

The Local Government Election Act

Repealed

by Chapter L-30.11 of the *Statutes of Saskatchewan, 2015*
(effective January 1, 2016).

Formerly

Chapter L-30.1* of the *Statutes of Saskatchewan, 1982-83*
(effective July 31, 1982, except s.137, effective July 21, 1982)
as amended by the *Statutes of Saskatchewan, 1983-84, c.26;*
1984-85-86, c.51; 1986-87-88, c.9; 1988-89, c.45; 1989-90, c.5;
1990-91, c.22; 1993, c.29, 30 and 45; 1995, c.23; 1996, c.16;
1997, c.40; 1999, c.6; 2002, c.C-11.1 and 34; 2003, c.18;
2005, c.19; 2006, c.23; 2009, c.22; 2010, c.N-5.2, 15 and 24;
2011, c.9; and 2013, c.S-15.1.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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REPEAL, COMING INTO FORCE

- 161 R.S.S. 1978, c.U-9 repealed

CHAPTER L-30.1

An Act respecting Elections in Municipalities and Divisions and repealing *The Urban Municipal Elections Act*

PART I Title and Interpretation

Short title

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

Interpretation

2(1) In this Act:

- (a) **“alderman”** means a member of a council other than the mayor;
- (a.1) **“board”** means a board of education within the meaning of *The Education Act, 1995*;
- (b) **“board member”** means a member of a board;
- (b.1) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (c) **“by-election”** means, except in Part VIII, an election held to fill a vacancy in the office of mayor, alderman or board member on a day named pursuant to section 6;
- (d) **“candidate”** means, except in Part VIII, a person nominated in accordance with this Act for election to a council or board;
- (e) **“clerk”** means the clerk or administrator of a municipality;
- (f) **“council”** means, except in Part VIII, the council of a municipality;
- (g) **Repealed.** 1984-85-86, c.51, s.3.
- (h) **“council or board”** means the council or board, as the case requires;
- (i) **“court”** means Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (j) **“deputy returning officer”** means, except in Part VIII, a deputy returning officer appointed pursuant to section 29;
- (k) **“election”**, except in Part VIII, except in Part VIII, except in Part VIII, includes a by-election, and means:
 - (i) an election of members of council;
 - (ii) an election of board members; or
 - (iii) a vote of electors or voters, as the case may be, 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* or *The Education Act, 1995*, as the case may be;

- (l) **“election official”**, except in Part VIII, includes a returning officer, deputy returning officer, poll clerk, revising officer, associate returning officer, nomination officer, enumerators and any other supervisory officers and assistants appointed pursuant to section 29 or 30;
- (m) **“election procedure bylaw”** means a bylaw passed by a council or board pursuant to section 115;
- (n) **“elector”** means, except in Part VIII, a person described in section 23;
- (o) **“enumerator”** means an enumerator appointed pursuant to section 29;
- (p) **“general election”** means:
- (i) an election held pursuant to section 5; or
 - (ii) a first election held in a newly-established municipality or school division;
- (q) **“judge”** means, except in Part VIII, a judge of the court sitting at the judicial centre nearest to which the municipality or school division is situated;
- (r) **“member”** means a mayor, alderman or board member, as the case may be;
- (s) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (t) **“municipality”** means a municipality other than a rural municipality;
- (t.1) **“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:
- (i) a publication exclusively for advertising; or
 - (ii) an advertising supplement to or contained in a newspaper;
- (u) **“nomination day”** means, except in Part VIII:
- (i) in the case of a general election, the day specified in section 50;
 - (ii) in the case of a by-election, the day named pursuant to section 7;
- (u.01) **“nomination paper”** includes any required attachments;
- (u.1) **“northern municipality”** means a town, northern village or northern hamlet as defined in *The Northern Municipalities Act, 2010*;
- (u.2) **“northern school division”** means a school division located in the Northern Saskatchewan Administration District;
- (v) **“polling area”** means a polling area established pursuant to section 17;
- (w) **“polling place”** means, except in Part VIII, a polling place named pursuant to sections 17, 19, 21 or 22;

- (x) **“prescribed form”** means, except in Part VIII, the form prescribed in the regulations;
 - (y) **“public school board”** means the board of a public school division;
 - (z) **“public school division”** means a public school division as defined in *The Education Act, 1995*;
 - (aa) **“rejected ballot”** means, except in Part VIII, a ballot rejected by a deputy returning officer pursuant to this Act;
 - (bb) **Repealed.** 2005, c.19, s.4.
 - (cc) **“returning officer”** means a person specified or appointed as a returning officer pursuant to section 28;
 - (dd) **“school division”** means a school division as defined in *The Education Act, 1995*;
 - (ee) **Repealed.** 2009, c.22, s.3
 - (ff) **“separate school board”** means the board of a separate school division;
 - (gg) **“separate school division”** means a separate school division as defined in *The Education Act, 1995*;
 - (hh) **“vacancy”** means an elected office for which there is no duly elected incumbent;
 - (ii) **“voter”** means, except in Part VIII, an elector who votes in an election;
 - (jj) **“voters’ list”** means, except in Part VIII, a list of electors required to be prepared under section 36;
 - (kk) **“voter’s registration form”** means, except in Part VIII, a voter’s registration form in the prescribed form;
 - (ll) **“ward”** means:
 - (i) a ward described in Division 2 of Part V of *The Cities Act* or Division 2 of Part V of *The Municipalities Act*; or
 - (ii) a sub-division described in section 40 of *The Education Act, 1995*;
 - (mm) **Repealed.** 2005, c.19, s.4.
- (2) References in this Act to time of day mean the local time of the municipality or school division.
- (2.1) Subject to subsection (3), 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.

(3) 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.

(4) For the purposes of this Act, a reference to an alderman is deemed to include a reference to a councillor, and the term “**councillor**” may be used instead of “**alderman**” for a member of a council.

1982-83, c.L-30.1, s.2; 1984-85-86, c.51, s.3;
1988-89, c.45, s.3; 1993, c.30, s.3; 1999, c.6, s.3
and 20; 2002, c.C-11.1, s.390; 2003, c.18, s.68;
2005, c.19, s.4; 2009, c.22, s.3; 2010, c.N-5.2,
s.449; 2011, c.9, s.3.

Rules of residence

3 For the purposes of this Act:

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

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

(c) no person, while he remains in the province, is deemed to have lost his residence until he has acquired another residence;

(d) no person has more than one residence in the province and, if he has more than one home in the province, he shall elect one home as his residence; and

(e) **Repealed.** 1988-89, c.45, s.4.

1982-83, c.L-30.1, s.3; 1988-89, c.45, s.4.

4 Repealed. 1984-85-86, c.51, s.4.

PART II

Proceedings Preliminary to Elections

General elections

5(1) Subject to subsections (2) and (2.1), a general election shall be held on October 24, 2012, and thereafter at intervals of every four years on the fourth Wednesday of October.

(2) In resort villages, a general election of a council shall be held on July 28, 2012, and thereafter at intervals of every four years on the fifth Saturday following nomination day.

(2.1) The council of a northern municipality or the board of a northern school division may designate one of:

(a) the second last Wednesday in September;

(b) the last Wednesday in September; or

(c) the first Wednesday in October;

as the day on which a general election is to be held.

(3) **Repealed.** 1984-85-86, c.51, s.5.

1982-83, c.L-30.1, s.5; 1984-85-86, c.51, s.5;
1988-89, c.45, s.5; 1996, c.16, s.3; 2011, c.9, s.4.

5.1 Repealed. 2011, c.9, s.5.

By-elections

6(1) Subject to section 7, where a vacancy occurs on a council or board, that council or board, at its next meeting, shall provide for the holding of a by-election to fill the vacancy.

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

(3) Nomination day for a by-election held pursuant to subsection (1) is:

(a) in the case of municipality other than a resort village, the Wednesday five weeks before the day on which the by-election is to be held; or

(b) in the case of a resort village, the Saturday five weeks before the day on which the by-election is to be held.

1982-83, c.L-30.1, s.6; 2011, c.9, s.6.

By-election to fill vacancy on board situated in municipality

7(1) Where 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 name a day specified by the board as election day, unless the board and council agree on another day, and provide for the holding of a by-election on that day to fill the vacancy.

(2) The council shall, within 30 days of a request pursuant to subsection (1), name the day specified or otherwise agreed upon as election day and provide for the holding of a by-election on that day to fill the vacancy.

1982-83, c.L-30.1, s.7.

Consultation required re by-elections

7.1 When a vacancy occurs:

(a) on the board of a school division that is not situated wholly or substantially within a municipality, the board shall advise the councils of all municipalities situated in the ward or school division in which the vacancy occurs and shall consult with those councils before naming the day on which the by-election will be held to fill the vacancy;

(b) on a council, the council shall advise the board of all school divisions situated in the municipality in which the vacancy occurs and shall consult with those boards before naming the day on which the by-election will be held to fill the vacancy.

1984-85-86, c.51, s.6.

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Number less than quorum

8 Where 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 fix 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, and every person so appointed has all the powers, rights and obligations of an elected member.

1982-83, c.L-30.1, s.8; 1996, c.16, s.4; 2005, c.19, s.5; 2009, c.22, s.4.

Vacancy in fourth year

9 Notwithstanding sections 6 and 7, where a vacancy occurs on a council or board on or after January 1 in a 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.

1982-83, c.L-30.1, s.9.

9.1 Repealed. 2009, c.22, s.5.

10 Repealed. 2009, c.22, s.6.

Terms of office

11(1) 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 in respect of whom the vacancy arose.

1982-83, c.L-30.1, s.11; 2009, c.22, s.7.

Disestablishment of school division

11.1 Notwithstanding sections 5 to 11, where a school division is to be disestablished pursuant to section 60 of *The Education Act, 1995*, and where 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.

1999, c.6, s.4.

Councillors, board members where wards established

12(1) If a city, town, village or resort village has been divided into wards, the electors of each ward shall elect the proper number of councillors as determined pursuant to *The Cities Act* or *The Municipalities Act*, as the case may be.

(2) The electors 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, 1995* or section 40 of *The Education Act, 1995*.

1982-83, c.L-30.1, s.12; 1984-85-86, c.51, s.7;
1988-89, c.45, s.6; 1993, c.29, s.4; 1996, c.16, s.5;
2003, c.18, s.68; 2005, c.19, s.6.

Election at large where no wards established

13 In a municipality or school division or portion of a school division which has not been divided into wards, the electors of the municipality or school division or portion of a school division shall elect the aldermen and board members at large.

1984-85-86, c.51, s.8; 1996, c.16, s.6.

Mayor elected at large

14 All electors of a municipality are entitled to vote in an election for mayor of that municipality.

1982-83, c.L-30.1, s.14.

15 Repealed. 1996, c.16, s.7.

Board members who represent Indian Reserve

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

1984-85-86, c.51, s.9.

Determination of polling areas and places

17(1) Where a school division is situated wholly or substantially within a municipality, the council shall, in accordance with section 18, divide the municipality and school division into as many polling areas as it considers necessary for the convenience of voters, and name the polling place for each polling area so established.

(2) Subject to subsection (2.1), if a school division is not situated wholly or substantially within a municipality:

(a) in the case of a general election or a vote pursuant to Part V held at the same time as a general election, the public school board shall, in accordance with section 18, 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 name the polling place for each polling area so established;

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- (b) in the case of a by-election or a vote pursuant to Part V held at a time other than a general election, the council of the municipality or the board of the school division in respect of which a by-election is to be held, shall, in accordance with section 18, divide the municipality or school division into as many polling areas as the council or board considers necessary and name the polling place for each polling area so established.
- (2.1) 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.
- (3) Polling areas established pursuant to subsections (1), (2) and (2.1) shall be numbered consecutively by the council or public school board.
- (4) In the case of a school division described in subsection (2.1), the board shall consult with the council of the city to ensure that, if possible, polling areas in the school division are numbered consecutively.
- (5) If a school division is required by an order made pursuant to section 17.1 to conduct a school board election, the school division must establish a polling station in each municipality affected by the order.

1982-83, c.L-30.1, s.17; 1984-85-86, c.51, s.10;
2005, c.19, s.7.

School division to conduct election

17.1(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, after consulting with the affected school division, may 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.

2009, c.22, s.8.

Criteria for polling areas and places

18(1) Subject to sections 20 to 22.2, polling areas shall be established, and polling places named, in such a way that:

- (a) all polling areas contain, as nearly as is practicable, an equal number of electors;
- (b) each elector may vote at one polling place on all matters on which he 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, where possible, in a place allowing convenient access to disabled persons;
 - (e) if practical, a polling place is located in each municipality; and
 - (f) where 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.

1982-83, c.L-30.1, s.18; 1983-84, c.26, s.3;
1984-85-86, c.51, s.11; 1988-89, c.45, s.7; 2005,
c.19, s.9.

Change of polling place

19 If any polling place named pursuant to section 17 becomes unavailable, the returning officer shall name another place as an alternate polling place and shall, by notice posted at the first-named polling place, direct the electors to the alternate polling place.

2011, c.9, s.7.

Discretion re polling place in resort village

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

1982-83, c.L-30.1, s.20.

Polling place in resort village

21 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 electors of the resort village may vote, irrespective of their place of residence, in respect of an election in that resort village.

1982-83, c.L-30.1, s.21.

Hospitals and personal care facilities

22(1) In this section, “**personal care facility**” means a personal care home licensed pursuant to *The Personal Care Homes Act*, a special-care home licensed pursuant to *The Housing and Special-care Homes 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.

- (2) 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 an elector of the municipality or school division, who is receiving care in that institution, may vote in an election;
 - (b) permit an elector 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 subsection 60(7).

2002, c.34, s.3; 2005, c.19, s.10.

Procedure for electors with physical disabilities or limited mobility

22.1(1) Subject to subsections (2) and 28(3), a council or board may provide for the attendance of a returning officer or deputy returning officer and a poll clerk at an elector's residence during the time when polls are open for voting at an election to take the vote:

- (a) of an elector in the municipality or school division who, because of physical disability or limited mobility, is unable to attend at an established polling place to vote; and
 - (b) of a resident caregiver of the elector mentioned in clause (a):
 - (i) if the resident caregiver is also an elector in the municipality or school division; and
 - (ii) if, because of the care required by the elector 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) Where a school division is situated wholly or substantially within a municipality and, pursuant to subsection 28(1), the clerk 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 for both those elections.
- (3) If a council or board has made provision for the taking of votes of electors pursuant to subsection (1), an elector with a physical disability or limited mobility, or a person acting on behalf of that elector, may apply to the returning officer in accordance with subsection (4):
- (a) to have the elector'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 elector's name and address and the reason the elector is not able to attend at an established polling place to vote; and
 - (d) if applicable, set out the name and address of the elector's resident caregiver and the reason the resident caregiver, who is also an elector in the municipality or school division, is not able 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 elector's name and address, arranged alphabetically or geographically, on a list in the prescribed form of electors 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 elector in writing in the prescribed form:
- (a) that the name and address of the elector has been entered on the list of electors entitled to vote at the election pursuant to this section; and
 - (b) of the approximate time during the advance poll or on election day when the elector's vote will be taken pursuant to this section.
- (7) 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 (5).
- (8) Subject to subsection (9), 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.
- (9) The persons mentioned in clauses 71(b) and (c) are not entitled to be present at the residence of an elector voting pursuant to this section.
- (10) Where 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.
- (11) Where the council or board makes provision for the taking of the votes of electors pursuant to subsection (1), the returning officer shall include, in the notice of poll given pursuant to section 55, particulars of the provisions that will be made to enable electors to vote pursuant to this section.

1997, c.40, s.3; 2002, c.34, s.4.

Inaccessible polling place

- 22.2(1)** This section applies to electors who attend at a polling place to vote but are unable to enter the polling place because of physical disability or limited mobility.
- (2) An elector mentioned in subsection (1), or a person acting on behalf of the elector, may make an oral or a written request to the returning officer or deputy returning officer to have the elector's vote taken at a polling place:
- (a) that has convenient access for the elector; and
 - (b) that, where wards have been established, is within the same ward as the regular polling place.

c. L-30.1

LOCAL GOVERNMENT ELECTION

(3) If a request is made pursuant to subsection (2), the returning officer or deputy returning officer shall attend the elector at the alternate polling place mentioned in subsection (2) during the time when polls are open for voting in order to take the elector'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 electors who have received ballots to vote in the polling place, temporarily suspend voting proceedings in the polling place to allow an elector to vote pursuant to this section.

1997, c.40, s.3; 1999, c.6, s.5.

Use of ballot boxes

22.3(1) Where the returning officer is of the opinion that the number of electors who are likely to vote:

- (a) at an advance poll;
- (b) at a polling place established pursuant to section 22; or
- (c) pursuant to section 22.1;

will be small and as a result it may be possible to determine for which candidate any of the electors voted, the returning officer may, notwithstanding any other provision of this Act, provide for the use of the same ballot box or boxes at the advance poll, for a polling place or polling places established pursuant to section 22, for voting pursuant to section 22.1 and for voting on election day.

(2) Where the returning officer uses any ballot box pursuant to subsection (1), the returning officer shall comply with any regulations made pursuant to section 160 governing the use of the box for taking the votes of electors in those circumstances.

1997, c.40, s.3; 1999, c.6, s.6.

PART III

Electors and Candidates
QUALIFICATIONS OF ELECTORS

Eligibility to vote

23(1) Every person is qualified to be registered as an elector in a municipality or school division:

- (a) who is a Canadian citizen on the day of the election;

- (b) who is of the full age of 18 years on the day of the election;
 - (c) who, on the day of the election:
 - (i) in the case of a municipality, other than a resort village, has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election and:
 - (A) has resided in the municipality, or on land now in the municipality, for at least three consecutive months immediately preceding the day of the election; or
 - (B) is the owner of assessable land situated in the municipality, or of land now situated in the municipality, for at least three consecutive months immediately preceding the day of the election;
 - (ii) subject to subsection (2), in the case of a school division:
 - (A) has resided in the school division, or on land now in the school division, for at least three consecutive months immediately preceding the day of the election; and
 - (B) has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election; or
 - (iii) in the case of a resort village:
 - (A) has resided in the resort village, or on land now in the resort village, for at least three consecutive months immediately preceding the day of the election;
 - (B) is the owner of assessable land situated in the resort village, or of land now situated in the resort village, for at least three consecutive months immediately preceding the day of the election;
 - (C) is the lessee of land in the resort village, or of land now in the resort village, for at least three consecutive months immediately preceding the day of the election; or
 - (D) is the spouse of a person mentioned in paragraph (A), (B) or (C).
- (2) To qualify to be registered as an elector in any election held in a separate school division, the person shall, in addition to the requirement set out in subclause (1)(c)(ii), be of the religious faith of the minority that established that separate school division, whether Protestant or Roman Catholic, and, on being registered as an elector in that separate school division, that person does not qualify to be registered as an elector in respect of any other school division.
- (3) A person who is registered as an elector in a public school division is not qualified to be registered as an elector in respect of any other school division.

