

## BYLAW 04 (2024)

### A BYLAW TO PROVIDE FOR CONSOLIDATING THE RULES AND REGULATIONS TO RUN A MUNICIPAL ELECTION IN THE TOWN OF OUTLOOK

The Council for the Town of Outlook, in the Province of Saskatchewan, enacts as follows:

#### **Section 1** **Interpretation**

#### **1) THIS BYLAW SHALL BE KNOWN AS THE ELECTION BYLAW.**

- a) The Authority for this Bylaw lies with *The Local Government Election Act*, as amended from time-to-time.
- b) This Bylaw is designed to list the common timelines, regulations and Forms in *The Local Government Election Act*, and to address matters which Council may decide by bylaw or resolution. This is not designed as a substitute, but rather as supplement to *The Local Government Election Act*.
- c) This Bylaw will not address votes on bylaws, referendums, resolutions or questions.

#### **2) DEFINITIONS**

- a) In this Bylaw:
  - i) "Council" shall mean The Council of The Town of Outlook;
  - ii) "Minister" shall mean the Minister of Government Relations in the Province of Saskatchewan;
  - iii) "Municipality" shall mean The Town of Outlook;
  - iv) "The Election Act" shall mean *The Local Government Election Act* as amended from time-to-time;
  - v) Definitions within *The Local Government Election Act*, as amended from time-to-time shall apply here.

#### **SCHEDULES AND FORMS**

- b) The Schedules and Forms attached to this bylaw shall form part of this bylaw.

#### **SEVERABILITY**

- c) In the event of a decision of court that any part of this bylaw is illegal, void, or unenforceable, that decision will affect that portion of the bylaw and not the remainder of the bylaw.

#### **Section 2** **Election Procedures**

#### **3) ELECTION DATES**

- a) General Election dates are set in *The Local Government Elections Act*.
- b) In the event a by-election is required, Council shall pass a resolution in accordance with relevant sections of *The Local Government Election Act*.

#### **4) NOMINATION DAY**

- a) Nomination dates are set in *The Local Government Election Act*.
- b) Nominations shall be accepted from 9 a.m. until 4:00 p.m. in accordance with *The Local Government Election Act*.
- c) Nominations shall include at least 5 nominators (eligible voters)
- d) Nominees are required to attach a completed public disclosures statement to the nomination paper. If the public disclosure statement is not attached, the nomination officer shall not accept the nomination paper
- e) Nominees are required to include a criminal record check with the nomination paper.
- f) Nomination forms may be submitted by the candidate or a person acting on the candidate's behalf, or by registered or ordinary mail, or by fax, or by email.
- g) Candidates have 24 hours after the close of Nomination Day to withdraw their nomination forms in accordance with *The Local Government Election Act*.

**5) ADVANCE POLL(S)**

- a) Advance Poll(s) shall be set in accordance with *The Local Government Election Act*, between 3 days and 15 days prior to Election Day.
- b) The Advance Poll shall be open for a minimum of 5 consecutive hours.

**6) ELECTION DAY**

- a) The Poll on Election Day shall be open from 9:00 a.m. until 8:00 p.m.

**7) POLLING PLACES**

- a) The Polling Places for all elections within the Municipality shall be:
  - i) Accessible for people with a physical disability or limited mobility.
  - ii) The Returning Officer shall set the Polling Places for all elections.
  - iii) All Advance Polls, unless otherwise specified by the Returning Officer, shall be at the Town Hall Complex located at 400 Saskatchewan Avenue, Outlook, Saskatchewan.
  - iv) If there are multiple Polling Places open, all voters shall be able to vote in any Polling Place.
- b) In each Polling Place, the Deputy Returning Officer is responsible to make sure:
  - i) The following forms shall be posted in each polling station:
    - (1) Form PP-1 of this bylaw; and
    - (2) Form PP-2 of this bylaw.
  - ii) A place where the voter can vote behind a screen or other barrier that cannot be seen through.
  - iii) All additional election materials as required by the Election Act.

