of the ballot boxes must be kept for three months after election day.
- The nomination forms for all candidates must be kept for the duration of the term of office (four years from the first meeting of council).

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## Contesting the Election

The LGEA details certain actions as an offence.

Question:

What are some of the offences that are included in the Act?

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## Methods of Challenging an Election

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

1. a recount, which will allege errors were made by the DRO during the ballot count procedure; and
  - This option is used when the disputed ballots have the potential to affect the outcome of the election.
2. a challenge, which may allege procedural errors by EOs, ballots cast by ineligible voters, or contraventions of legislation by candidates or others.

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## Recounts

(Sec. 158 – 167)

- A recount may be requested if questionable ballots might impact the outcome of the election.
- To request a recount, a voter must apply to the RO by completing Form MM – Notice of Request for Recount – within 10 business days of the declaration of election results.
- The RO completes Form NN–Certificate of Returning Officer within four days and presents to judge.

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**Controverted Elections**  
(Part XI.1)

- Bribery
- Undue influence

Action must commence within four weeks after election.



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**Information Available Online**  
at [www.saskatchewan.ca](http://www.saskatchewan.ca)

- Local Government Election Guide;
- Interactive election schedule;
- Three-part Local Government Elections webinar; and
- General information about municipal elections available.



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**Thank You**

Please complete our survey



Advisory Services & Municipal Relations  
(306) 787-2680

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