One vote per elector – exception

24(1) Subject to subsections (2) and (3), an elector may vote only once during an election.

(2) A person who qualifies as an elector in a resort village and as an elector of another municipality is entitled to vote at both an election in the municipality in which he or she resides and at a municipal election in that resort village.

(3) A person who qualifies as an elector of a municipality in which he or she resides and as an elector of another municipality in which he or she is the owner of assessable land for at least three consecutive months immediately preceding the day of the election, and has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election, is entitled to vote at both:

- (a) an election in the municipality in which he or she resides; and
- (b) an election in the municipality in which he or she is the owner of assessable land for at least three consecutive months immediately preceding the day of the election.

(4) A person who qualifies as an elector of a municipality in which he or she resides and as an elector in a resort village in which he or she is the lessee of land for at least three consecutive months immediately preceding the day of the election, and has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election, is entitled to vote at both:

- (a) an election in the municipality in which he or she resides; and
- (b) an election in the resort village in which he or she is the lessee of land for at least three consecutive months immediately preceding the day of the election.

2009, c.22, s.10.

Voting in wards

24.1(1) Where wards are established, an elector may vote:

- (a) in the case of a school division, only in the election in respect of the ward in which he is a resident;
- (b) in the case of a municipality, in the ward in which the elector:
 - (i) resides;
 - (ii) is the owner of assessable land in the case of a municipality other than a resort village; or
 - (iii) is the owner or lessee of assessable land in the case of a resort village.

(2) An elector who is the owner of assessable land in more than one ward in a municipality in which he does not reside is eligible to vote only in the ward in which the total assessment of his land is highest.

(3) An elector described in subsection (2) shall obtain a certificate from the municipal assessor indicating in which ward he is eligible to vote and shall present the certificate to the deputy returning officer when he attends the polling place to vote.

1984-85-86, c.51, s.15; 1988-89, c.45, s.11; 1993, c.29, s.5; 1996, c.16, s.9.

Voting place

25 Subject to sections 22 to 23 and 93, an elector shall vote only at the polling place for the polling area in which he resides.

1988-89, c.45, s.12.

QUALIFICATIONS OF CANDIDATES

Candidates in municipal election

26 A person is qualified to be nominated as a candidate in a municipal election and to hold office as mayor or councillor of a municipality if the person:

- (a) in the case of a municipality other than a resort village:
 - (i) on the day of the election, is at least 18 years of age; and
 - (ii) at the time he or she submits the nomination paper, is a Canadian citizen and has resided:
 - (A) in that municipality, or on land now in that municipality, for at least three consecutive months immediately preceding the date on which nomination papers are submitted; and
 - (B) in Saskatchewan for at least six consecutive months immediately preceding the date on which nomination papers are submitted;
- (b) in the case of a resort village:
 - (i) on the day of the election, is at least 18 years of age; and
 - (ii) at the time he or she submits the nomination paper, is a Canadian citizen and:
 - (A) has resided:
 - (I) in that resort village, or on land now in that resort village, for at least three consecutive months immediately preceding the date on which nomination papers are submitted; and
 - (II) in Saskatchewan for at least six consecutive months immediately preceding the date on which nomination papers are submitted;

c. L-30.1

LOCAL GOVERNMENT ELECTION

(B) has:

(I) been the owner or lessee of assessable land situated in the resort village, or of land now in that resort village, for at least three consecutive months immediately preceding the date on which nomination papers are submitted; and

(II) resided in Saskatchewan for at least six consecutive months immediately preceding the date on which nomination papers are submitted; or

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

(c) is not disqualified pursuant to this or any other Act.

2009, c.22, s.11.

Disqualification

26.1(1) None of the following persons is qualified to be nominated or elected or to hold office as a member of a council:

(a) a judge of a 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, board or joint board with which the person is employed if the person has first obtained a leave of absence in accordance with section 2-54 of *The Saskatchewan Employment Act*:

(a) an employee of a municipality;

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

(c) an employee of a board of education;

(d) an employee of a joint board, as defined in *The Education Act* or *The Education Act, 1995*.

(4) Notwithstanding section 2-54 of *The Saskatchewan Employment Act*, an employee described in subsection (3) 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.

1984-85-86, c.51, s.17; 1996, c.16, s.11; 2013,
c.S-15.1, s.10-24.

Candidates in board election

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

(a) is an elector of the school division on the day of the election; and

(b) at the time he or she submits the nomination paper, is a Canadian citizen, and has resided:

(i) in the school division, or on land now in that school division, for at least three consecutive months immediately preceding the date on which nomination papers are submitted; and

(ii) in Saskatchewan for at least six consecutive months immediately preceding the date on which nomination papers are submitted.

2009, c.22, s.12.

PART IV
Election Procedures
ELECTION OFFICIALS

Returning officer

28(1) Where 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 V is the clerk of the municipality with respect to both municipal elections and board elections, unless the council of the municipality, at least 90 days prior to election day for a general election, or when setting a date for a by-election or a vote pursuant to Part V, appoints another person as returning officer.

(2) Where 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 V 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 clerk of the municipality, unless the council of the municipality at least 90 days prior to election day appoints another person as its 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), the boards of any separate school divisions and the councils of any municipalities within a public school division and the public school board may agree:

(a) to appoint only one returning officer; and

(b) to whether provision shall be made under section 22.1 for taking the votes of electors under that section;

for the purposes of the municipal and board elections by each passing a complementary bylaw or resolution giving effect to the agreement.

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

c. L-30.1

LOCAL GOVERNMENT ELECTION

- (4) A returning officer may appoint one or more persons to be known as nomination officers to receive nominations.
- (5) Where a school division is situated wholly or substantially within a municipality, the returning officer has the same authority and jurisdiction with respect to electors in any portion of the school division that lies outside the boundaries of the municipality as he has with respect to the electors in the municipality.
- (6) Where the returning officer dies, or is for any reason unable to act or perform his duties, the council or board shall appoint another person to act in that capacity.
- (7) Notwithstanding any other provision of this Act, if a school division is required by an order made pursuant to section 17.1 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.

1982-83, c.L-30.1, s.28; 1984-85-86, c.51, s.18;
1988-89, c.45, s.14; 2005, c.19, s.11; 2009, c.22,
s.13.

Duties of returning officer; appointment of officials

- 29(1)** The returning officer is responsible for all matters relating to the election as provided in this Act.
- (2) The returning officer shall appoint in writing, in the prescribed form:
- (a) a deputy returning officer or, if he considers it desirable, more than one deputy returning officer for a polling area;
 - (b) a deputy returning officer for the advance poll;
 - (c) a deputy returning officer for a poll established pursuant to section 22;
 - (c.1) a deputy returning officer for the purpose of taking the vote of electors pursuant to section 22.1 where provision has been made pursuant to that section for taking the votes of electors;
 - (d) enumerators, if the council or board has provided for a voters' list pursuant to section 36;
 - (e) poll clerks; and
 - (f) any other officials that may be necessary for the conduct of the election.
- (3) Notwithstanding subsection (2), the 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.

1984-85-86, c.51, s.19; 1988-89, c.45, s.15; 2011,
c.9, s.8.

Constables

30 The deputy returning officer or, if there is more than one, the deputy returning officer designated by the returning officer in his appointment may appoint a constable to maintain order at a polling place.

1984-85-86, c.51, s.20.

Oath of office

31 Every person appointed pursuant to sections 28 to 30 shall take an oath of office in the prescribed form.

1982-83, c.L-30.1, s.31.

Poll clerk as deputy returning officer

32 In the case described in section 68 or when the deputy returning officer is ill or otherwise unable to act, the poll clerk shall act in place of that deputy returning officer.

1982-83, c.L-30.1, s.32.

Remuneration of election officials

33 The council or board shall set the remuneration to be paid to election officials acting in respect of an election.

1982-83, c.L-30.1, s.33.

Prohibition

34 No candidate shall act as an election official.

1982-83, c.L-30.1, s.34.

VOTERS' LIST

Non-application of certain sections

35 Sections 36 to 44.1 do not apply in the case of a first election of a newly formed municipality or school division.

1982-83, c.L-30.1, s.35; 1984-85-86, c.51, s.21.

Enumeration; chief enumerator; revising officer

36(1) Subject to subsection (1.1), at least 55 days prior to the day on which a general election is held, the council or board may provide for the enumeration of the names of electors and the preparation of a voters' list.

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

c. L-30.1

LOCAL GOVERNMENT ELECTION

(2) For the purposes of enumeration, the returning officer shall be the chief enumerator, unless the council or board otherwise specifically directs, and the chief enumerator:

- (a) shall conduct the enumeration of voters and prepare and revise the voters' list; and
- (b) is the revising officer for the purposes of sections 39 to 44.

1982-83, c.L-30.1, s.36; 1984-85-86, c.51, s.22;
1993, c.30, s.7.

Contents of voters' list

37(1) The voters' list shall be in the prescribed form and shall state:

- (a) the name of each elector;
- (b) each elector's address, set out opposite his name; and
- (c) whether the elector is eligible to vote in respect of the public or separate school division, set out opposite his name.

(2) Where in the enumeration the enumerator does not indicate the school division in respect of which the person intends to vote, that person is deemed to be an elector of the public school division.

1982-83, c.L-30.1, s.37; 1983-84, c.26, s.9.

Posting of voters' list

38 The chief enumerator:

(a) at least 31 days before the day on which a general election is held, shall cause to be posted in the offices of the clerk and board 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;

(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

(c) at least 31 days before the day on which a general election is held, shall, in a city, cause notice of the posting referred to in clauses (a) and (b) to be published at least once in a newspaper having general circulation in that city.

1982-83, c.L-30.1, s.38; 1984-85-86, c.51, s.23;
2006, c.23, s.4; 2009, c.22, s.14,

Application to strike name

39(1) Any elector may apply to the revising officer at least 15 business days before the day on which a general election is held to have the name of any person struck off the voters' list on the ground that the person is not qualified as an elector.

(2) Every application pursuant to subsection (1) shall be in writing and shall specify the grounds on which the applicant alleges the person is not eligible to be an elector.

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

1982-83, c.L-30.1, s.39; 1984-85-86, c.51, s.24;
2011, c.9, s.9.

Application to correct error

40 A person:

- (a) who is qualified as an elector, 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 an elector of a public school division or separate school division is incorrect; or
- (d) whose name is listed on a voters' list in the incorrect polling area;

may apply, at least 15 business days before the day on which a general election is held, to the revising officer to correct the error or omission in the voters' list by filing with the revising officer a voter's registration form setting out the information necessary to correct the error or omission.

1982-83, c.L-30.1, s.40; 1984-85-86, c.51, s.25;
2009, c.22, s.15; 2011, c.9, s.10.

Revised voters' list

41(1) At least 16 days prior to the day on which a general election is held, the revising officer shall consider all applications made pursuant to sections 39 and 40, and, where he considers that a change is necessary, amend the voters' list accordingly and initial and date each change.

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

1982-83, c.L-30.1, s.41; 1984-85-86, c.51, s.26.

Procedure where name deleted

42 Where the name of a person is deleted from the voters' list, the revising officer shall forthwith cause to be served personally or sent by registered mail to that person, at the address given in the voters' list, a notice indicating the reason that the person's name was deleted from the list and advising him of the qualifications of an elector set out in section 23.

1982-83, c.L-30.1, s.42.

Errors

43 The revising officer may at any time correct any errors apparent on the face of the voters' list and shall initial and date each correction.

1982-83, c.L-30.1, s.43.

c. L-30.1

LOCAL GOVERNMENT ELECTION

Copies of voters' list

44 The revising officer shall provide, on request, a copy of a voters' list or revised voters' list to each candidate.

1982-83, c.L-30.1, s.44.

Use of voters' list

44.1 A board or council may use a voters' list or revised voters' list prepared by either a board or a council in accordance with sections 36 to 44 for use at a general election:

- (a) at the general election with respect to which the list is prepared; and
- (b) at any election held within four years after the general election described in clause (a).

1984-85-86, c.51, s.27; 1988-89, c.45, s.16; 2011, c.9, s.11.

NOMINATIONS

Call for nominations; notice

45(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 17(2.1), the person designated by the board shall give notice to the clerk 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:

- (a) in the case of an election of members:
 - (i) of a council, to be published in at least one issue of one or more newspapers published and circulating in the municipality or, if there is no such newspaper, in one issue of a newspaper having general circulation in the municipality;
 - (ii) of a board, to be published in at least one issue of one or more newspapers published and circulating in the school division or in any town or village adjacent to the school division or, if there is no such newspaper, in one issue of a newspaper having general circulation in the school division;
- (b) to be posted in the office of the returning officer;
- (c) to be posted in a conspicuous public location in the buildings that are the headquarters of the municipality and school division;
- (d) 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; and

(d.1) 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;

(e) **Repealed.** 1999, c.6, s.7.

(3.1) In addition to the requirements for publication mentioned in subsection (3), the returning officer may publish the notice mentioned in subsection (1) in the form of an announcement on a radio or television station received in the area.

(3.2) Notwithstanding clause (3)(a), if all or part of the contents of the notice mentioned in subsection (1) are, in the discretion of the returning officer, distributed by mail or delivered to all resident electors 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 those electors, the contents of the notice that is distributed or delivered need not be published in a newspaper.

(4) **Repealed.** 1984-85-86, c.51, s.28.

1982-83, c.L-30.1, s.45; 1984-85-86, c.51, s.28;
1988-89, c.45, s.17; 1996, c.16, s.13; 1999, c.6,
s.7; 2005, c.19, s.12; 2009, c.22, s.16; 2011, c.9,
s.12.

Nomination paper

46(1) A person may be nominated as a candidate for election by filing a nomination paper in the prescribed form, personally or by agent, with the returning officer or nomination officer on the days and during the hours specified in section 50.

(1.1) 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 electors 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 electors 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 electors 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 electors 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 electors 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 electors of the ward;

(g) **Repealed.** 2005, c.19, s.13.

(h) **Repealed.** 2005, c.19, s.13.

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- (i) 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 electors of the municipality; or
 - (j) 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 electors of the municipality.
- (1.2) Every nomination paper must include:
- (a) the nominee's street or road address or the legal description of the land located within the municipality on which the nominee's right to vote is based;
 - (b) the nominator's street or road address or the legal description of the land located within the municipality on which the nominator's right to vote is based;
 - (c) in the case of a nomination for the office of board member, a statement that each nominator is an elector of the school division for which the person is nominated; and
 - (d) the nominee's acceptance, in the prescribed form, of the nomination statement.
- (2) No nomination is complete or shall be accepted by the returning officer unless the candidate'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 46.1; and
 - (d) with respect to a candidate in a municipal election, accompanied by any criminal record check required pursuant to a bylaw passed pursuant to section 63.1 of *The Cities Act*, section 89.1 of *The Municipalities Act* or section 104 of *The Northern Municipalities Act, 2010*.
- (3) A returning officer or nomination officer shall:
- (a) post in a conspicuous place in the municipal office or the school board office, as the case may be, copies of the nominations received; and
 - (b) provide any information on any nomination paper filed with him, or a copy of the nomination paper, to any person on request.

1982-83, c.L-30.1, s.46; 1984-85-86, c.51, s.29;
 1988-89, c.45, s.18; 1993, c.29, s.6; 1993, c.30,
 s.8; 2002, c.34, s.5; 2005, c.19, s.13; 2010, c.24,
 s.33; 2011, c.9, s.13.

Deposit required

46.1(1) The nomination paper for every candidate 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 in legal tender 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, and the returning officer or nomination officer shall transmit the deposit to an appropriate person to deal with it.
- (4) The amount of the candidate's deposit shall be promptly returned to the candidate if the candidate is elected or:
- (a) if, with respect to an office to which only one candidate is to be elected, the candidate receives at least 10% of the total number of votes cast for all candidates for that office; or
 - (b) if, with respect to an office to which more than one candidate is to be elected, the candidate receives a number of votes equivalent to at least 10% of the quotient obtained when the total number of votes cast for all candidates for that office is divided by the number of positions to be filled by election to that office.
- (4.1) Notwithstanding subsection (4), if a council has passed a bylaw or a board has passed a resolution pursuant to section 145.1, the council or board is not required to return the deposit to a candidate unless the candidate and the candidate's business manager have complied with the provisions of the bylaw or resolution.
- (5) If the candidate dies before the election, the amount of the candidate's deposit shall be returned to the candidate's personal representative.

1993, c.30, s.9; 1995, c.23, s.2; 2002, c.34, s.6;
2009, c.22, s.17.

Procedure re nomination paper

- 47(1) Only one person shall be nominated for election on each nomination paper.
- (2) An elector may sign the nomination papers of more than one person.
- (3) No candidate shall nominate himself.
- (4) No proceedings taken under this Act with respect to the nomination of any candidate are invalid for informality where there has been substantial compliance with this Act.
- (5) The onus to file a bona fide 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 clerk or to the person designated by the board, as the case may be, and the forms shall be retained in accordance with section 112.

1982-83, c.L-30.1, s.47; 1984-85-86, c.51, s.30;
2009, c.22, s.18.

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Restriction on nominations

48(1) Subject to subsection (2), no person is qualified to be nominated as a candidate to hold office:

- (a) as both mayor and alderman of a municipality;
 - (b) as alderman in more than one ward of a municipality;
 - (b.1) **Repealed.** 1993, c.29, s.7.
 - (c) as board member in more than one ward of a school division.
- (2) A person may be nominated as a candidate and hold office:
- (a) as the mayor of a resort village and as the mayor or an alderman of another municipality; or
 - (b) as an alderman of a resort village and as the mayor or an alderman of another municipality.