**8) BALLOTS AND BALLOT BOXES**

- a) The Ballots:
  - i) Shall be in the prescribed Form N of *The Local Government Election Act*.
  - ii) In the event of multiple positions being elected on the same day, each position's ballot shall be in a different color.
  - iii) Names on the Ballots shall be "LAST NAME, FIRST NAME" in alphabetical order of the last name with the occupation listed under the name.
  - iv) Section 90 of *The Local Government Election Act* allows for voting machines by bylaw. The Municipality shall not use voting machines for election purposes.
- b) Ballot Boxes:
  - i) The same ballot box may be used for both Advance Polls and Regular Poll.
  - ii) The same ballot box may be used for multiple polls in the event of multiple positions being elected on the same day.
  - iii) At each poll, separate ballot boxes must be used for the position of Mayor, should an election for Mayor be necessary.

**9) MAIL-IN BALLOTS**

- a) In accordance with Section 92 of *The Local Government Election Act*, the Municipality shall adopt the mail-in ballot system for the purpose of receiving ballots in an election as described in this section:
  - i) Application Process
    - (1) In front of the Returning Officer, a commissioner of oaths or a notary public, each person wishing to receive a mail-in ballot shall fill out:
      - (a) Form MIB-1 of this bylaw; and
      - (b) Form MIB-2 of this bylaw.
  - ii) Any person who wishes to vote by mail shall apply to the office of the Town between one hundred and forty-two (142) days prior to Election Day and the day before the date of the Advance Poll and ensure the original and signed MIB-1 and MIB-2 are mailed to Returning Officer Box 518 Outlook, Saskatchewan S0L2N0 or dropped off at the Town of Outlook office at 400 Saskatchewan Avenue so that they are received on or before election day.
  - iii) Providing Ballots

- (1) Notwithstanding section 41 of *The Local Government Election Act*, the returning officer may authorize the use of blank ballots, MIB-3 of this bylaw if, in the Returning Officer's opinion, the expected delivery date of the printed ballots will adversely affect the ability of voters to vote by mail.
  - (a) All ballots issued to persons voting by mail shall be identical.
- (2) The ballot kit shall consist of:
  - (a) The Ballot, with the Returning Officer's initial in the box on the reverse side of the ballot or ballots provided to the voter;
    - (i) In the case of section 9(a)(iii)(1) being used, a list of candidates who are seeking election;
  - (b) A ballot security envelope, bearing the information as described in MIB-4 of this bylaw;
  - (c) A voter confirmation envelope, bearing the information as described in MIB-5 of this bylaw;
  - (d) An outer envelope, addressed to the Returning Officer and bearing the words "MAIL IN BALLOT" on its face; and
  - (e) Appropriate directions to voters.
  - (f) The ballot kit shall either be given to the voter in person, if available, or by regular mail to the address given on Form MIB-1 of this bylaw;
  - (g) Once the kit has been provided to the voter, the voter is deemed to have voted and is not entitled to vote at any other poll.
- (3) Voter Requirements
  - (a) Voters are required to:
    - (i) Insert marked ballots into the ballot security envelope;
    - (ii) Seal the ballot security envelope;
    - (iii) Date and sign the voter confirmation envelope;
    - (iv) Seal the voter confirmation envelope and insert into outer envelope; and
    - (v) Mail or hand deliver the package to the Town Office.
- (4) Upon Receiving the Ballot Package, the Returning Officer shall:
  - (a) Ensure the voter confirmation envelope is signed by the voter;
  - (b) Record on Form R, as previously signed by the Voter, the date which the envelope was received; and
  - (c) Deposit the voter confirmation envelope into the ballot box.
  - (d) All ballot packages shall be received to the Returning Officer:
    - (i) If by mail, the closure of the polls on Election Day; or
    - (ii) If by person, the closure of the polls on Election Day.
    - (iii) Any ballots received afterwards are deemed to be spoiled and will remain unopened in the voter confirmation envelope.
  - (e) The Returning Officer shall designate one election officer who will receive the mail-in ballot box containing the ballots prior to the close of polls on Election Day.
- (5) Objections by Candidates or Agents
  - (a) On Election Day, any candidate or candidate's agent may examine any application package filed;
  - (b) Any candidate or candidate's agent may object to any person's entitlement to vote if that person voted by mail at which time, the objection shall be written on the poll book.
- (6) Counting Ballots
  - (a) The Returning Officer or designated election officer shall be responsible to count the mail-in ballots.
  - (b) If the Returning Officer or designated election officer is of the opinion that the number of voters who voted by mail are small and as a result it may be possible to determine who any voter voted for, the returning officer or designated election officer may direct elections officers to include the mail-in ballots in the in the same box used for the polling on Election Day.
  - (c) Each confirmation envelope shall be inspected to determine if the voter's signature is missing, which would deem the ballot spoiled.