1984-85-86, c.51, s.31; 1988-89 c.45, s.19; 1993, c.29, s.7.

Eligibility of incumbents

49(1) A person holding an elected office:

- (a) of a municipality:
 - (i) is eligible, 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;
 - (ii) is eligible to be nominated as a candidate for mayor if a vacancy is to be filled at a by-election; and
 - (b) of a school division, is eligible, 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, the 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.

2009, c.22, s.19.

Nomination day; receipt of nominations

50(1) Nomination day is:

- (a) subject to clause (b), in the case of a first election of a newly established municipality or school division, the day fixed as nomination day in the order incorporating the municipality or pursuant to section 42 of *The Education Act, 1995*, as the case may be;
- (b) in the case of a first election of a newly-established northern municipality, the Wednesday five weeks before the day fixed for the election in the order establishing the northern municipality;

- (c) in the case of a by-election, the day fixed as nomination day pursuant to section 6;
 - (d) subject to clauses (e) and (f), in the case of a general election, the fifth Wednesday before election day;
 - (e) in the case of a general election in a resort village, the fifth Saturday before election day;
 - (f) in the case of a general election in a northern municipality or northern school division, the Wednesday five weeks prior to the day on which the election is to be held as determined pursuant to subsection 5(2.1).
- (2) Subject to subsection (3), the returning officer or nomination officer shall receive nominations for candidates:
- (a) in the case referred to in clause (1)(a), between 9:00 a.m. and 4:00 p.m. on nomination day;
 - (b) subject to clause (c), in a general election or a by-election:
 - (i) between 9:00 a.m. and 4:00 p.m. on nomination day; and
 - (ii) during normal office hours from the date of posting of the call for nominations until nomination day; and
 - (c) in the case of an election in a resort village:
 - (i) between 11:00 a.m. and 2:00 p.m. on nomination day; and
 - (ii) during normal office hours from the date of posting of the call for nominations until nomination day.
 - (d) **Repealed.** 1993, c.30, s.10.
- (3) The returning officer or nomination officer shall receive nominations for candidates, in addition to the times set out in subsection (2), at any time during normal office hours during the period from the posting of the call for nominations until the time set out in subsection (2) for the receipt of nominations on nomination day.

1982-83, c.L-30.1, s.50; 1984-85-86, c.51, s.32;
 1993, c.30, s.10; 1996, c.16, s.14; 1999, c.6, s.8;
 2011, c.9, s.14.

Receipt of nomination paper

51 Where a nomination paper is filed with the returning officer or nomination officer within the time specified in section 50, he shall, where he is satisfied that the form is complete, issue a receipt in the prescribed form and deliver a copy of the receipt to the candidate or his agent.

1982-83, c.L-30.1, s.51.

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Withdrawal of nomination

52(1) A person who has been nominated in accordance with the call for nominations pursuant to section 45 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:

- (a) between 9:00 a.m. and 12:00 noon on the Monday following nomination day in the case of a nomination as a mayor or alderman of a resort village;
- (b) within 24 hours after the close of nominations in the case of any nomination other than one described in clause (a); and
- (c) in addition to the times set out in clauses (a) and (b), at any time during normal office hours during the period from the receipt of the person's nomination until the time set out in clause (a) in the case of resort villages and the time set out in clause (b) for withdrawal of nominations.

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

1984-85-86, c.51, s.33; 1996, c.16, s.15; 2011, c.9, s.15.

Nominations equal to vacancies

53 Upon the close of the period for withdrawal of nominations where 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.

1982-83, c.L-30.1, s.53.

Nominations less than vacancies

54(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 to be elected; and
- (b) give notice in the prescribed form in accordance with subsection 45(3) 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.

(1.1) **Repealed.** 2011, c.9, s.16

(2) Where the number of persons remaining in nomination after the second call for nominations is less 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 6 to fill the remaining vacancies.

1982-83, c.L-30.1, s.54; 1984-85-86, c.51, s.34;
1996, c.16, s.16; 2002, c.34, s.7; 2005, c.19, s.14;
2011, c.9, s.16.

Notice of poll

55 Where the number of persons nominated is more than the number required to be elected to any office, the returning officer shall give notice in the prescribed form in accordance with subsections 45(3) to (3.2) that a poll is to be held:

- (a) subject to clauses (b) to (c), in the case of a general election, on the fourth Wednesday in October in an election year;
- (b) in the case of a first election or a by-election, five weeks after the day fixed as nomination day;
- (b.1) in the case of a general election in a resort village, five weeks after the day fixed as nomination day;
- (c) in the case of a general election in a northern municipality or in a northern school division, on the day determined pursuant to subsection 5(2.1).

1984-85-86, c.51, s.35; 1996, c.16, s.17; 1999, c.6, s.21; 2011, c.9, s.17.

Abandonment of poll

56 Where a poll for an office is not required under section 53 or subsection 58(3), the returning officer shall forthwith cause a notice of abandonment of the poll in the prescribed form to be given in accordance with subsections 45(3) to (3.2).

1982-83, c.L-30.1, s.56; 1999, c.6, s.21.

Death of candidate before close of period for withdrawal

57 Where a candidate dies before the close of the period for withdrawal of nominations, his nomination is void.

1982-83, c.L-30.1, s.57.

Death of candidate after close of period for withdrawal

58(1) Where a candidate for:

- (a) the office of mayor;
- (b) an office with respect to a ward; or
- (c) an office that is to be elected at large in a by-election;

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dies between the close of the period for withdrawal of nominations and the close of the poll and the number of persons then remaining in nomination for that office is equal to or greater than the number to be elected:

- (d) the returning officer shall declare an abandonment of the poll and cause a notice of abandonment of poll in the prescribed form to be given in accordance with subsections 45(3) to (3.2); and
 - (e) the council or board shall, at its next meeting, provide for the holding of a by-election in accordance with section 6 to fill that office.
- (2) Where a candidate for an office other than one to which subsection (1) applies dies between the close of the period for withdrawal of nominations and the close of the poll and the number of persons then remaining in nomination is greater than the number to be elected to any office, the name of the deceased candidate shall be omitted from the ballot, or, if the ballots have already been printed, the returning officer shall cause notice of the death of the candidate to be posted in a conspicuous place in every polling place affected, and the election shall proceed as if the deceased candidate had not been nominated.
- (3) Subject to subsection (1), where a candidate dies between the close of the period for withdrawal of nominations and the close of the poll and the number of persons then remaining in nomination is:
- (a) equal to the number to be elected to any office, the returning officer shall declare the remaining candidates to be elected; or
 - (b) less than the number to be elected to any office:
 - (i) the returning officer shall declare the remaining candidates to be elected; and
 - (ii) the council or board shall, at its next meeting, provide for the holding of a by-election in accordance with section 6 to fill the remaining vacancies.
- (4) Where a by-election is held pursuant to subsection (1), a person nominated in the election, other than the deceased candidate, is deemed to have been nominated without having to be nominated again on the new nomination day.

1982-83, c.L-30.1, s.58; 1984-85-86, c.51, s.36;
1999, c.6, s.21.

POLL

Vote by ballot

59(1) Voting under this Act shall be by ballot.

(2) Where 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 60.

1982-83, c.L-30.1, s.59.

Voting machines

- 59.1(1)** If this section or any regulations made pursuant to this section conflict with any other provision of this Act or any other Act or any other regulations, this section and the regulations made pursuant to this section prevail.
- (2) Notwithstanding any other provision of this Act or *The Controverted Municipal Elections Act* but subject to any regulations made pursuant to subsection (7), the council, or where 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 modifications to the requirements of this Act or *The Controverted Municipal Elections Act* that are 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, as the case may be, 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) The Lieutenant Governor in Council may make regulations:
- (a) prescribing requirements, limits and conditions in relation to voting pursuant to this section, including prescribing different requirements, limits and conditions for different municipalities or school divisions or classes of municipalities or school divisions;
 - (b) prescribing that this section does not apply to specified municipalities or school divisions or classes of municipalities or school divisions;
 - (c) respecting any matter that the Lieutenant Governor in Council considers necessary for the purpose of conducting elections with the devices mentioned in subsection (2).
- (8) Subject to any regulation made pursuant to subsection (7), 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, by using the device, or both; and

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

1997, c.40, s.5.

Form of ballot

60(1) Every ballot for the election of a member shall be in the prescribed form and:

- (a) shall be printed on the prescribed type and quality of paper;
- (b) shall state the number of persons required to be elected;
- (c) shall, subject to subsections (1.1) and (2), 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;
- (d) where two or more candidates have the same surname and given names, may state, at the request of either candidate, his address on the ballot;
- (e) where a candidate requests, shall show in brackets:
 - (i) a name by which he is commonly known;
 - (ii) in respect of a municipal election, his affiliation with a voters' organization or the word "Independent";
- (f) shall not indicate in any manner that a candidate has at any time held office as a member; and
- (g) 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 shall be printed "DRO initials".

(1.1) Where, 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;
- (2) A council or board may, by bylaw or resolution passed at least 55 days prior to the day on which a general election is held, provide that the following provisions shall govern the form of ballot papers:
 - (a) ballot papers shall be printed in as many lots as there are candidates for the office;
 - (b) in the first lot, the names of the candidates shall appear, as the case may be:
 - (i) in alphabetical order pursuant to clause (1)(c);
 - (ii) in the order that the names are withdrawn from the receptacle pursuant to clause (1.1)(a); or
 - (iii) in the order that the names are generated pursuant to clause (1.1)(b);
 - (c) in the second lot the names shall appear in the same order as in the first lot, except that the first name in the first lot shall be placed last;
 - (d) in each succeeding lot, the order shall be the same as that of the preceding lot, except that the first name in the preceding lot shall be placed last;
 - (e) tablets of ballot papers to be used at polling places shall be made up by combining ballot papers from the different lots in regular rotation so that no two consecutive electors will receive ballot papers 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 ballot papers used.
- (3) A bylaw or resolution passed pursuant to subsection (1.1) or (2) remains in force until it is repealed.
- (4) Different types of ballots shall be used for the voting for each of mayor, aldermen, board members and for any other purpose for which a vote of the electors is required, and each type of ballot may be of a different size or colour of paper.
- (5) Where a municipality has been divided into wards, separate ballots for councillors shall be used with respect to the wards.
- (6) Where a school division has been divided into wards, separate ballots for board members shall be used in respect of the wards.
- (7) Notwithstanding any other provision of this Act or *The Controverted Municipal Elections Act* but subject to subsection (8) and any regulations made pursuant to subsection (9), 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.

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- (8) A bylaw or resolution mentioned in subsection (7):
- (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 83(2).
- (9) The Lieutenant Governor in Council may make regulations:
- (a) prescribing requirements, limits and conditions in relation to mail-in ballot voting pursuant to subsection (7), including prescribing different requirements, limits and conditions for different municipalities or school divisions or for different classes of municipalities or school divisions;
 - (b) prescribing that subsection (7) does not apply to specified municipalities or school divisions or to specified classes of municipalities or school divisions;
 - (c) respecting any other matter that the Lieutenant Governor in Council considers necessary for the purpose of conducting elections by mail-in ballot voting pursuant to subsection (7).

1982-83, c.L-30.1, s.60; 1984-85-86, c.51, s.37;
 1988-89, c.45, s.20; 1993, c.29, s.8; 1999, c.6, s.9;
 2002, c.34, s.8; 2011, c.9, s.18.

Election materials

61(1) The returning officer, before polling day, shall cause to be delivered to the deputy returning officer:

- (a) a supply of ballots and voter's registration forms;
- (b) a supply of printed directions and advice for the information and guidance of voters;
- (c) where a voters' list has been prepared, a copy of the voters' list for the polling area;
- (d) a poll book in which to record the names and qualifications of the electors;
- (e) a number of printed copies of sections 3, 4, 7 and 8 of *The Controverted Municipal Elections Act* required pursuant to clause 68(2)(b);
- (f) a sufficient number of ballot boxes;
- (g) any other materials and supplies, including voting compartments, that may be necessary for the holding of the elections and for carrying out the provisions of this Act; and
- (h) where a voters' list has been prepared, one copy of the advance poll list mentioned in clause 97(1)(b).

(1.1) If a voters' list is used in an election, the returning officer shall provide, free of charge, one copy of the advance poll list mentioned in clause 97(1)(b) to each candidate who requests one.

(2) The directions for the guidance of voters and other advice to voters respecting controverted elections shall be in the prescribed form.

1982-83, c.L-30.1, s.61; 1996, c.16, s.19; 1999, c.6, s.10; 2009, c.22, s.20; 2011, c.9, s.19.

Voting compartments

62 Every polling place shall be furnished with at least one compartment in which the voters can mark their ballots screened from observation, and the deputy returning officer and other election officials at the polling place shall maintain the voting compartments in proper condition.

1982-83, c.L-30.1, s.62.

Ballot boxes

63(1) The ballot boxes shall:

- (a) be constructed of durable material;
- (b) be provided with 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.

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

(2) When 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.

(3) When 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 107; and
- (b) on the disposition of the ballot box pursuant to subsection 112(1).

1982-83, c.L-30.1, s.63; 1984-85-86, c.51, s.38; 1993, c.30, s.11.

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Poll book

64(1) The poll book shall be in the prescribed form and shall 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 where the returning officer has done so, the voter's registration forms are deemed to be a poll book, and need not comply with subsection (1).

1982-83, c.L-30.1, s.64; 1993, c.30, s.12; 2009, c.22, s.21.

Transfer certificate

65 Subject to section 66, where an elector has been appointed as an election official or candidate's agent at a poll other than the poll at which he is entitled to vote, the returning officer shall, on the application of that official or agent, supply him with a certificate in the prescribed form entitling the official to vote at the polling place at which he is required to attend instead of at the polling place where he would otherwise be required to vote.

1982-83, c.L-30.1, s.65.

Transfer certificate for disabled electors

65.1 Subject to section 66, on the application of a disabled elector, the returning officer or deputy returning officer shall supply the disabled elector with a certificate in the prescribed form entitling the disabled elector to vote at a polling place allowing convenient access to disabled persons instead of at a polling place where the disabled elector would otherwise be required to vote.

1996, c.16, s.20.

No transfer from ward

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

1982-83, c.L-30.1, s.66; 1996, c.16, s.21.

VOTING

Duration of poll

67(1) Subject to subsection (3), polls must be open for voting between 9:00 a.m. and 8:00 p.m., as a minimum, 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, pursuant to section 17, is responsible for naming polling places may determine the times during which the polls in a polling place established pursuant to section 22 are to be kept open, as long as the polls are kept open for at least one hour.

(4) If, at the hour fixed for the closing of the poll, there are persons in the polling place who are entitled to vote and who have not yet voted, the deputy returning officer shall permit only those persons to vote.

2002, c.34, s.9; 2009, c.22, s.22.

Duties prior to opening of poll

68(1) The deputy returning officer shall attend at the polling place at least 30 minutes before the time fixed for the opening of the polling place for voting.

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

- (a) on the request of the representatives of candidates and electors entitled to be present in the polling place during the hours when electors may vote, and in their presence, count the ballot papers intended to be used at the polling place;
- (b) cause the printed directions for voters referred to in clause 61(1)(b) 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; and
- (d) if a voters' list is being used in the election, and if a certificate has been supplied pursuant to clause 95.1(1)(b), make entries in the voters' list in accordance with clause 95.1(1)(b).

1982-83, c.L-30.1, s.68; 1996, c.16, s.22.

Oath of office, secrecy

69(1) Every election official appointed to act at an election shall, before entering upon the duties of his office, take an oath of office in the prescribed form.

(2) Every candidate and agent authorized to attend at a polling place or at the counting of the votes shall, before entering upon his duties, take an oath of secrecy in the prescribed form.

(3) An oath required under 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.

1982-83, c.L-30.1, s.69.

PROCEDURES WHILE POLL IS OPEN

Opening of poll

70(1) Immediately prior to the opening of the poll, the deputy returning officer shall:

- (a) exhibit the ballot box to the persons present in the polling place in a manner so as to satisfy those persons that it contains no materials of any kind;
- (b) close and secure the box with one of the seals with which he is provided in a manner so that it is impossible to open the box without breaking the seal; and
- (c) place the box in his unobstructed view for the receipt of ballots.

c. L-30.1

LOCAL GOVERNMENT ELECTION

(1.1) Clauses (1)(a) and (b) do not apply to a ballot box that has been used previously to receive votes in the election:

- (a) at an advance poll;
- (b) at a polling place established pursuant to section 22; or
- (c) pursuant to section 22.1.

(1.2) If a ballot box is to be used that has been used previously to receive votes in the election at an advance poll, at a polling place established pursuant to section 22, or pursuant to section 22.1, immediately before the opening of the poll the deputy returning officer shall exhibit the ballot box to the persons present in the polling place in a manner so as to satisfy those persons that the seals remain intact.

(2) During the hours of polling, the deputy returning officer shall cause the ballot box to be in his view and in the full view of persons present in the polling place.

1982-83, c.L-30.1, s.70; 1996, c.16, s.23; 1999, c.6, s.11.

Persons entitled to be in polling place

71 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 in respect of 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 in respect of 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 to an elector who is blind or has any other disability or unable to mark his or her ballot or who requires the services of an interpreter; and
- (e) any elector waiting to cast his or her ballot.

1982-83, c.L-30.1, s.71; 1997, c.40, s.6.

Agents

72(1) Where 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, subject to clause 71(c):

- (a) be recognized by the deputy returning officer as an agent of the candidate; and
- (b) upon making a declaration in the prescribed form, be permitted to exercise his duties and functions as an agent.

(2) 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.

1982-83, c.L-30.1, s.72.

Evidence of voting

73 The receipt by a person of a ballot within the polling place is prima facie proof that he was at that polling place and voted.

1982-83, c.L-30.1, s.73.

Voting where no voters' list

74 Where 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 enumerator at the polling place; and
- (b) deliver the completed form to the deputy returning officer;

and the deputy returning officer shall cause to be recorded in the poll book the name and residence of the person and whether the person is an elector of the public school division or separate school division.

1982-83, c.L-30.1, s.74; 2009, c.22, s.23.