- (d) The Returning Officer or designated election officer shall extract the ballot security envelope and examine for tears or unauthorized markings, which would be deemed spoilt if there is.
- (e) If accepted by the Returning Officer or designated election officer, the ballot security envelope shall be placed into a container or other ballot box with the other ballot security envelopes received.
- (f) Once all the valid ballot security envelopes are in the ballot box, the Returning Officer, or designated election officer shall open the ballot security envelopes and:
  - (i) If using the same ballot box as Election Day, place the ballots into the ballot box from election day, shake the box and proceed to count as per procedures; or
  - (ii) If not using the same ballot box, shall place all ballots into a ballot box, shake it and proceed to count as per procedures.
- (g) The envelopes received in this section shall be placed with Form R at the end of the election and shall be kept and eventually destroyed in accordance with *The Local Government Election Act*.

#### 10) HOMEBOUND VOTING

- a) In accordance with Section 30 of *The Local Government Election Act*, voters who are unable to attend at an established polling place to vote because he or she has a disability or limited mobility and, if applicable, a resident caregiver of this voter, wishing to vote by homebound voting shall apply, in writing, to the Returning Officer to vote by homebound voting in the following manner:
  - i) Application Process
    - (1) Each voter who is unable to attend at an established polling place to vote because he or she has a disability or limited mobility and wishes to vote by homebound voting shall fill out:
      - (a) Form HBV-1 of this bylaw; and
      - (b) Any person who wishes to vote by homebound voting shall apply in person to the Returning Officer between one hundred and forty-two (142) days prior to Election Day and the day before the date of the Advance Poll. Voters allowed to vote in this manner will be limited to those who are unable to attend at an established polling place to vote because he or she has a disability or limited mobility and their resident caregiver who is also a voter in the municipality.
    - (2) If a returning officer receives an application in accordance with this section and is satisfied that the application is proper and complies with this bylaw and *The Local Government Election Act*, the returning officer shall:
      - (a) Prepare a list including each voter's name and address, arranged alphabetically or geographically of voters entitled to vote at the election pursuant to this section on Form HBV-3 of this bylaw; and
      - (b) Advise each voter entitled to vote at the election pursuant to this section with a completed form HBV-2 of this bylaw.
      - (c) 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 completed HBV-3 of this bylaw
      - (d) Subject to subsection (e), every residence where a vote is taken pursuant to this section is deemed to be a polling place, and the procedures for voting by this bylaw and *The Local Government Election Act* apply, with any necessary modification, in and to each residence where a vote is taken pursuant to this section.
      - (e) The candidate or a candidate's agent may choose to be present at the residence of a voter voting pursuant to this section.

ii) Providing Ballots

The homebound vote shall take place in the voter's private residence, the voter's residence in assisted living facility or the voter's residence in a long-term care facility, whichever applies, within the Town of Outlook.