Voting where voters' list

75 Where 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 whether the person is an elector of the public school division or separate school division;
- (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).

1982-83, c.L-30.1, s.75; 2009, c.22, s.24.

Rights of candidate and agent re entitlement to vote

76(1) A candidate or his or her agent may object to the entitlement of any person intending to vote and, on that objection, 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 76.2(a); or
- (b) verify that the procedures mentioned in clause 76.2(b) have been followed.

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

- (a) provide the evidence required pursuant to clause 76.2(a) to the candidate or agent whether or not the person has already done so; or
- (b) verify with the candidate or agent that the procedures mentioned in clause 76.2(b) have been followed.

2011, c.9, s.20.

Refusal or failure to comply with requirements

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

- (a) to make a declaration required pursuant to section 74, 75, or 76; or
- (b) to prove or establish his or her identity and residence pursuant to section 76.2.

2011, c.9, s.20.

Evidence of identity and residence

76.2 An elector shall:

- (a) provide to the deputy returning officer and the poll clerk the following evidence to prove his or her identity and residence:
 - (i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and address; or
 - (ii) two pieces of information prescribed in the regulations, each of which establishes the elector's name and at least one of which establishes the elector's address; or
- (b) establish his or her identity and residence in accordance with the procedures prescribed in the regulations.

2011, c.9, s.20.

Provision of ballot to elector

77 Before providing a ballot to an elector and permitting the elector to vote, a deputy returning officer shall:

- (a) make the entries required pursuant to sections 74, 75 and 76;
- (b) ensure that he or she is satisfied that the elector's identity and residence have been proven or established in accordance with section 76.2; and
- (c) place his or her initials in the box on the reverse side of the ballot.

2011, c.9, s.21.

Entries in poll book

78 All entries in the poll book shall be numbered in consecutive order.

1982-83, c.L-30.1, s.78.

Marking ballot

79 Upon receiving a ballot paper, the elector shall:

- (a) proceed into the room or compartment provided for the purpose of voting;
- (b) place an “X”, or other mark that clearly indicates the elector’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) deliver the folded ballot to the deputy returning officer.

1982-83, c.L-30.1, s.79; 1996, c.16, s.24.

Deposit of ballot

80 When he receives the ballot from the voter, the deputy returning officer shall, without unfolding it, deposit the ballot in the ballot box.

1982-83, c.L-30.1, s.80.

Voter to leave

81 After he has voted, an elector shall leave the polling place unless he is otherwise entitled to remain.

1982-83, c.L-30.1, s.81.

Removal of ballot from polling place prohibited

82(1) No person who has received a ballot from the deputy returning officer shall take it out of the polling place.

- (2) Every person who, after receiving a ballot from the deputy returning officer:
 - (a) leaves or attempts to leave the polling place without first delivering his 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 intention to vote;

forfeits his right to vote at the election then in progress, and the deputy returning officer shall cause the forfeiture to be recorded in the poll book.

1982-83, c.L-30.1, s.82.

Spoiled ballot

83(1) Where a person has received a ballot from the deputy returning officer and unintentionally deals with it in such a manner that it cannot be used to indicate properly his intention to vote, he shall receive, by delivering the ballot to the deputy returning officer, another ballot in its place.

(2) The deputy returning officer shall write “spoiled” on the ballot delivered to him pursuant to subsection (1) and shall preserve it for reference in his report of the count of the votes.

1982-83, c.L-30.1, s.83.

Certain errors on voters' list

84(1) Where the name of an elector is on a voters' list for a polling area other than the polling area in which he is entitled to vote, he may apply to vote at the correct polling place by completing a voter's registration form.

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

(3) Where an elector complies with subsection (1) or (2), the deputy returning officer shall record in the poll book:

- (a) the name and residence of the elector; and
- (b) whether the person is an elector of the public school division or separate school division;

and permit that person to vote.

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

1982-83, c.L-30.1, s.84; 2009, c.22, s.26.

Attendance at incorrect polling place

85 Subject to section 65.1, the deputy returning officer shall not allow an elector to vote at the polling place and shall direct that elector to the proper polling place if:

- (a) the elector is at the incorrect polling place; or
- (b) the name of the elector is not on the voters' list and:
 - (i) in the case of an election in a school division, the elector does not reside in the polling area;
 - (ii) in the case of an election in a municipality other than a resort village:
 - (A) the elector has not resided in the polling area for at least three consecutive months immediately preceding the day of the election; or
 - (B) the elector is not the owner of assessable land in the polling area for at least three consecutive months immediately preceding the day of the election; or
 - (iii) in the case of an election in a resort village:
 - (A) the elector has not resided in the polling area for at least three consecutive months immediately preceding the day of the election;
 - (B) the elector is not the owner of assessable land in the polling area for at least three consecutive months immediately preceding the day of the election;

(C) the elector is not a lessee of land in the polling area for at least three consecutive months immediately preceding the day of the election; or

(D) the elector is not the spouse of a person entitled to vote in the election.

2009, c.22, s.27.

Recording ballots

86 When an elector 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, alderman, board member or other matter on which the person is entitled to vote.

1982-83, c.L-30.1, s.86; 1984-85-86, c.51, s.42.

Explanation of voting

87 The deputy returning officer, on the request of an elector, shall explain the proper method of voting.

1982-83, c.L-30.1, s.87.

Secrecy of voting

88 Subject to section 89, when an elector is voting, no other person is allowed to occupy a position from which he can see the way in which the ballot is marked.

1982-83, c.L-30.1, s.88.

Incapacitated voters

89(1) A deputy returning officer, 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, shall, at the option of the voter, either:

(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 him by marking his ballot in the manner directed by him 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 paper for him; or

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

c. L-30.1

LOCAL GOVERNMENT ELECTION

(2) For the purpose of taking a person's vote, the deputy returning officer and the poll clerk, together with the candidates or their agents, may attend on the person where:

- (a) the person is a patient of a hospital, home for the aged or similar institution that is named or established as a polling place; and
- (b) the person is bedridden or is unable to walk for the purpose of receiving a ballot.

(2.1) The deputy returning officer, after permitting those electors 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 (2).

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

(4) No person shall act as the friend of more than one voter in the same election.

(5) The 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.

1984-85-86, c.51, s.43; 1997, c.40, s.7; 1999, c.6, s.12.

Interpreters

90(1) Where a person who intends to vote does not understand the English language, the deputy returning officer may permit an 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 person and his corresponding answers.

(2) Every interpreter shall execute the declaration of interpreter in the prescribed form.

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

1982-83, c.L-30.1, s.90.

Declined ballot

91(1) Where an elector declines to mark his ballot, he may so indicate to the deputy returning officer.

(2) Where an elector returns his ballot and indicates that it is unmarked, the deputy returning officer shall:

- (a) write “declined” on the ballot;
- (b) preserve it for reference in his report of the count of the votes; and
- (c) indicate the return of the ballot in the poll book and mark his initials.

1982-83, c.L-30.1, s.91.

ADVANCE POLL

Advance polls

92(1) In this section, “**eligible elector**” means an elector who, pursuant to section 93, is eligible to vote at an advance poll.

(2) Subject to subsections (3) and (4), the council, in the case of an election in a city, or the returning officer, in the case of an election outside a city, shall:

- (a) authorize the establishment of one or more advance polls within the municipality or school division, as the case may be, for eligible electors to cast their votes in advance of the day appointed for the holding of an election; and
- (b) subject to subsection (5), fix the days and hours during which eligible electors may cast their votes at an advance poll.

(3) In the case of an election in a resort village, the council of the resort village may:

- (a) authorize the establishment of one or more advance polls within or outside the municipality for eligible electors to cast their votes in advance of the day appointed for the holding of an election; and
- (b) subject to subsection (5), fix the days and hours during which eligible electors may cast their votes at an advance poll.

(4) The council, in the case of an election in a city, or the returning officer, in the case of an election outside a city, may:

- (a) authorize the establishment of one or more advance polls outside the municipality or school division, as the case may be, for eligible electors mentioned in subsection 93(2) to cast their votes in advance of the day appointed for the holding of an election; and
- (b) subject to subsection (5), fix the days and hours during which eligible electors may cast their votes at an advance poll.

c. L-30.1

LOCAL GOVERNMENT ELECTION

(4.1) The council, in the case of an election in a city, or the returning officer, in the case of an election outside a city, may:

- (a) authorize the establishment of one or more advance polls in a personal care facility within the meaning of section 22 for eligible electors mentioned in subsection 93(3) to cast their votes in advance of the day appointed for the holding of an election; and
 - (b) subject to subsection (5), fix the days and hours during which eligible electors may cast their votes at an advance poll.
- (5) An advance poll is to be held at least three days but not more than 15 days before election day.

1999, c.6, s.13; 2011, c.9, s.22.

Eligible electors

93(1) Subject to subsections (2) and (3), an elector is eligible to vote at an advance poll if the elector:

- (a) has a disability or limited mobility;
 - (b) has been appointed as an election official; or
 - (c) anticipates being unable to vote on election day.
- (2) An elector is only eligible to vote at an advance poll established outside the municipality or school division pursuant to subsection 92(4) if the elector anticipates:
- (a) being absent from the municipality or school division in which the elector is ordinarily resident:
 - (i) on the day or days for voting at an advance poll established within the municipality or school division pursuant to subsection 92(2); and
 - (ii) on election day; and
 - (b) being unable to conveniently return to the municipality or school division in which the elector is ordinarily resident to vote on the days mentioned in clause (a).
- (3) An elector is only eligible to vote at an advance poll established in a personal care facility pursuant to subsection 92(4.1) if the elector:
- (a) is an elector of the municipality or school division; and
 - (b) is receiving care at that personal care facility.

1999, c.6, s.13; 2011, c.9, s.23.

Polling place

94 Where an advance poll is established pursuant to section 92, the returning officer shall:

- (a) establish at least one place for the advance poll that is conveniently accessible to an elector who is physically disabled;

- (b) give notice of the advance poll in the prescribed form and in accordance with subsections 45(3) to (3.2); and
- (c) subject to sections 95 to 97, conduct the advance poll in the same manner, as nearly as may be, as a poll at a general election.

1982-83, c.L-30.1, s.94; 1999, c.6, s.21.

Declaration required

95(1) Every person, before being permitted to vote at an advance poll, is required to make a declaration in the prescribed form, and the deputy returning officer shall retain those declarations with the other records of the poll.

- (2) **Repealed.** 1999, c.6, s.14.

1982-83, c.L-30.1, s.95; 1999, c.6, s.14.

Where voters' list used

95.1(1) Where 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 clause 97(1)(b), the returning officer shall:

- (a) make an entry in the voters' list opposite the name of each elector whose name appears on the list and whose vote has been received at an advance poll, showing that the elector has voted; or
- (b) make a certificate in the prescribed form for each polling area, showing the name and address of each elector listed on the voters' list for that polling area who has voted at an advance poll, and shall furnish the certificate before the opening of the poll on election day to the deputy returning officer of the polling area.

- (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 elector whose name appears on the certificate showing that the elector has voted.

1996, c.16, s.26; 1999, c.6, s.15.

Sealing, safekeeping of ballot box

96 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 make provision 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 make provision 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.

1982-83, c.L-30.1, s.96.

c. L-30.1

LOCAL GOVERNMENT ELECTION

Close of advance poll

97(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 96;
 - (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 list marked in accordance with clause 95.1(1)(a) or the certificate pursuant to clause 95.1(1)(b) is provided to each deputy returning officer in respect of the election for which the advance poll was held.

1982-83, c.L-30.1, s.97; 1996, c.16, s.27; 1999, c.6, s.16; 2011, c.9, s.24.

TEMPORARILY DISPLACED ELECTORS

Temporarily displaced electors

97.1(1) For the purposes of this section, an elector is temporarily displaced if the elector:

- (a) is absent on election day from the municipality, school division or ward in which the elector is ordinarily resident;
 - (b) has not voted before election day at an advance poll established pursuant to section 92; and
 - (c) due to special or unusual circumstances, cannot conveniently return to the municipality, school division or ward in which the elector is ordinarily resident to vote on election day.
- (2) Where the returning officer determines that a majority of the electors 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, if possible, shall post a notice 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) in accordance with subsections 45(3) to (3.2), publish a notice respecting the date, time and place of the new poll.

- (5) Where 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) in the case of a board, notwithstanding section 72 of *The Education Act, 1995*, 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), all provisions of this Act, *The Education Act, 1995*, *The Municipalities Act*, *The Cities Act* and *The Northern Municipalities Act, 210* apply, with any necessary modification, to the terms of office of members elected at a poll established pursuant to this section.

1999, c.6, s.17; 2002, c.C-11.1, s.390; 2005, c.19, s.15; 2010, c.N-5.2, s.449.

PROCEDURES AFTER CLOSE OF POLL

Procedures after poll closes

- 98(1)** At the close of the poll on election day, the deputy returning officer of each poll shall:
- (a) certify, by his 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 100 and 101, reject each ballot described in section 99.
- (2) Where a ballot box has been used at an advance poll, at a polling place established pursuant to section 22, or pursuant to section 22.1, 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).

1982-83, c.L-30.1, s.98; 1999, c.6, s.18; 2011, c.9, s.25.

c. L-30.1

LOCAL GOVERNMENT ELECTION

Rejected ballots

99 The deputy returning officer shall reject every ballot:

- (a) subject to section 101, that does not have his initials on its reverse side;
- (b) on which the voter made more votes than he 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 100, that is marked in a manner other than that specified in clause 79(b); or
- (f) on which no vote is marked.

1982-83, c.L-30.1, s.99.

Improper marking not rejected

100 No ballot is to be rejected because the elector has marked his vote:

- (a) out of, or partly out of, its proper space; or
- (b) with a mark other than an "X";

provided the mark clearly indicates an intent to vote for the candidate opposite whose name the mark is placed.

1982-83, c.L-30.1, s.100.

Ballots not initialed

101(1) Where, on examining the ballots, the deputy returning officer finds a ballot that has not been initialed by him and he is satisfied that:

- (a) the ballot is one that was delivered by him to an elector intending to vote;
- (b) the omission of his initials was inadvertent; and
- (c) the ballot is required to enable him to account for all ballots supplied to him;

he shall sign his initials on that ballot and shall count the ballot as if it had been initialed.

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

1982-83, c.L-30.1, s.101.

Objections re ballots

102(1) A candidate or his agent may object to the rejection of or the refusal of the deputy returning officer to reject any ballot found in the ballot box.

(2) Where 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 his 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 “rejection objected to” or “counting objected to”, as the case may be.

(3) The deputy returning officer shall, after hearing an objection, decide whether to accept or reject the ballot, note his decision in the poll book and initial the entry.

1982-83, c.L-30.1, s.102.

Statement of results

103(1) The deputy returning officer shall count the votes given on the ballots which have not been rejected and shall prepare in duplicate and sign a written statement of results in the prescribed form for each office.

(2) The deputy returning officer shall give to a candidate or his agent, on request, a copy of the statement of results.

1982-83, c.L-30.1, s.103.

Presence of candidate at count

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

1982-83, c.L-30.1, s.104.

Declaration of poll

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

1982-83, c.L-30.1, s.105.

Materials in packets

106(1) On completion of the count of votes, the deputy returning officer shall, in the presence of the persons authorized to attend, prepare separate packets with respect to:

(a) the original of the statement of results;

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

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- (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 mark each packet clearly to:
- (a) identify its contents;
 - (b) indicate the date of the vote;
 - (c) indicate the name of the deputy returning officer; and
 - (d) where applicable, indicate the number of the polling area;
- and he shall seal each packet.

1982-83, c.L-30.1, s.106; 1984-85-86, c.51, s.44.

Delivery to returning officer

107 The deputy returning officer or, if there is more than one, the deputy returning officer designated by the returning officer in his appointment, shall place the voters' list, the poll book, all forms used in respect of the election and the package prepared pursuant to section 106 in the ballot box, seal the box and deliver it along with the duplicate copy of the statement of results to the returning officer or the associate returning officer, as ordered by the returning officer.

1984-85-86, c.51, s.45.

Addition of votes

108(1) Upon receipt of the ballot boxes and the statement of results, the returning officer or associate returning officer shall sum up the number of votes given for each of the candidates named on the ballots as reported to him on the duplicate statement of results .

(2) Where 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 or associate returning officer may open the box and remove the copy of the statement of results in the presence of two witnesses, and he shall then reseal the box.

(3) Where the duplicate copy of the statement of results is or appears to be incomplete, the returning officer or associate returning officer 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 he 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.

- (5) The associate returning officer shall:
- (a) communicate the results of his summing up of the number of votes pursuant to this section in the manner specified by the returning officer; and
 - (b) deliver all statements of results and ballot boxes received by him to the returning officer prior to the time appointed for the declaration of results.
- (6) No associate returning officer nor any assistants of an associate returning officer shall release the information described in clause (5)(a) to any person other than the returning officer.

1982-83, c.L-30.1, s.108; 1984-85-86, c.51, s.46.

Declaration of results

- 109(1)** At the time and place appointed for the purpose, the returning officer shall:
- (a) declare to be elected the person or persons having the highest number of votes for each office to be filled; and
 - (b) post in a conspicuous place a declaration of results, in the prescribed form signed by him, 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 53.
- (2) The council or board, as the case requires, shall be provided with a copy of the declaration of results with respect to the municipal or board election.

1982-83, c.L-30.1, s.109; 1984-85-86, c.51, s.47;
1999, c.6, s.20; 2009, c.22, s.28.

Notice to minister

110 As soon as is practicable after the counting of the votes, the clerk or the person designated by the board, as the case may be, shall give written notice to the minister or the minister responsible for the administration of *The Education Act, 1995* in a form satisfactory to the minister or the minister responsible for the administration of *The Education Act, 1995*, as the case may be, 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 or the minister responsible for the administration of *The Education Act, 1995*, as the case may be, may require.

2009, c.22, s.29.

Tie vote

111(1) Where, on the addition 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;

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- (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 *mutatis mutandis* in the case where there is more than one office to be filled.

1982-83, c.L-30.1, s.111.

Safekeeping of election materials

112(1) When an election is completed, the returning officer shall deliver to the clerk or to the person designated by the board, as the case may be, the ballot boxes and duplicate statements of results, and the clerk 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 clerk or the person designated by the board, as the case may be, shall retain all election documents sealed or resealed in the ballot boxes pursuant to sections 107 and 108 for three months after election day, and as soon as possible thereafter, unless otherwise ordered by a judge, shall cause them to be destroyed in the presence of two witnesses whose affidavit 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 107 and 108, are deemed to be public documents of the municipality or school division, and shall 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* or section 369 of *The Education Act, 1995*, as the case may be.

1982-83, c.L-30.1, s.112; 1984-85-86, c.51, s.48;
1999, c.6, s.19; 2005, c.19, s.17; 2009, c.22, s.30;
2010, c.N-5.2, s.456; 2011, c.9, s.26.

PART V

Votes on Bylaws, Resolutions or Questions**Procedure**

113 When a bylaw, resolution or question is submitted to the electors pursuant to *The Cities Act*, *The Municipalities Act*, *The Northern Municipalities Act, 2010* or *The Education Act, 1995*, the other Parts of this Act apply, with any necessary modification, to that vote, except as modified or extended by this Part.

2003, c.18, s.68; 2005, c.19, s.18; 2010, c.N-5.2,
s.449.

Vote for school division

114(1) Where a bylaw is to be submitted for the assent of the electors of a school division which is situated wholly or substantially within a municipality, the board may give notice to the council of the authorization of the loan by the Saskatchewan Municipal Board and, where a vote is required to be taken, may 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 electors.

(2) Section 7 applies *mutatis mutandis* to a request under subsection (1).

1982-83, c.L-30.1, s.114; 1989-90, c.5, s.10; 2009, c.22, s.31.

Election procedure bylaw

115(1) The council or board shall, by an election procedure bylaw, fix the day and terms for the taking of the vote and proceed in accordance with the provisions of this Act, as nearly as may be, with respect to the conduct of a general election.

(2) The day appointed for the taking of a vote shall be not less than three weeks but not more than five weeks after the first publication or posting of the notice pursuant to section 116.

(3) The election procedure bylaw:

(a) may provide that a vote under this Part shall 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 or questions on the same day;

(c) shall fix a time when and a place where the returning officer shall declare the results of the vote; and

(d) shall fix a time when and place where the returning officer shall attend to receive representations and designate electors to represent supporters and opponents of the bylaw or question in accordance with section 118.

1982-83, c.L-30.1, s.115; 1984-85-86, c.51, s.50.

Notice of vote

116(1) The council or board shall give, in accordance with subsections 45(3) to (3.2), a notice setting out:

(a) a correct statement of the question to be submitted to a vote and, in the case of a bylaw, a statement of its object;

(b) in the case of a bylaw, the object of which is to borrow money for capital purposes, the statement in clause (a) shall indicate:

(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;

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- (c) in the case of a bylaw granting a special franchise, the proposed bylaw in full;
 - (d) the time and place designated under clause 115(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 prior to the day of the vote.
- (3) Each notice given pursuant to this section shall 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, as the case may be; and
 - (b) stating, in the case of a proposed bylaw, that it shall or may be finally passed by the council or board, if the assent of the electors is given thereto, in accordance with *The Cities Act*, *The Municipalities Act*, *The Northern Municipalities Act, 2010* or *The Education Act, 1995*, as the case may be.
- (4) Where two or more bylaws or questions are to be submitted at the same time, the notice required by this section may include summaries of all the proposals.

1982-83, c.L-30.1, s.116; 1984-85-86, c.51, s.51;
1999, c.6, s.20 and 21; 2005, c.19, s.19; 2010,
c.N-5.2, s.449.

Form, printing of ballot

117(1) The ballot shall be in the prescribed form except:

- (a) where more than one bylaw 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 or questions;
 - (b) in the case of a bylaw to repeal an existing bylaw, the ballot shall be modified in the manner that the council or board may determine to facilitate the vote;
 - (c) where a vote is to be taken with respect to two or more bylaws or proposed bylaws pursuant to section 132 of *The Municipalities Act*, section 106 of *The Cities Act* or section 150 of *The Northern Municipalities Act, 2010*, the ballot shall contain:
 - (i) a question whether the electors are in favour or not of any of the bylaws or proposed bylaws being submitted to the electors; and
 - (ii) the bylaws or proposed bylaws or a statement of their objects, as the case requires, in a manner that indicates the elector may indicate his or her approval with respect to one bylaw or proposed bylaw only.
- (2) The returning officer shall cause to be printed a sufficient number of ballots in the form set out in subsection (1).

1982-83, c.L-30.1, s.117; 1984-85-86, c.51, s.52;
1990-91, c.22, s.2; 2002, c.C-11.1, s.390; 2005,
c.19, s.20; 2010, c.N-5.2, s.456.

Representatives

118(1) At the time and place appointed pursuant to clause 115(3)(d), the returning officer shall attend to receive representations requesting the appointment of electors 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, no more than:

- (a) one elector to attend at the final summing up of the votes; and
- (b) two electors to attend at each polling place;

on behalf of voters in favour of and the same number on behalf of voters against the bylaw or question.

(2) The returning officer is not required to appoint electors pursuant to subsection (1) if he receives no representations as described in that subsection.

(2.1) An elector designated pursuant to clause (1)(a) is eligible to attend at the final summing up of the votes by the returning officer and an elector designated pursuant to clause (1)(b) is eligible to attend at the several polling places during the taking of the vote.

(3) Every elector appointed under subsection (1) shall:

- (a) before he is designated, make a declaration in the prescribed form before the returning officer;
- (b) before being admitted to the polling place or to the summing up of the votes, produce his written appointment to the deputy returning officer at the poll or to the returning officer, as the case may require.

(4) In the absence of an elector authorized to attend at the final summing up of the votes, any voter representing the same interest as the absent elector may, upon making a declaration in accordance with clause (3)(a), be admitted to attend and act on behalf of the absent elector.

1982-83, c.L-30.1, s.118; 1984-85-86, c.51, s.53;
1988-89, c.45, s.23.

Count of votes

119 Immediately upon 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 which are not rejected, the votes for and the votes against the bylaw and the affirmative and negative votes on a question.

1982-83, c.L-30.1, s.119.

Statement of results

120(1) When the count of the votes pursuant to section 119 is complete, the deputy returning officer shall prepare and sign his statement of results in duplicate in the prescribed form.

(2) The deputy returning officer shall give to an elector authorized to attend pursuant to section 118, on request, a copy of the statement of results prepared pursuant to subsection (1).

1982-83, c.L-30.1, s.120.

Declaration of results

121 Upon receipt of the ballot boxes and duplicate statements of results, the returning officer shall, at the time and place appointed for the purpose, sum up the number of votes for and against the bylaw, or in the affirmative or negative of the question, as the case may be, as reported to him on the statement of results, and, at the time and place fixed by the election procedure bylaw, declare the results of the vote.

1982-83, c.L-30.1, s.121.

Certificate of results

122 The returning officer shall prepare forthwith a statement, certified by him to be true, indicating that the majority of persons who voted on the bylaw have given or withheld, as the case may be, their approval of the bylaw, or have voted in the affirmative or negative of the question.

1982-83, c.L-30.1, s.122.

Determining majority

123 In determining whether the required majority of the persons who voted have approved or disapproved of the bylaw 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 119.

1982-83, c.L-30.1, s.123.

Tie vote

124 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.

1982-83, c.L-30.1, s.124.

Notice of results

125 As soon as possible after the counting of the votes on a bylaw or question, the returning officer shall give notice of the results in the prescribed form:

- (a) in the case of a bylaw or question for the purposes of a board, to the Minister of Learning, the Saskatchewan Municipal Board and the board;
- (b) in the case of a bylaw or question for the purposes of a municipality, to the council.

1982-83, c.L-30.1, s.125; 1989-90, c.5, s.10; 2005, c.19, s.21.

PART VI
Recount of Votes
 REQUEST FOR RECOUNT

Request to returning officer for recount

126 Where, pursuant to section 109 or 121, the returning officer has declared the results of a vote and the difference between:

- (a) the number of votes cast for any elected member and the candidate having the next highest number of votes; or
- (b) 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, any elector 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 four business days of the declaration of the results of the vote, a notice in the prescribed form requesting a recount.

1982-83, c.L-30.1, s.126; 2011, c.9, s.27.

Duties of returning officer re request

127(1) The returning officer shall, within four business days after he or she receives a request under section 126:

- (a) issue a certificate in the prescribed form stating that the applicant named in the certificate has requested a recount;
 - (b) forthwith 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 which is the subject of the request.
- (2) Upon a request pursuant to subsection (1), the judge shall appoint a date, that is not later than 10 business days after the date the request is made, and a place for the recount of the votes.
- (3) The returning officer shall, within four business days after the making of the appointment under subsection (1), serve a true copy of the appointment on the applicant and on any other person that the judge may direct.

1982-83, c.L-30.1, s.127; 2011, c.9, s.28.

Application to judge for recount

128(1) In a case other than those set out in section 126 or where an elector has made a request for a recount and the returning officer fails to comply with subsection 127(1), the elector 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) Where it is made to appear to the judge that:
- (a) a deputy returning officer, in his 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 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 127(1);

the judge shall appoint a time and place to recount the votes cast at the election, and shall thereupon cause a written notice of the time and place at which he will recount the votes to be served on the applicant and on any other person that he may direct.

1982-83, c.L-30.1, s.128; 2011, c.9, s.29.

PROCEDURE

Attendance at recount

129(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 his possession relating to the election.

(2) The judge, the returning officer, each candidate and his agent and, where the recount relates to a bylaw or question, any supporters of the bylaw or question as the judge may direct are entitled to be present at the recount.

1982-83, c.L-30.1, s.129.

Opening packets

130 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, and, in the presence of the persons authorized to attend and who are then in attendance, he 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.

1982-83, c.L-30.1, s.130.

Continuation of recount

131 As far as practicable, a recount shall proceed continuously except during the hours that the judge may determine.

1982-83, c.L-30.1, s.131.

Security of documents

132 During any period that the recount is suspended, the judge shall take any precautions that he considers necessary for the security of the ballots and documents until the recount is resumed.

1982-83, c.L-30.1, s.132.

Secrecy

133 In conducting the recount of votes, every reasonable precaution shall be taken to ensure that the manner in which any person has voted is not disclosed.

1982-83, c.L-30.1, s.133.

Procedure for recount

134(1) A recount shall be conducted in accordance with this section.

- (2) The judge shall examine the ballots and exclude from the recount any ballot:
- (a) 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 or question, which 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 his intent in the vote or reveal his identity;
 - (e) on which no vote is marked;

but, subject to clause (a), 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.

(3) The judge shall take note of any objection made by any person entitled to attend the recount to a ballot and shall decide any question arising out of such objection, and his decision is final.

(4) On the completion of the judge's examination of the ballots pursuant to subsection (2), he shall count the votes given on all the ballots which have not been rejected, and shall prepare a written statement setting out:

- (a) the names of the candidates;
- (b) the number of votes given for each candidate or given in the affirmative or negative on a question or for or against a bylaw;
- (c) the number of ballots on which the initials of the deputy returning officer have not been inscribed;

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- (d) 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 or question, those rejected by reason of having been marked both for and against or affirmatively and negatively, respectively;
 - (e) the number of ballots rejected by reason of writing, marking or other defacement or treatment so as to identify the voter; and
 - (f) the number of ballots rejected by reason of being unmarked or marked in a manner so as to obscure the intent of the voter or reveal his identity.
- (5) When the judge has ascertained the result of the voting on the recount, he shall seal the ballots in separate packets in the manner in which they were received by him, return them to the custody of the returning officer and certify forthwith the result of the recount to the returning officer.
- (6) The returning officer shall post in his office the results of the election.
- (7) Subject to subsection (8), where 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 may be, in accordance with section 111 and shall declare the candidate whose name is thereby drawn to be elected.
- (8) Where 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 111, the judge shall confirm the election of the candidate who had been declared elected by the returning officer.
- (9) In the case of an equality of votes in respect of a recount on a bylaw or question, section 124 applies.
- (10) Nothing in this section prevents or affects any remedy that any person may have under this Act with respect to controverted elections by proceedings in the nature of *quo warranto* or otherwise.

1982-83, c.L-30.1, s.134.

Costs

- 135(1)** All costs, charges and expenses of and incidental to a recount shall 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, charges and expenses 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) Where the judge so orders, the costs shall be taxed on the tariff of costs of the court.
- (3) The payment of any costs ordered by the judge may be enforced by execution to be issued upon 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.

1982-83, c.L-30.1, s.135.

Divulgence of vote in certain proceedings prohibited

136 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 voted in an election.

1982-83, c.L-30.1, s.136.

PART VII
General
MISCELLANEOUS

137 Repealed. 1993, c.45, s.52.

Application of *Controverted Municipal Elections Act*

138 The validity of the election of a member of a board may be contested before a judge by any person entitled to vote at the election, and *The Controverted Municipal Elections Act* applies *mutatis mutandis* to such a contested election.

1982-83, c.L-30.1, s.138.

Act prevails

139 Except insofar as they are inconsistent with this Act, *The Municipalities Act*, *The Cities Act*, *The Northern Municipalities Act, 2010* or *The Education Act, 1995*, as the case may be, applies *mutatis mutandis* to a municipality or school division, respectively, carrying out the provisions of this Act, and where any conflict arises between this Act and any other Act, this Act prevails, except in relation to election of boards of trustees of school districts pursuant to *The Education Act*.

1982-83, c.L-30.1, s.139; 1984-85-86, c.51, s.54;
1999, c.6, s.20; 2002, c.C-11.1, s.390; 2005, c.19,
s.22; 2010, c.N-5.2, s.456.

Extension of time

140(1) Except with respect to nomination day or election day, where a certain date is fixed 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 fixed 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, where a default is made in respect of the earlier date, a like delay is allowed in respect of the later date.

(2) If a thing required by or under this Act to be done at or within a certain fixed 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 fixed by or under this Act.

1982-83, c.L-30.1, s.140.

Results not invalidated

141(1) No election shall be deemed or declared to be 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) other inadvertent errors or irregularities;

where it appears that the 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.

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

1982-83, c.L-30.1, s.141.

Deviation from forms

142 Where forms are prescribed, any deviation that does not affect the substance of the form or that is not calculated to mislead does not vitiate them.

1982-83, c.L-30.1, s.142.

Inspection of ballots

143(1) Subject to the provisions of this Act with respect to counting of ballots or a recount, no person shall inspect the contents of a sealed ballot box, except under the order of a judge granted on evidence satisfactory to him and given on oath that the inspection of those contents is required for the purposes of maintaining a prosecution for an offence against this Act or for the purpose of proceedings taken to contest the result of an election.

(2) An order pursuant to subsection (1) shall state the time and place for the inspection, the names of persons to be present at the inspection and any other conditions that the judge may specify.

1982-83, c.L-30.1, s.143.

Advertising

144 Every printed advertisement, other than those provided for under this Act, having reference to an election or a vote on a bylaw or question shall bear on its face the name and address of the person who has authorized its printing, display and distribution.

1982-83, c.L-30.1, s.144.

Expenses of election

145(1) All reasonable expenses incurred in providing for the holding of an election under this Act shall 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 where the same officials, facilities and election materials are used for both municipal and board elections, in proportion to the value of the services used in relation to a municipal and board election, respectively;

- (d) in the case where the same officials, facilities and election materials are 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) Where 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.

1982-83, c.L-30.1, s.145; 1989-90, c.5, s.10.

Disclosure of campaign contributions and expenses

145.1 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.

2002, c.34, s.10.

Agreement with Chief Electoral Officer

146 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.

1982-83, c.L-30.1, s.146.

OFFENCES AND PENALTIES

Offences re ballots and ballot boxes; penalty

147(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 apply at the same election for another ballot in his own name or advise, abet, counsel or procure any other person to do so; or

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(h) knowingly or wilfully make a false statement when completing a form required under this Act;

and no person shall attempt to contravene this subsection.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$500, to imprisonment for a term of not more than two years or to both such fine and imprisonment.

1982-83, c.L-30.1, s.147.

Secrecy of vote

148 Every election official, clerk and agent of a candidate 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 whatsoever at any time to communicate information known to them as to the person for whom any vote is given.

1982-83, c.L-30.1, s.148.

Interference with voter prohibited

149 No election official, clerk, agent of a candidate or other 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 he has voted or is about to vote.

1982-83, c.L-30.1, s.149.

Prejudice of election by official prohibited

150 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 in any way.

1982-83, c.L-30.1, s.150.

Canvassing at polling place and specimen ballot prohibited

151 During the hours 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) 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; or
- (c) make any communication to a person intending to vote otherwise than through the deputy returning officer.

2011, c.9, s.30.

152 Repealed. 2011, c.9, s.31.

Disclosure of ballot prohibited

153 No person shall directly or indirectly induce a person to display his ballot in a manner that reveals how he has voted.

1982-83, c.L-30.1, s.153.

Penalties

154 Every person who contravenes section 148, 149, 150, 151 or 153 is guilty of an offence and liable on summary conviction to a fine of not more than \$500, to imprisonment for a term of not more than six months or to both such fine and imprisonment.

1982-83, c.L-30.1, s.154; 2011, c.9, s.32.

Offence re false statement by candidate

155(1) Every person who signs a candidate's acceptance form which contains a false statement is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

(2) Where a person convicted of an offence against subsection (1) has been elected, his election is void, and the council or board shall forthwith declare the office to which he was elected vacant and provide for the holding of a by-election in accordance with section 6.

1982-83, c.L-30.1, s.155.

Offence re acceptance of vote in certain case

156 Where the deputy returning officer takes or receives, or causes to be taken or received, the vote of a person who has refused to make the declaration mentioned in section 76, the deputy returning officer is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

1982-83, c.L-30.1, s.156.

Contravention of section 144

157 Every person who causes the printing, display and distribution of printed advertising in a manner which is not in accordance with section 144 is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

1982-83, c.L-30.1, s.157.

Offence re interference with notices

158 Every person who unlawfully takes down, covers up, mutilates, defaces or alters a voters' list or any notice or other document required to be posted by this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

1982-83, c.L-30.1, s.58.

Other offences

159 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 \$500, to imprisonment for a term of not more than six months or to both such fine and imprisonment.