- (1) On the date and time specified on each HBV-2 of this bylaw, between the advance poll and election day, the Returning Officer or a designated election officer and a poll clerk, shall attend the designated voting place of the homebound voter and, if applicable, their caregiver.
- (2) To obtain a ballot, each homebound voter shall:
  - (a) present one piece of identification which contains a photograph of the voter or two pieces of approved identification without photographs so long as one has their address, or
  - (b) If a voter does not have the prescribed identification, another eligible voter who knows them can vouch for their identify by using Form B of this bylaw; and
  - (c) fill out Form HBV-4 of this bylaw
  - (d) Once the voter has voted and returned the ballot to the Returning Officer or a designated election officer, the Returning Officer or a designated election officer shall place the ballot in a ballot box for homebound voting OR combine it with the advance poll ballot box if there is a risk that the number of homebound voters are such that the vote can be identified.

**11) ELECTION OFFICIALS**

- a) Prior to starting their position, every Election Official shall sign Form E of this bylaw.
- b) Returning Officer
  - i) The Returning Officer shall be the Administrator of the Town of Outlook unless a resolution is passed by Council at least 90 days prior to the call of the election.
  - ii) In the event that the Administrator, or appointed Returning Officer, cannot fulfill their duties, Council shall appoint a replacement.
  - iii) The Returning Officer shall appoint all other Election Officials by using Form D of this bylaw.
  - iv) The Returning Officer shall accept all completed Form I, Nomination Form and Acceptance, and shall give a receipt as Form K of this bylaw.
- c) Deputy Returning Officer
  - i) In accordance with *The Local Government Election Act*, there shall be one Returning Officer appointed at each of the Polling Places at each of the Advance Poll(s) and Regular Poll(s), should the Returning Officer require a Deputy Returning Officer due to number of polls or the absence of the Returning Officer at a poll, appointment shall be made by the Returning Officer.
  - ii) Duties are listed in *The Local Government Election Act*.
- d) Poll Clerk
  - i) In accordance with *The Local Government Election Act*, there shall be one Poll Clerk appointed at each of the Polling Places at each of the Advance Poll(s) and Regular Poll(s), the poll clerk for polls held on different dates can be the same person.
- e) Indemnities
  - i) All election officials shall be paid the rate of \$350 for election day or, in the event that the official is an employee of the municipality, their regular daily rate of pay.
  - ii) There shall be no mileage paid except in the event that the Returning Officer has to set Polling Places outside the Town of Outlook. The rate shall be at the Council/Employee Travel Rate.

**12) VOTERS**

- a) *The Local Government Election Act* provides the eligibility for voting in the Municipality. As such a person must have resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election and, be:
  - i) A Canadian Citizen;
  - ii) At least 18 years of age on Election Day; and
  - iii) At least one of the following:

- (1) Has resided in the Municipality, or on land now within the Municipality, for at least three consecutive months immediately preceding the day of the election;
- (2) Is the assessable owner of property in the Municipality, or on land now in the municipality for at least three consecutive months immediately preceding the day of the election;
- iv) Each voter can only vote once for the number of vacancies for councilor and once for mayor.
- v) To obtain a ballot, each voter shall:
  - (1) present one piece of identification which contains a photograph of the voter or two pieces of approved identification without photographs so long as one has their address, or
  - (2) If a voter does not have the prescribed identification, another eligible voter who knows them can vouch for their identify by using Form B of this bylaw; and
  - (3) fill out Form R of this bylaw

### 13) VOTER'S LIST

- a) The Town shall not have a voter's list, nor is there any list available for distribution other than a Town Map.

### 14) CANDIDATES

- a) In accordance with *The Local Government Election Act*, to become a Candidate in the municipal election, a person:
  - i) Must have resided in the municipality for at least three consecutive months prior to the day of submitting the nomination paper;
  - ii) Cannot be nominated for more than one office within a municipality;
  - iii) Cannot be a court judge or the municipality's auditor or solicitor;
  - iv) Municipal employees are required to take a leave of absence to seek office. If elected, resignation as employee is deemed to have occurred on the day before being declared elected;
  - v) Shall submit the Nomination Form. This Form shall be given to the Returning Officer prior to closure of the nomination period.
- b) Disclosure of Election Expenses
  - i) *The Local Government Election Act* allows Council to establish disclosure requirements respecting contributions and expenses and to establish election campaign limits.
    - (1) There will be no requirements for candidates to disclose contributions or expenses for a Municipal Election at this time.
- c) In accordance with *The Local Government Election Act*, during the Advance Poll and the Election Day Poll, each candidate may have up to two people, including themselves, attending each polling place.
  - i) Prior to any agent being able to attend the poll, the Candidate shall sign Form T of this bylaw.
  - ii) Any candidate, or candidate's agent, who attends the polling place with the intent of staying must sign the prescribed Form U of this bylaw.
  - iii) The candidates or the agents may not talk directly to voters at the polling place during the election.