1982-83, c.L-30.1, s.159.

160 Repealed. 2005, c.19, s.24.

PART VIII
Elections in Rural Municipalities

DIVISION 1
Interpretation

Interpretation of Part

160.01(1) In this Part:

- (a) **“administrator”** means the administrator of a municipality appointed pursuant to section 110 of *The Municipalities Act*;
- (b) **Repealed.** 2011, c.9, s.33.
- (c) **“by-election”** means an election held to fill a vacancy in the office of reeve or councillor pursuant to section 160.07;
- (d) **“candidate”** means a person nominated in accordance with this Act for election to a rural municipal council pursuant to section 160.04;
- (e) **“chief enumerator”** means the chief enumerator described in section 160.08;
- (f) **“council”** means the council of a rural municipality;
- (g) **“councillor”** means a member of council other than the reeve;
- (h) **“deputy returning officer”** means the deputy returning officer appointed pursuant to section 160.131;
- (i) **“division”** means a division of a rural municipality established pursuant to Part IV of *The Municipalities Act*;
- (j) **“election”** means:
 - (i) an election of members of council;
 - (ii) a vote of voters, to approve a bylaw or resolution, or to obtain their opinion on any question or resolution submitted to them pursuant to *The Municipalities Act*;
 and includes a by-election;

(k) “**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 160.131;

(k.1) “**general election**” means:

- (i) an election held pursuant to section 160.03; or
- (ii) a first election held in a newly-established municipality;

(l) “**judge**” means a judge of the court sitting at the judicial centre nearest to which the municipality is situated;

(m) “**nomination day**” means the day specified in section 160.15;

(n) “**polling place**” means a polling place named pursuant to section 160.13;

(o) “**prescribed form**” means the form prescribed in the regulations for use in rural municipalities;

(p) “**property**” means property as defined in *The Municipalities Act* for the purposes of Parts X and XI of that Act;

(q) “**rejected ballot**” means a ballot rejected by the deputy returning officer pursuant to section 160.6;

(r) “**voter**” means a person described in section 160.011;

(s) “**voters’ list**” means a list of voters prepared pursuant to section 160.08;

(t) “**voter’s registration form**” means a voter’s registration form in the prescribed form for use in rural municipalities.

(2) Notwithstanding section 2, any terms that are used in this Part and that are defined in *The Municipalities Act* in relation to rural municipalities have the meanings ascribed to them in that Act.

2009, c.22, s.34; 2011, c.9, s.33.

Eligibility to vote

160.011 Every person is qualified to be registered as a voter in a rural municipality who:

- (a) on the day of an election in a rural municipality, is at least 18 years of age and a Canadian citizen; and
- (b) immediately preceding the day of the election:
 - (i) has resided in the rural municipality for at least three consecutive months;
 - (ii) is the registered owner of taxable land in the rural municipality or the purchaser of land in the rural municipality under a bona fide agreement for sale;

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- (iii) is assessed as an occupant of any land in the rural municipality that is exempt from taxation;
- (iv) is assessed with respect to an improvement in the rural municipality;
- (v) is licensed with respect to property in the rural municipality used for business purposes;
- (vi) is the holder of a permit in the rural municipality with respect to a trailer or mobile home;
- (vii) is:
 - (A) a resident of Saskatchewan; and
 - (B) 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 or that is licensed with respect to a home-based business; or
- (viii) is the spouse of a person mentioned in subclause (ii), (iii), (iv), (v) or (vi) and resides with that person in Saskatchewan but outside of the rural municipality.

2009, c.22, s.34; 2011, c.9, s.34.

Rules of residence**160.02** For the purposes of this Part:

- (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, is deemed to have lost 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.

2005, c.19, s.25.

General election

160.03(1) A general election for members of the council must be held in every rural municipality at the time and in the manner provided in this Part.

- (2) The election of members of council:
- (a) in the case of even-numbered divisions, is to be held:
 - (i) on October 26, 2011; and
 - (ii) on October 22, 2014, and thereafter at intervals of every four years on the fourth Wednesday of October; and
 - (b) in the case of odd-numbered divisions and the election of reeves, is to be held on October 24, 2012, and thereafter at intervals of every four years on the fourth Wednesday of October.
- (3) Subject to subsections (3.1) to (6), the reeve and each councillor hold office for a term of four years commencing at the first meeting of the council following his or her election.
- (3.1) Each councillor elected in accordance with subclause (2)(a)(i) shall hold office for a term of three years commencing at the first meeting of the council following his or her election.
- (4) If an order is made pursuant to subsection 61(2) of *The Municipalities Act*, in the order, the minister may alter the term of office of the reeve or any councillor.
- (5) If, as a result of annexation pursuant to section 61 of *The Municipalities Act*, a new election is required, the minister shall, in the order, fix the terms of the newly elected members of the council.
- (6) If the election for reeve and councillors in any rural municipality is not held in accordance with subsection (2), the minister, at any time, by order, may extend the term of the office of the reeve or any councillor in the rural municipality for a time sufficient for the election of a reeve and councillors to be held in accordance with subsection (2).

2005, c.19, s.25; 2011, c.9, s.35.

Qualification for nomination

- 160.04(1)** Subject to subsection (2), a person is qualified for nomination as reeve or councillor if the person:
- (a) resides in Saskatchewan;
 - (b) is eligible to vote in the rural municipality; and
 - (c) is not disqualified by reason of any provision of this Act or any other Act.
- (2) No person may be nominated or elected as:
- (a) a member of council for more than one division; or
 - (b) a councillor of a division and the reeve of the rural municipality.

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- (3) 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 160.16, 160.23 or 160.24 is eligible for nomination or election as reeve unless he or she has, before filing his or her nomination paper, filed his or her resignation as councillor with the administrator.
- (4) A resignation filed pursuant to subsection (3) 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.

2009, c.22, s.35; 2011, c.9, s.36.

Disqualification

160.05(1) None of the following persons is qualified to be nominated or elected or to hold office as a member of council:

- (a) a judge of a 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 council by reason of having an interest in a contract with the municipality.
- (3) The following persons may seek nomination to the council with which the person is employed if the person has first obtained a leave of absence in accordance with section 2-54 of *The Saskatchewan Employment Act*:
- (a) an employee of a municipality;
 - (b) an employee of a board or commission appointed by a council;
 - (c) an employee of a board of education;
 - (d) an employee of a joint board, as defined in *The Education Act, 1995*.
- (4) Notwithstanding section 2-54 of *The Saskatchewan Employment Act*, an employee described in subsection (3) 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.

2009, c.22, s.36; 2013, c.S-15.1, s.10-24.

160.06 Repealed. 2009, c.22, s.37.

Vacancy

160.07(1) If a seat on the council of a rural municipality becomes vacant for any reason, the council shall, at its next meeting, do one of the following:

- (a) set a day, which is to be a Wednesday, for the closing of a nomination period and appoint a returning officer to hold an election to fill the vacancy for the remainder of the term of the person being replaced;

- (b) if the vacancy occurs in the final year of the term, decide not to fill the vacancy until the next general election;
 - (c) **Repealed.** 2011, c.9, s.37.
- (2) An election held pursuant to this section is to be conducted in accordance with this Part and the other provisions of this Part apply, with any necessary modification, to that election.
- (3) If the council of the rural municipality neglects or refuses to comply with subsection (1), the minister may appoint a returning officer and fix a date for an election to fill the vacancy.
- (4) If a member of the council of a rural municipality whose term of office does not expire at the first meeting of the council following the next general election submits his or her notice of resignation to the administrator not less than 15 days before the closing of the nomination period and specifies a day in the future, but not beyond the date of the first meeting following the next general election, on which the resignation is to become effective, the returning officer shall take the steps necessary to elect, at the next general election, a reeve or councillor, as the case may be, to fill the vacancy for the remainder of the term of the person being replaced.
- (5) If the number of members of the council is reduced by death, resignation, invalidation of election or otherwise below the number required to constitute a quorum, the minister may by order do one or both of the following:
- (a) appoint a returning officer and fix 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.
- (6) Every person appointed pursuant to clause (5)(b) has all the powers, rights and obligations of an elected member.

2009, c.22, s.38; 2011, c.9, s.37.

DIVISION 2

Proceedings Preliminary to Election

List of voters, enumeration, chief enumerator, revising officer

160.08(1) At least 55 days before nomination day, the council of a rural municipality may provide for the enumeration of the names of voters and the preparation of a voters' list in the prescribed form.

- (2) For the purposes of enumeration, the returning officer is the chief enumerator, unless the council otherwise specifically directs, and the chief enumerator:
- (a) shall conduct the enumeration of voters and prepare and revise the voters' list; and
 - (b) is the revising officer for the purposes of sections 160.083 to 160.088.

2009, c.22, s.39.

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Content of voters' list

160.081 The voters' list shall be in the prescribed form and shall state:

- (a) the name of each voter;
- (b) each voter's street or road address or the legal description of the land located within the municipality set out opposite the voter's name; and
- (c) the division in which the voter is eligible to vote.

2009, c.22, s.39.

Posting of voters' list and notice of posting

160.082 The chief enumerator shall, at least 31 days before the day on which a general election is held:

- (a) cause to be posted in the office 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) publish a notice of the completed voters' list at least once in a newspaper having general circulation in the municipality indicating the time and locations where the voters' list may be inspected.

2009, c.22, s.39; 2011, c.9, s.38.

Application to strike name

160.083(1) Any voter may apply to the revising officer at least 15 business days before the day on which a general election is held to have the name of any person struck off the voters' list on the ground that the person is not qualified as a voter.

(2) Every application pursuant to subsection (1) must be in writing and must specify the grounds on which the applicant alleges 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.

2009, c.22, s.39; 2011, c.9, s.39.

Application to correct error

160.084(1) In this section, "**applicant**" means a person:

- (a) who is qualified as a voter, but whose name does not appear on the voters' list;
- (b) whose name is listed in error on a voters' list; or
- (c) whose name is listed on a voters' list in the incorrect division.

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

2009, c.22, s.39; 2011, c.9, s.40.

Revised voters' list

160.085(1) At least 16 days before the day on which a general election is held, the revising officer shall:

- (a) consider all applications made pursuant to sections 160.083 and 160.084; and
 - (b) if the revising officer considers that a change is necessary, amend the voters' list accordingly and initial and date each change.
- (2) The voters' list amended pursuant to subsection (1) is the revised voters' list.

2009, c.22, s.39; 2011, c.9, s.41.

Procedure where name deleted

160.086 If the name of a person is deleted from the voters' list, the revising officer shall immediately cause to be served personally or sent by registered mail to that person, at the 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 qualifications of a voter set out in section 160.011.

2009, c.22, s.39.

Errors

160.087 The revising officer may, at any time, correct any errors apparent on the face of the voters' list and, if a correction is made, the revising officer must initial and date each correction.

2009, c.22, s.39.

Copies of voters' list

160.088 The revising officer shall provide, on request, a copy of a voters' list or revised voters' list to each candidate.

2009, c.22, s.39.

Use of voters' list

160.089 A council may use a voters' list or a revised voters' list prepared in accordance with sections 160.08 to 160.087:

- (a) at the general election with respect to which the list is prepared; and
- (b) at any by-election or general election held within four years after the general election described in clause (a).

2009, c.22, s.39; 2011, c.9, s.42.

Divisions where voters entitled to vote

160.09(1) The division of a rural municipality with respect to which a person is entitled to vote is determined in accordance with this section.

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

- (a) that person is entitled to vote only with respect to one division in the rural municipality; and
 - (b) the division with respect to which the person is entitled to vote is determined by establishing which is the first subsection of subsections (2) to (13) to apply to that person.
- (2) A person is entitled to vote at the polling place for the division in which he or she resides if the person:
- (a) is assessed with respect to property that he or she owns or occupies in the division; or
 - (b) is a licensee or permit holder in accordance with a bylaw made pursuant to *The Municipalities Act* with respect to a home-based business, trailer or mobile home in the division.
- (3) Notwithstanding that he or she resides elsewhere, a person is entitled to vote at the polling place for a division if he or she:
- (a) is assessed with respect to property that he or she owns or occupies in that division and in that division only; or
 - (b) is a licensee or permit holder in accordance with a bylaw made pursuant to *The Municipalities Act* with respect to a home-based business, trailer or mobile home in that division and in that division only.
- (4) 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 entitled 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 entitled to vote at the polling place for the division bearing the lowest number.
- (5) 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.
- (6) Notwithstanding subsection (4), by notifying the administrator in writing before September 1 in any year, a person may designate the division in which he or she wishes to vote if the person:
- (a) 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; or
 - (b) is a licensee or permit holder in accordance with a bylaw made pursuant to *The Municipalities Act* with respect to a home-based business, trailer or mobile home in two or more divisions but does not reside in any of those divisions.

- (7) If a person makes a designation pursuant to subsection (6), he or she is:
- (a) entitled to vote at the polling place for the division so designated; and
 - (b) bound by the notice given pursuant to subsection (6) so long as he or she continues to be assessed or continues to be a licensee or permit holder only in the same divisions.
- (8) If a person is assessed with respect to property that he or she owns or occupies in one division, or if he or she is a licensee or permit holder in accordance with a bylaw made pursuant to *The Municipalities Act* with respect to a home-based business, trailer or mobile home in one division, and his or her spouse is so assessed or is such a licensee or permit holder 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.
- (9) If a person makes a designation pursuant to subsection (8), both spouses are:
- (a) entitled to vote at the polling place for the division so designated; and
 - (b) bound by the notice given pursuant to subsection (8) so long as they continue to be assessed or continue to be licensees or permit holders in the same divisions.
- (10) The persons mentioned in subsection (8) may change the designation of the division in which they are entitled to vote pursuant to subsection (9) to another division in which one or the other is assessed or is a licensee or permit holder in the manner mentioned in subsection (8) 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.
- (11) A voter mentioned in subclause 160.011(b)(ii) is entitled to vote in the division in which the voter resides.
- (12) A voter mentioned in subclause 160.011(b)(viii) is entitled to vote in the division in which the spouse of the voter is entitled to vote.
- (13) A chief executive officer mentioned in subclause 160.011(b)(vii) who does not reside in the rural municipality:
- (a) is entitled 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 entitled to vote at the polling place for the division bearing the lowest number.

2005, c.19, s.25; 2011, c.9, s.43.

160.1 Repealed. 2009, c.22, s.40.

Duties of administrator

160.11(1) No administrator shall knowingly fail to:

- (a) prepare a list of voters when requested to do so by council;
 - (b) enter on the list of voters the name of any person whom the administrator knows to be entitled to have his or her name placed on this list;
 - (c) enter on the list of voters any other particulars as provided by this Act;
 - (d) omit from the list of voters the name of any person who is not a voter; or
 - (e) note on the tax notice of the assessed voter the division in which the assessed voter is entitled to vote.
- (2) 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 entitled to vote in an election.
- (3) 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 entitled to vote in an election.

2009, c.22, s.41.

DIVISION 3
Election procedures

Persons entitled to vote

160.12(1) The persons entitled to vote for reeve or councillor are the voters of the rural municipality.

- (2) In an election, every voter:
- (a) is entitled to vote once only for reeve and once only for a councillor, notwithstanding that he or she qualifies as a voter more than once in accordance with section 160.011 for the purposes of that election;
 - (b) shall vote at the polling place for the division in which the voter is entitled to vote.

2005, c.19, s.25; 2006, c.23, s.8; 2009, c.22, s.42.

Election officials and polling places

160.13(1) A council shall:

- (a) name one or more polling places within Saskatchewan for each division;
- (b) appoint a returning officer; and
- (c) set the remuneration to be paid to election officials acting with respect to an election.

- (2) If a returning officer is unable to act, the reeve shall appoint a person to act in the place of the returning officer.
- (3) A person appointed pursuant to subsection (2) has 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.
- (4) If a deputy returning officer or any person appointed pursuant to subsection 160.131(2) other than a returning officer is unable to act, the returning officer shall appoint a person to act in the place of that person.
- (5) If any polling place named pursuant to clause (1)(a) becomes unavailable, the returning officer shall name another place as an alternate polling place and shall, by notice posted at the first-named polling place, direct the voters to the alternate polling place.

2009, c.22, s.43; 2011, c.9, s.44.

Duties of returning officer and appointment of officials

- 160.131(1)** The returning officer is responsible for all matters relating to the election as provided in this Part.
- (2) The returning officer shall appoint in writing, in the prescribed form:
- (a) a deputy returning officer or, if he or she considers it desirable, more than one deputy returning officer for a polling place;
 - (b) a deputy returning officer or, if he or she considers it desirable, more than one deputy returning officer for an advance poll established pursuant to section 160.49;
 - (b.1) poll clerks; and
 - (c) any other official the returning officer may consider necessary for the conduct of the election.
- (3) Notwithstanding subsection (2), the returning officer may act as deputy returning officer in a municipality with a population of less than 200 or in which there is only one polling place.
- (4) The returning officer or a deputy returning officer may appoint a constable to maintain order at a polling place

2009, c.22, s.43; 2011, c.9, s.45.

Mail-in ballot

- 160.132(1)** Notwithstanding any other provision of this Act or *The Controverted Municipal Elections Act* but subject to subsection (2) and any regulations made pursuant to subsection (3), a council, by bylaw, may establish a mail-in ballot voting system for the purpose of receiving ballots in an election.

c. L-30.1

LOCAL GOVERNMENT ELECTION

- (2) A bylaw 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 section 160.6.
- (3) The Lieutenant Governor in Council may make regulations:
- (a) prescribing requirements, limits and conditions in relation to mail-in ballot voting pursuant to subsection (1), including prescribing different requirements, limits and conditions for different municipalities or for different classes of municipalities;
 - (b) prescribing that subsection (1) does not apply to specified municipalities or to specified classes of municipalities;
 - (c) respecting any other matter that the Lieutenant Governor in Council considers necessary for the purpose of operating a mail-in ballot voting system pursuant to subsection (1).

2011, c.9, s.46.

Oath

160.14(1) Every returning officer, before entering on the duties of his or her office, shall take and subscribe an oath 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 and subscribe an oath in the prescribed form before the returning officer or any person authorized to administer oaths in Saskatchewan.

2005, c.19, s.25.

Nomination of candidates

160.15(1) Nomination day is the fifth Wednesday before election day.

(2) At least 10 business days before nomination day, the returning officer shall cause to be published in one or more newspapers circulating in the rural municipality a notice in the prescribed form stating that nominations for candidates for members of council will be received at the municipal office during normal office hours until 4:00 p.m. on nomination day.

(3) For the purposes of receiving nominations pursuant to this section at the municipal office, the returning officer may appoint one or more nomination officers, and those officers are authorized to receive nominations and issue receipts on behalf of the returning officer.

(4) During the period mentioned in subsection (2), the returning officer or nomination officer shall:

- (a) receive duly completed nominations for candidates for members of council;
- (b) give a receipt in the prescribed form for each nomination received;
- (c) post, in a conspicuous place in the municipal office, copies of the nominations received; and
- (d) provide any information on any nomination paper received, or a copy of the nomination paper, to any person on request.

2011, c.9, s.47.

Procedure if only one candidate

160.16 Immediately after the close of the period for the withdrawal of nominations mentioned in section 160.22, if only one candidate is nominated to serve as reeve or as councillor for the division in which an election is being held, the returning officer shall:

- (a) declare the candidate duly elected; and
- (b) cause a notice in the prescribed form to be:
 - (i) posted promptly in the municipal office; and
 - (ii) published, within 10 days after the close of the nomination period, in a newspaper having wide circulation in the rural municipality.

2011, c.9, s.47.

Procedure if nominations less than vacancies

160.17(1) If no candidate is nominated to serve as reeve or to serve as councillor for a division in which an election is being held, the returning officer shall give notice in the prescribed form in accordance with section 160.15, 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 4:00 p.m. on the second Wednesday following the date of the close of the period for the 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 council shall, at its next meeting, provide for the holding of a by-election in accordance with section 160.07 to fill the vacancies.

2011, c.9, s.47.

c. L-30.1

LOCAL GOVERNMENT ELECTION

Nomination to be in writing

160.18 Every nomination for reeve or councillor must be in writing in the prescribed form and signed:

- (a) in the case of reeve, by at least two voters of the rural municipality other than the person being nominated; and
- (b) in the case of councillors, by at least two voters of the division other than the person being nominated.

2005, c.19, s.25.

Nomination accompanied by acceptance

160.19(1) No nomination is complete or shall be accepted by the returning officer unless the candidate's acceptance of nomination statement is:

- (a) signed by the person nominated;
 - (b) witnessed by two people; and
 - (c) with respect to a candidate in a rural municipal election, accompanied by any criminal record check required pursuant to a bylaw passed pursuant to section 89.1 of *The Municipalities Act*.
- (2) Any person who, when signing the candidate's acceptance, makes a false statement in the acceptance is guilty of an offence.
- (3) If a person who has been elected a member of the council is convicted for a contravention of subsection (2):
- (a) his or her seat immediately becomes vacant; and
 - (b) the council shall declare the seat vacant.

2005, c.19, s.25; 2010, c.24, s.33; 2011, c.9, s.48.

Place and date of voting

160.2 If more than the required number of persons are nominated for reeve or for councillor for one or more divisions, the returning officer shall:

- (a) declare that a vote will be held;
- (b) name the day mentioned in subsection 160.25(1) on which the votes will be taken and specify the place with respect to each division where the votes will be taken; and
- (c) name the time and place at which the result of the vote will be declared.

2005, c.19, s.25.

Custody and destruction of nomination papers

160.21(1) Immediately after the close of the nomination period, the returning officer shall deliver all completed nomination papers and candidates' acceptances in his or her possession to the administrator.

(2) The administrator shall retain the nomination papers in his or her custody for a period of three months from the end of the period mentioned in subsection (1) and shall then destroy them in the presence of two witnesses.

(3) Affidavits of the witnesses mentioned in subsection (2) attesting that they have witnessed the destruction of the nomination papers are to be:

- (a) taken before a justice of the peace, a notary public or a commissioner for oaths; and
- (b) filed by the administrator among the records of the rural municipality.

2005, c.19, s.25; 2010, c.15, s.4.

Withdrawal of nomination

160.22(1) A person who has been nominated in accordance with the call for nominations pursuant to section 160.15 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) is not to appear on the ballot.

2011, c.9, s.49.

Abandonment of poll

160.23(1) If, by reason of a candidate's withdrawal, the number of candidates remaining in nomination for an office does not exceed the number required to be elected for that office, the voting for that office shall not take place, and the returning officer shall declare the candidate elected.

(2) If a candidate is declared elected pursuant to subsection (1), the returning officer shall cause a notice in the prescribed form to be:

- (a) posted promptly in the municipal office; and
- (b) published, within 10 days after the close of the nomination period, in a newspaper having wide circulation in the rural municipality.

2005, c.19, s.25.

c. L-30.1

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Abandonment of poll on death of candidate

160.24(1) If a candidate dies between the close of the nomination period and the close of the poll and the number of persons then remaining in nomination for that office does not exceed the number required to be elected:

- (a) the returning officer shall declare an abandonment of the poll and cause a notice in the prescribed form to be:
 - (i) posted in the municipal office; and
 - (ii) published in a newspaper having wide circulation in the rural municipality; and
- (b) the council, at its next meeting, shall provide for the holding of a by-election in accordance with this Part to fill that office.

(2) If a by-election is held pursuant to subsection (1), persons nominated in the election, other than the deceased candidate and any candidates who have withdrawn, are deemed to have been nominated again without having to be nominated during the new nomination period.

2005, c.19, s.25.

Hours and place of voting

160.25(1) When voting is required for the election of a reeve or councillor, the voting is to take place on the fifth Wednesday after nomination day.

(2) Subject to subsection (3), the polling place is to be open for voting from 9:00 a.m. to 5:00 p.m. local time.

(3) A council may provide, by bylaw, that all the polling places are to remain open for voting for any period past the time set out in subsection (2), but that period is not to exceed three hours.

2005, c.19, s.25; 2011, c.9, s.50.

160.26 Repealed. 2011, c.9, s.51.

Notice of vote

160.27 Within 10 days after the close of the nomination period, the returning officer shall cause notice of the vote, in the prescribed form, to be published in a newspaper having a wide circulation within the rural municipality.

2005, c.19, s.25.

Ballot box

160.28(1) The returning officer shall procure for each division of the rural municipality a suitable ballot box:

- (a) made of durable material;
- (b) provided with two suitable durable seals; and

- (c) constructed so that the ballots:
 - (i) can be deposited in the box; and
 - (ii) cannot, when the box is sealed with one of the seals, be withdrawn unless 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) If the polling places for two or more divisions are situated in one room, it is not necessary to provide a separate ballot box for each division.

2005, c.19, s.25.

Ballots

- 160.29(1)** The returning officer shall cause to be printed or prepared a supply of ballots sufficient for the purposes of the election.
- (2) Separate ballots of different colours are to be provided for the election of reeve and councillor.
- (3) The ballots for the election of reeve must be in the prescribed form and contain the names of the candidates duly nominated, arranged alphabetically in the order of their surnames.
- (4) The ballots for the election of councillor must be prepared for each division of the rural municipality in the prescribed form and contain the names of the candidates duly nominated for each division, arranged alphabetically in the order of their surnames.

2005, c.19, s.25.

Poll book

- 160.3(1)** The returning officer shall supply each deputy returning officer with a poll book, in the prescribed form, in which the deputy returning officer shall enter the record of voting.
- (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 subsection (1).

2005, c.19, s.25; 2009, c.22, s.44.

Voting compartment

- 160.31(1)** The deputy returning officer shall cause every polling place to be furnished with a compartment in which the voters can mark their ballots screened from observation.
- (2) The deputy returning officer and other election officials at the polling place shall maintain the voting compartments in proper condition.

2009, c.22, s.45.

Duties of returning officer before opening of poll

160.32 Before the opening of the polling place for voting, the returning officer shall:

- (a) deliver or cause to be delivered to every deputy returning officer the ballots that have been prepared for use in the division for which the deputy returning officer has been appointed to act and any other materials that are necessary to enable the voters to mark their ballots; and
- (b) cause to be prepared in the prescribed form any number of printed directions for the guidance of voters that the returning officer considers to be sufficient.

2005, c.19, s.25.

Duties of deputy returning officer on voting date

160.33(1) On the day fixed for voting, the deputy returning officer shall be present at the polling place at which he or she is to preside at least 15 minutes before the time fixed for opening the polling place for voting.

(2) Every deputy returning officer shall, before the opening of the polling place for voting, cause a copy of the directions mentioned in clause 160.32(b) to be posted:

- (a) on the outside of the entrance to the polling place; and
- (b) in the compartment provided for voting in the polling place.

(3) Immediately after the opening of the polling place for voting, the deputy returning officer shall show the ballot box to the persons present in the polling place so that they may see that the box is empty, and then, in their presence:

- (a) close the box and attach to it one of the seals with which the box is provided in a manner that ensures that it is impossible to open the box without breaking the seal; and
- (b) place the box in his or her view for the receipt of ballots.

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

2005, c.19, s.25.

Posting of certain provisions

160.34 Before every election, the administrator shall furnish every deputy returning officer with at least two copies of section 160.86 of this Act and at least two copies of sections 3, 4, 7 and 8 of *The Controverted Municipal Elections Act*, and every deputy returning officer shall post the copies in conspicuous places at his or her polling place and ensure that they are kept so posted during the hours of voting.

2005, c.19, s.25.

Persons entitled to be in polling place

160.35(1) Subject to section 160.42, during the hours of voting, no person is entitled or permitted to be present in the polling place other than the election officials, candidates and agents authorized to attend the polling place and the voters who are actually engaged in voting or waiting their turn to vote.

(2) Subject to subsection (3), if a person presents to the deputy returning officer a written notice, in the prescribed form and signed by the candidate, authorizing that person to represent a candidate as his or her agent, 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 as an agent.

(3) Not more than two agents of any candidate are entitled to be present at the same time in any polling place during the voting.

(4) **Repealed.** 2011, c.9, s.52.

(5) A candidate:

(a) may be present at any place at which his or her agent is by this Part authorized to attend; and

(b) may:

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

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

(6) 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.

2009, c.22, s.46; 2011, c.9, s.52.

Inaccessible polling place

160.36(1) This section applies to voters who attend at a polling place to vote but who are unable to enter the polling place because of physical 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 a written request to the returning officer or deputy returning officer to have the voter's vote taken at a polling 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 polling place mentioned in subsection (2) during the time when polls are open for voting in order to take the voter's vote.

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(4) The procedures for voting provided by this Part 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.

2005, c.19, s.25.

DIVISION 4
Voting Procedures

Voting if no voters' list

160.37(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 the name of a person who completes the voter's registration form to be recorded in the poll book.
- (3) All entries in the poll book are to be numbered in consecutive order.

2009, c.22, s.47.

Voting if voters' list

160.371(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;
 - (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.
- (2) If a completed voter's registration form is delivered to a deputy returning officer pursuant to clause (1)(b), the deputy returning officer shall cause to be recorded in the poll book the information specified in clause (1)(a).
- (3) Every person whose name is on the 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 160.372 or 160.381.

2009, c.22, s.47.

When voter's declaration can be demanded

160.372 The deputy returning officer shall 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 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.

2009, c.22, s.47.

Evidence of voting

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

2005, c.19, s.25.

Rights of candidate and agent re entitlement to vote

160.381(1) A candidate or his or her agent may object to the entitlement of any person intending to vote and, on that objection, 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 160.391(a); or
- (b) verify that the procedures mentioned in clause 160.391(b) have been followed.

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

- (a) provide the evidence required pursuant to clause 160.391(a) to the candidate or agent whether or not the person has already done so; or
- (b) verify with the candidate or agent that the procedures mentioned in clause 160.391(b) have been followed.

2011, c.9, s.53.

c. L-30.1**LOCAL GOVERNMENT ELECTION****Refusal or failure to comply with requirements**

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

- (a) to complete a voter's registration form required pursuant to section 160.37 or 160.371; or
- (b) to prove or establish his or her identity and residence pursuant to section 160.391.

2011, c.9, s.53.

Evidence of identity and residence

160.391 A voter shall:

- (a) provide to the deputy returning officer and the poll clerk the following evidence to prove his or her identity and residence:
 - (i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the voter and his or her name and address; or
 - (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 and residence in accordance with the procedures prescribed in the regulations.

2011, c.9, s.53.

Provision of ballot to voter

160.4 Before providing a ballot to a voter and permitting the voter to vote, a deputy returning officer shall:

- (a) make any entries in the poll book required pursuant to section 160.37, 160.371 or 160.381;
- (b) ensure that the voter has complied with any requirement to make a declaration pursuant to section 160.372;
- (c) ensure that he or she is satisfied that the voter's identity and residence have been proven or established in accordance with section 160.391; and
- (d) place his or her initials in the box on the reverse side of the ballot.

2011, c.9, s54.

Explanation of method of voting

160.41 The deputy returning officer may, or when requested by a voter shall, either personally or through his or her poll clerk, explain to the voter as concisely as possible the proper method of voting.

2005, c.19, s.25.

Incapacity of voter

160.42 On the request of a voter who is unable to read or who is incapacitated by any physical cause from voting in the manner otherwise required by this Part, at the option of the voter, the deputy returning officer shall:

- (a) assist the voter by marking his or her ballot in the manner directed by him or her in the presence only of the poll clerk and of the candidates' agents in the polling place and place the ballot in the ballot box; or
- (b) if the voter is accompanied by a person acting as an escort, permit the escort to accompany the voter into the compartment provided for voting and to mark the voter's ballot paper for him or her.

2005, c.19, s.25.

Marking ballot

160.43 On receiving a ballot paper, the voter shall:

- (a) proceed into the compartment provided for voting;
- (b) mark the ballot by placing an 'X' on the right side opposite the name of his or her choice of candidate for election;
- (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.

2005, c.19, s.25.

Deposit of ballot

160.44(1) When the deputy returning officer receives the ballot from the voter, the deputy returning officer shall, without unfolding the ballot, verify his or her 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 enter in the poll book in the proper column or columns, after the voter's name:

- (a) the word 'voted'; or
- (b) a checkmark.

2005, c.19, s.25; 2006, c.23, s.11.

Voter to leave

160.45 After a voter has voted, the voter shall leave the polling place unless he or she is otherwise entitled to remain.

2005, c.19, s.25.

Secrecy of voting

160.46 Subject to section 160.42, when a voter is voting, no other person is allowed to occupy a position from which the person can see the way in which the voter marks the ballot.

2005, c.19, s.25.

Forfeiture of vote

160.47(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 Part; or
- (b) returns the ballot and declines 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.

(4) In the case of a voter returning his or her ballot and declining to vote, the deputy returning officer shall immediately write 'declined' on the returned ballot and preserve it.

2005, c.19, s.25.

Ballot inadvertently spoiled

160.48(1) A voter who has inadvertently dealt with his or her ballot in any manner so that it cannot be conveniently used as a ballot shall, on delivering to the deputy returning officer the ballot inadvertently dealt with, receive another in its place.

(2) On receipt of a ballot pursuant to subsection (1) that has been inadvertently dealt with, the deputy returning officer shall immediately write 'cancelled' on the ballot and preserve it.

2005, c.19, s.25.

DIVISION 5 Advance Poll

Establishment of advance poll

160.49(1) The council may direct the returning officer to establish an advance poll for the convenience of persons who would otherwise be unable to cast their votes on the day fixed for the election of members of council or voting on a bylaw or question.

(2) The council shall direct the returning officer to establish an advance poll if requested at least 30 days before the day fixed for the election or voting on a bylaw or question by a petition signed by at least five voters.

2011, c.9, s.55.

Eligible voters

160.5 A voter who is physically disabled or anticipates being unable to vote on election day is eligible to vote at an advance poll.

2005, c.19, s.25.

Manner of voting

160.51 Except as otherwise provided in this Part, the voting at an advance poll is to be conducted in the same manner as is provided by this Part for the conduct of voting at other polling places in an election.

2005, c.19, s.25.

Time of voting at advance poll

160.52 An advance poll is to be open for voting during the hours that the council shall fix on any day or days, except Sunday, within the five days preceding the day fixed for the election.

2005, c.19, s.25.

Notice of advance poll

160.53 If an advance poll has been established pursuant to section 160.49 and a vote is to be held, the returning officer shall cause a notice of the advance voting in the prescribed form or in a similar form to be:

- (a) published, immediately after the notice of the vote published pursuant to section 160.27, in a newspaper having wide circulation in the rural municipality; and
- (b) posted in the premises that are used as the main office of the administrator for the rural municipality.

2005, c.19, s.25.

Declaration

160.54(1) The deputy returning officer in charge of an advance polling place shall require every person applying to vote at the advance polling place to sign the prescribed voter's registration form before being permitted to vote.

(2) The deputy returning officer shall keep all voter's registration form completed pursuant to subsection (1) with the other records of the vote.

2005, c.19, s.25; 2009, c.22, s.50.

If voters' list used

160.541(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 160.551, the returning officer shall make an entry in the voters' list opposite the name of each voter whose name appears on the advance poll list and whose vote has been received at an advance poll, showing that the voter has voted.

c. L-30.1

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

2009, c.22, s.51.

Dealing with election materials

160.55(1) On the close of an advance poll for voting:

- (a) the deputy returning officer shall place the poll books, completed voter's registration forms and all unused ballots in a box provided for the purpose; and
 - (b) the deputy returning officer and each candidate or agent who desires to do so shall affix his or her seal to the box mentioned in clause (a) so that the box cannot be opened, and nothing can be deposited in the box, without breaking the seal.
- (2) Every candidate or agent who desires to do so may affix his or her seal to the ballot box containing the ballots from the advance poll.
- (3) The deputy returning officer shall:
- (a) keep the ballot box and the box described in subsection (1) in a safe place until the closing of the polls on the day of the election; and
 - (b) at the closing of the polls on the day of the election open both boxes at the place where the advance poll was held and proceed in the manner provided in Division 6.

2005, c.19, s.25; 2009, c.22, s.52.

Close of advance poll

160.551(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 160.55;
 - (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 list marked in accordance with subsection 160.541(1) is provided to each deputy returning officer with respect to the election for which the advance poll was held

2009, c.22, s.53; 2011, c.9, s.56.