### 15) ADVERTISING

- a) Call for Nomination
  - i) Shall be Form H of this bylaw.
  - ii) Shall be posted in the Municipal Office; and
  - iii) Shall be posted on at least three public bulletin boards within the municipality; and,
  - iv) Shall be posted on the Municipal Website.
- b) Nomination Papers, including the public disclosure statements, shall be posted:
  - i) At the Municipal Office; and
  - ii) On the Municipal Website.
- c) Abandonment of Poll
  - i) Shall be the Abandonment of Poll Form of this bylaw.
  - ii) Shall be posted in the Municipal Office; and

- iii) Shall be posted on at least three public bulletin boards within the municipality; and,
- iv) Shall be posted on the Municipal Website.
- d) Notice of Vote
  - i) Shall be the Notice of Poll Form of this bylaw.
  - ii) Shall be posted in the Municipal Office; and
  - iii) Shall be posted on at least three public bulletin boards within the municipality; and,
  - iv) Shall be posted on the Municipal Website.
- e) Notice of Advance Poll
  - i) Shall be the Notice of Advance Poll Form of this bylaw.
  - ii) Shall be posted in the Municipal Office; and
  - iii) Shall be posted on at least three public bulletin boards within the municipality; and,
  - iv) Shall be posted on the Municipal Website.

**16) PROCEDURE AFTER CLOSE OF POLL**

- a) At the closure of the poll, the Returning Officer or designated officer shall certify the last person entered and the total of people voting in their poll by signing the last page.
- b) The Returning Officer or designated officer shall complete Form BB of this bylaw, declaration of poll and shall have the poll clerk sign as their witness.
- c) The ballot box shall be opened in front of the following:
  - i) The Poll Clerk;
  - ii) The Candidate or one agent, if in attendance; and
  - iii) The Returning Officer, if in attendance.
- d) The Returning Officer or designated officer shall:
  - i) verify and count the ballots;
  - ii) Prepare, in duplicate, Form Z of this bylaw.
    - (1) One Copy shall be placed in the Ballot Box prior to sealing.
    - (2) One Copy shall be given to the Returning Officer
    - (3) Any Candidates, or Agents wishing a copy can obtain one.
  - iii) Shall place all ballots, Form Z and all the Forms R, along with other necessary Forms into the ballot box and seal it.
- e) The Returning Officer shall:
  - i) Combine Form Z from all the Polling Places and add them on Form CC of this bylaw and declare the elected person for each position.
    - (1) In the event of a tie, on the same types of paper, the Returning Officer shall write the name of each tied candidate on separate pieces and direct one person who is not the candidate nor the candidate's agent to draw one of the sheets. That person, whose name is drawn, is declared elected.
  - ii) Shall notify the Province of Saskatchewan and any other places as deemed necessary.
  - iii) Shall Post the Results at the Municipal Office and on the Municipal Website until at least the First Meeting of the new Council.
  - iv) Shall ensure that the election materials are kept safe until destroyed following *The Local Government Election Act* and retention records bylaw.

**17) Repeal of Bylaws**

- a) With the final passing of this bylaw, Council hereby repeals Bylaw No. 11 (2020)


**18) Bylaw in Effect**

- a) This Bylaw shall come into force immediately upon final passing thereof.

Read a third time and adopted  
 this 17th day of July, 2024

  
 Administrator

  
 Mayor

  
 Administrator