Combining ballots

160.56 If the returning officer is of the opinion that the number of voters who are likely to vote at an advance poll will be small and that, as a result, it may be possible to determine for which candidate a voter voted, notwithstanding any other provision of this Part but in accordance with any rules that may be prescribed in the regulations made pursuant to section 160.97, the returning officer may provide for the use of the same ballot box or ballot boxes at the advance poll and for voting on election day.

2005, c.19, s.25.

DIVISION 6
Proceedings after Close of Poll

Counting of votes, etc.

160.57(1) At the close of the polling place for voting on election day, the deputy returning officer shall count the votes and follow all other proceedings provided for by this Part for deputy returning officers to take after the close of the polling place for voting.

(2) The activities mentioned in subsection (1) are to be carried out at the place designated by the returning officer.

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

2005, c.19, s.25; 2011, c.9, s.57.

Voting after close of poll

160.58 Every voter qualified to vote at the polling place who is in the polling place at the time fixed for closing the polling place for voting is entitled to vote.

2005, c.19, s.25.

Procedure after poll closes

160.59 At the close of the polling place on election day, the deputy returning officer 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 polling place;
- (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 160.61 and 160.62, reject each ballot described in section 160.6.

2005, c.19, s.25; 2011, c.9, s.58.

Rejected ballots

160.6 The deputy returning officer shall reject every ballot:

- (a) subject to subsection 160.62(1), that does not have the deputy returning officer's initials on the reverse side;
- (b) on which the voter made more votes than he or she 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 160.61, that is marked in a manner other than that specified in section 160.43; or
- (f) on which no vote is marked.

2005, c.19, s.25.

Improper marking not rejected

160.61 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 an 'X'.

2005, c.19, s.25.

Ballots not initialled

160.62(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.

2005, c.19, s.25.

Objections re ballots

160.63(1) A candidate or his or her agent may object to the rejection of a ballot pursuant to section 160.6 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.

2005, c.19, s.25.

Statement of results

160.64(1) The deputy returning officer 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).

2005, c.19, s.25.

Packets for ballots

160.65(1) In the presence of the candidates or their agents, the deputy returning officer shall make separate packets for each division and the reeve 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;

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- (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; and
 - (iii) indicate the name of the deputy returning officer; and
 - (b) seal each packet.

2009, c.22, s.54.

Sealing of ballot box

160.66 The deputy returning officer shall:

- (a) place all the packets made pursuant to section 160.65, together with the poll book and the voter's registration forms, in the ballot box; and
- (b) seal the ballot box with:
 - (i) a metal seal provided by the returning officer; and
 - (ii) the seals of any of the candidates or their agents present who desire to affix their seals.

2005, c.19, s.25; 2009, c.22, s.55.

Duplicate statement and ballot box delivered

160.67 The deputy returning officer of each division shall deliver to the returning officer:

- (a) the duplicate statement of results mentioned in section 160.64, separate from the ballot box; and
- (b) the sealed ballot box.

2005, c.19, s.25.

Summing of votes declaration of election

160.68(1) The returning officer shall count the number of votes for each candidate from the duplicate statements delivered to the returning officer pursuant to section 160.67.

(2) At the time and place previously appointed by him or her for the purpose, the returning officer shall:

- (a) publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled; and
- (b) post in the municipal office a statement of results in the prescribed form signed by him or her, showing the number of votes for each candidate.

2005, c.19, s.25; 2009, c.22, s.56.

Notice to minister

160.681 As soon as is practicable after the counting of the votes, the administrator of a rural municipality 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 pursuant to this Part; and
- (b) any other information that the minister may require.

2009, c.22, s.57.

Procedure if equality of votes

160.69(1) If, on the addition 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.

2009, c.22, s.57.

Ballot boxes and duplicate statements to administrator

160.7(1) After the election, the returning officer shall transmit to the administrator the sealed ballot boxes and duplicate statements of results received by the returning officer.

(2) The administrator is responsible for the safekeeping of the sealed ballot boxes and duplicate statements of results and shall deliver them when they are required.

2005, c.19, s.25.

Retention and destruction of ballot boxes, etc.

160.71(1) Unless otherwise ordered by a judge, the administrator shall:

- (a) retain the ballot boxes with their seals unbroken until the expiration of three months after the close of the nomination period; and
- (b) after the expiration of the three-month period mentioned in clause (a), cause the ballot boxes to be opened and the contents to be destroyed in the presence of two witnesses.

(2) An affidavit of each witness mentioned in clause (1)(b) deposing that he or she witnessed the destruction of the contents of the ballot boxes is 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 rural municipality.

2005, c.19, s.25; 2010, c.15, s.4.

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Inspection of contents of ballot box

160.72(1) No person is allowed to 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 160.74; or
- (c) proceedings pursuant to *The Controverted Municipal Elections Act* to contest an election or return.

(2) The administrator shall comply with the terms of any order granted pursuant to subsection (1).

2005, c.19, s.25.

Contents of order

160.73 A judge who makes an order pursuant to section 160.72 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.

2005, c.19, s.25.

DIVISION 7
Recount of Votes

Recounts

160.74(1) Within 10 business days after the time of the returning officer's declaration of the election results pursuant to clause 160.68(2)(a), a voter may apply to the administrator for a recount of the votes given at an election.

(2) On application for a recount pursuant to subsection (1), the voter must:

- (a) submit to the administrator an affidavit stating that, in the voter's opinion, a deputy returning officer improperly counted or rejected ballots; and
- (b) deposit with the administrator the sum of \$100 as security for the payment of costs and expenses associated with the recount.

(3) On receipt of the materials mentioned in subsection (2), the administrator shall forward the affidavit and deposit to the local registrar, who, on receiving the affidavit and deposit, shall notify a judge.

- (4) A recount pursuant to this section is only to be undertaken when the returning officer has declared the results of a vote and the difference between the number of votes cast for any elected councillor or reeve and the candidate having the next highest number of votes is less than the sum of:
- (a) the number of ballots counted but objected to; and
 - (b) all rejected ballots, except those on which no vote was made.
- (5) The judge shall:
- (a) appoint a time to recount the votes; and
 - (b) cause notice in writing of the time and place of the recount to be given:
 - (i) to the candidate or candidates whose seat may be affected; and
 - (ii) to the administrator.
- (6) The administrator shall be present at the recount with the sealed ballot boxes and duplicate written statements used at the election.
- (7) The deposit made pursuant to clause (2)(b) shall not be paid out by the local registrar except in accordance with an order of the judge.

2005, c.19, s.25; 2011, c.9, s.59.

Persons entitled to attend at recount

160.75 Only the following persons are entitled to attend and be present at the recount:

- (a) the judge;
- (b) the local registrar;
- (c) the administrator;
- (d) any candidate notified pursuant to subclause 160.74(5)(b)(i) to attend at the recount and his or her agent or solicitor;
- (e) any representative of the press;
- (f) any other person allowed to attend at the recount by the judge.

2005, c.19, s.25.

Procedure on recount

160.76(1) At the time and place appointed, and in the presence of those notified or entitled to attend and be present as provided by section 160.75, the judge shall proceed in accordance with this section to recount all the ballots received by the deputy returning officer with respect to the election complained of.

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- (2) The judge shall:
 - (a) break the seals on one of the ballot boxes containing the votes to be counted;
 - (b) take from the ballot box the packets deposited in it;
 - (c) examine individually all ballots counted or rejected by the deputy returning officer for reeve or councillor, as the case may be;
 - (d) during the course of examining all ballots in accordance with clause (c), keep a tally or count of the votes cast for each candidate; and
 - (e) reject as void and not count any of the following ballots:
 - (i) any ballot that does not have on its back the initials of the deputy returning officer;
 - (ii) any ballot on which two or more votes are given;
 - (iii) any ballot on the back of which anything other than the initials of the deputy returning officer is written or marked by which the voter can be identified;
 - (iv) any ballot that has been torn, defaced or otherwise dealt with by the voter so that the voter can be identified by that ballot;
 - (v) any ballot not contained in one of the packets mentioned in section 160.65.
- (3) If any ballot box used in an election has been lost or destroyed, the judge shall use the duplicate statement prepared by the deputy returning officer pursuant to section 160.64 and allow the candidates named in the duplicate statement the number of votes respectively shown in the duplicate statement to have been given to them.
- (4) The judge shall:
 - (a) take notice of any objection made by a candidate or by the candidate's agent or solicitor to any ballot; and
 - (b) decide any question arising out of the objection.
- (5) The decision of the judge pursuant to clause (4)(b) is final.
- (6) On the completion of the examination and count of the ballots contained in the first ballot box opened, the judge shall announce the result of the count and replace the ballots in the ballot box, which the administrator shall lock or seal in the presence of the judge.
- (7) If the recount applied for is of a nature so as to make it necessary, the judge shall then proceed to examine and count in turn in a similar manner the ballots contained in each of the other ballot boxes.
- (8) When the ballots have all been examined and counted, the judge shall:
 - (a) count and announce the number of votes that he or she has allowed for each candidate, including any votes allowed pursuant to subsection (3); and
 - (b) declare elected the candidate having the highest number of votes.

(9) If the judge has allowed two or more candidates for the same office the same number of votes, the judge shall notify the returning officer of the tied vote.

(10) The judge shall make and transmit to the administrator a written statement of the result of the recount that shows:

- (a) the names of the candidates;
- (b) the number of votes allowed for each candidate;
- (c) the number of ballots rejected; and
- (d) the names of the candidates declared elected.

(11) When the returning officer is notified of a tied vote, the returning officer shall make provision pursuant to this Act for another election for the office.

2005, c.19, s.25.

Other relief remains

160.77 Nothing in section 160.76 prevents or affects any remedy that a person has pursuant to any Act by proceedings in the nature of *quo warranto* or otherwise.

2005, c.19, s.25.

Payment of costs, etc.

160.78 All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent on a recount are to be defrayed by the parties to the application in any manner and in any proportion that the judge may determine having regard to costs, charges or expenses that, in the judge's opinion, were caused by vexatious conduct, unfounded allegations or unfounded objections on the part of the applicant or the respondent.

2005, c.19, s.25.

Scale of costs

160.79 The costs are to be on any scale that the judge may specify and, if the judge so orders, may be taxed in the same manner and according to the same principles that costs are taxed between a solicitor and the client of the solicitor.

2005, c.19, s.25.

Enforcement of costs

160.8 The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued on filing:

- (a) the order of the judge;
- (b) a certificate showing the amount at which costs were taxed; and
- (c) an affidavit showing the amount remaining unpaid.

2005, c.19, s.25.

DIVISION 8
General Election Provisions

Documents to bear name, etc., of printer

160.81(1) Every printed or other advertisement, handbill, placard, poster, dodger, circular or circular letter having reference to an election or to a vote on a bylaw or question must bear on its face the name and address of its printer or of its printer and publisher.

(2) Any person who prints, publishes, distributes or posts, or who causes to be printed, published, distributed or posted, any document that does not bear the information required by subsection (1) is guilty of an offence.

2005, c.19, s.25.

Secrecy of vote

160.82 No person who has voted at an election shall, in any legal proceedings to question the election or returns or otherwise relating to the election, be required to state for whom he or she has voted.

2005, c.19, s.25.

Errors not affecting results

160.83 If it appears to the judge or court having jurisdiction that an election was conducted in accordance with the principles laid down in this Part and that any non-compliance, mistake or irregularity did not affect the result of the election, the election shall not be declared invalid by reason of:

- (a) non-compliance with the provisions of this Part providing for the holding of the vote or the counting of the votes;
- (b) any mistake in the use of any of the forms prescribed pursuant to this Part; or
- (c) any other irregularity.

2005, c.19, s.25.

Expenses of election

160.84 All necessary expenses incurred for an election pursuant to this Part are to be paid out of the funds of the rural municipality on the production of proper accounts verified in any manner that the council of the rural municipality may direct.

2005, c.19, s.25.

Contesting vote

160.85 All proceedings for contesting an election or the voting on a bylaw or question pursuant to this Part are to be taken pursuant to *The Controverted Municipal Elections Act*.

2005, c.19, s.25.

Offences

160.86(1) No person shall:

- (a) without authority, supply a ballot to any person;
 - (b) fraudulently put into a ballot box any paper other than a ballot that he or she is authorized by law to put in;
 - (c) without authority, destroy, open or otherwise interfere with a ballot box or packet of ballots then in use for the purpose of an election;
 - (d) apply for a ballot in the name of another person, whether the name is that of a person living or dead or a fictitious person, or advise, abet, counsel or procure any other person to do so;
 - (e) vote more often than he or she is entitled to vote;
 - (f) 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; or
 - (g) vote when he or she is not entitled to vote, whether or not his or her name is on the list of voters.
- (2) Every person who contravenes subsection (1) or section 160.861, 160.87 or 160.88 is guilty of an offence and liable on summary conviction to:
- (a) a fine not exceeding \$500;
 - (b) a term of imprisonment not exceeding six months; or
 - (c) both the fine mentioned in clause (a) and the imprisonment mentioned in clause (b).

2005, c.19, s.25; 2006, c.23, s.13.

Canvassing at polling place and specimen ballot prohibited

160.861 During the hours 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) 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; or
- (c) make any communication to a person intending to vote otherwise than through the deputy returning officer.

2011, c.9, s.60.

160.862 Repealed. 2011, c.9, s.61.

Penalties

160.863 Every person who contravenes section 160.861, 160.867 or 160.88 is guilty of an offence and liable on summary conviction to a fine of not more than \$500, to imprisonment for a term of not more than six months or to both that fine and imprisonment.

2009, c.22, s.58; 2011, c.9, s.62.

Duty to maintain secrecy

160.87(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, agent or other person shall interfere with or attempt to interfere with a voter when marking his or her ballot or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom a voter at the polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time 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.

2005, c.19, s.25.

Secrecy when counting votes

160.88(1) 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.

(2) No person shall, directly or indirectly, induce a voter to display his or her ballot after the voter has marked it so as to make known to any person the name of any candidate or candidates for whom he or she has or has not marked his or her ballot.

2005, c.19, s.25.

Powers of minister in relation to certain elections

160.881(1) An order made by the minister pursuant to subsection 402(6) of *The Municipalities Act*:

- (a) may include any provisions 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 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 the minister considers appropriate in relation to this Act.

2009, c.22, s.59.

DIVISION 9
Voting on Bylaws and Questions

Submission of bylaws, etc.

160.89(1) The council of a rural municipality may submit to a vote of the voters any municipal bylaw or question.

(2) If a bylaw or question is submitted for the assent of the voters, the vote on the bylaw or question is to be held before the bylaw submitted is passed or a resolution is introduced as a result of the question in the manner provided in this Division.

2005, c.19, s.25.

Appointment of officials, etc.

160.9(1) The council of a rural municipality shall, by resolution:

- (a) fix a time for holding the vote on a bylaw or question;
- (b) appoint a person as the returning officer; and
- (c) name a polling place for each division.

(2) If the council considers it advisable, the poll may be held on the day fixed pursuant to this Part for the general election of reeve or councillors.

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

- (a) a deputy returning officer, or, if he or she considers it desirable, more than one deputy returning officer for a polling place;
- (b) a deputy returning officer, or, if he or she considers it desirable, more than one deputy returning officer for an advance poll established pursuant to section 160.49; and
- (c) any other official the returning officer may consider necessary for the conduct of the election.

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

(5) The returning officer shall name the time and place at which the result of the vote will be declared.

2011, c.9, s.63.

Notice of vote

160.91 Notice of the vote on a bylaw or question must:

- (a) be in the prescribed form, unless otherwise prescribed by the Saskatchewan Municipal Board; and

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(b) be published in the manner required by section 160.27 at least eight days before the day of voting.

2005, c.19, s.25.

Form of ballots

160.92 The ballots for voting on a bylaw or question must be in the prescribed form.

2005, c.19, s.25.

Attendance of persons

160.93 On the application of any person interested in promoting or opposing the bylaw or question being voted on, the reeve of the rural municipality shall authorize, in writing, the attendance of two persons on the applicant's behalf:

- (a) at each polling place;
- (b) at the final counting of the votes; and
- (c) at any recount conducted pursuant to section 160.96.

2005, c.19, s.25.

One vote only

160.94(1) Every voter is entitled to vote once only on a bylaw or question.

(2) Every voter shall vote at the polling place at which he or she is entitled to vote for reeve or a councillor.

(3) Every voter shall complete a statement of registration in the prescribed form and return it to the deputy returning officer who shall then provide a ballot to the person.

2005, c.19, s.25.

Declaration of result

160.95(1) At the close of the polling place for voting on election day, the deputy returning officer shall count the votes and follow all other procedures provided for by this Part for deputy returning officers to follow after the close of the polling place for voting.

(2) The activities mentioned in subsection (1) are to be carried out:

- (a) at the place designated by the returning officer; and
- (b) in the presence of those persons authorized to attend pursuant to section 160.93 or any of them as may be present.

(3) Sections 160.58 to 160.67 apply, with any necessary modification, to a vote on a bylaw or question conducted pursuant to this Division.

(4) The returning officer shall, at the time and place named pursuant to subsection 160.9(5):

- (a) declare the result; and
- (b) certify to the council under his or her hand whether a majority of voters entitled to vote, who voted on the bylaw or question and whose ballots were not rejected, approved of the bylaw or question.

2011, c.9, s.64.

Tie vote

160.951 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.

2009, c.22, s.60.

Recount

160.96 Any recount of votes with respect to the voting on a bylaw or question is to be conducted, as nearly as may be, in the same manner as at an election for a reeve or for councillors.

2005, c.19, s.25.

PART IX Regulations

Regulations

160.97 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) governing the use of one or more ballot boxes in the circumstances described in section 22.3 or 160.56;
- (c.1) for the purposes of sections 76.2 and 160.391, prescribing pieces of information to establish identity and residence, 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 classes of 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 pieces of information may be completed and used;

- (c.2) for the purposes of sections 76.2 and 160.391, prescribing alternative procedures to establish a person's identity and residence;
- (d) prescribing any matter or thing required or authorized by this Act to be prescribed by regulations;
- (e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2005, c.19, s.25; 2011, c.9, s.65.

PART X

Repeal and Coming into Force

161 **Dispensed.** This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.