

MAIL-IN BALLOT BYLAW

RM OF PRINCE ALBERT NO. 461

BYLAW NO. 8 OF 2019

A BYLAW TO ESTABLISH A MAIL-IN BALLOT VOTING SYSTEM

The Council of the Rural Municipality of Prince Albert No. 461 in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the “Mail-in Ballot Bylaw”.
2. In this bylaw:
 - a) “Act” means *The Local Government Election Act, 2015*;
 - b) “Administrator” means the administrator of the municipality;
 - c) “Municipality” means the [full name of municipality];
 - d) “Regulations” means *The Local Government Election Regulations, 2015*;
 - e) “returning officer” means the administrator for the [full name of municipality] or a person appointed by the Council of the [full name of municipality] pursuant to Section 47 of *The Local Government Election Act, 2015*; and
 - f) “voter’s registration form” means the Voter’s Registration Form and Poll Book, Form R of the Regulations modified as provided for within this bylaw.

APPLICATION PROCESS

3. An application package will consist of:
 - a) a voter’s registration form; and
 - b) the Declaration of Person Requesting Mail-in Ballot, Form C, Appendix A of the Regulations.
4. The voter’s registration form is modified to include areas to record the following information:
 - a) in the voter registration portion, the address to which a mail-in ballot is to be mailed, if different than the regular address of the voter; and
 - b) in the poll book area:
 - the date when the application for a mail-in ballot is accepted;
 - the date when a ballot kit is provided to the voter; and
 - the date when ballot(s) are received by the returning officer.
 - c) any other modifications consistent with Section 26 of *The Interpretation Act, 1995* deemed necessary or desirable by the returning officer.

5. A voter who desires to vote by mail shall apply in person to the office of the RM of Prince Albert No. 461 no later than fourteen days (14) days before Election Day¹.
6. The following persons are authorized to act pursuant to clause 18(1)(b) of the Regulations for the purpose of establishing the identity and residence of a person requesting a mail-in ballot:
 - a) the returning officer; and
 - b) any person appointed by the returning officer pursuant to section 48 of the Act.
7. Upon acceptance of the voter's application for a mail-in ballot, the returning officer shall:
 - a) affix his or her signature to the voter's declaration form; and
 - b) note the date of approval in the appropriate area of the poll book.

PROVIDING BALLOT TO VOTERS

8. Notwithstanding 41 of the Regulations, the returning officer may authorize the use of blank ballots if, in his opinion, the expected delivery date of printed ballots will adversely affect the ability of voters to vote by mail².
9. The blank ballot form pursuant to Section 8 of this bylaw is set out in Schedule "C", appended hereto and forming a part of this bylaw³.
10. All ballots issued to persons voting by mail shall be identical.
11. A ballot kit shall consist of:
 - a) the ballots to which the voter is entitled;
 - b) a ballot security envelope, bearing the information described in Schedule "A", appended hereto and forming a part of this bylaw;
 - c) a voter confirmation envelope, bearing the information described in Schedule "B", appended hereto and forming a part of this bylaw;
 - d) an outer envelope, addressed to the returning officer, bearing the words "Mail-in Ballot" on its face;
 - e) appropriate directions to voters; and
 - f) a list of candidates who are seeking election if a blank ballot is used⁴.
12. The returning officer shall:

¹ The deadline should strike a balance between maximizing a voter's opportunity to vote in this manner while ensuring there is sufficient time to reasonably expect return of the ballot.

² Printed ballots which are identical to those used on Election Day should be used if possible.

³ Two formats are proposed in Schedule "C". The first is a generic ballot which requires voters to insert the names of selected candidates. The second format could be used by a municipality which has the ability to use in-house technology to create a mail-in ballot. If the second format is selected, the municipality may consider using the term "special ballot" rather than "blank ballot" in this bylaw.

⁴ This item will not be needed if the special ballot is printed in-house, or a ballot identical to those used on Election Day is used.

- a) ensure the outer envelope is addressed to the returning officer at the correct postal address; and
 - b) on the voter confirmation envelope:
 - i. print the name of the voter;
 - ii. identify the division⁵ in which the voter is entitled to vote; and
 - iii. identify the ballots provided to the voter;
 - c) on a ballot for the office of councillor, indicate the maximum number of candidates for whom a voter can vote in figures and in words if a blank ballot is used⁶;
 - d) on a ballot for the office of councillor, indicate the division number⁷ in which the voter is entitled to vote⁸; and
 - e) place his or her initials in the box on the reverse side of the ballot or ballots provided to the voter.
13. The returning officer shall provide a ballot kit in person or by regular mail to a voter described in Section 7 of this bylaw.
- a) A ballot kit will not be provided until the Notice of Poll is issued.
 - b) The returning officer shall make the following entries to the poll book upon providing a ballot kit to a voter:
 - i. those required pursuant to Section 107 of the Act; and
 - ii. the date on which the ballot kit was provided to the voter.
 - c) After the returning officer provides a ballot kit to the voter, the voter is deemed to have voted and is not entitled to vote at any other poll.

RECEIVING BALLOTS FROM VOTERS

14. Voters are required to:
 - a) insert marked ballots into the ballot security envelope;
 - b) seal the ballot security envelope and insert it into the voter confirmation envelope;
 - c) date and sign the voter confirmation envelope; and
 - d) seal the voter confirmation envelope and insert it into the outer envelope.
15. Voters may return ballots in their original form to the returning officer by regular mail, registered mail, courier, in person, or by any other means.
16. The returning officer shall ensure there is a ballot box which shall contain only mail-in ballots from the time ballots are received until the close of polls on Election Day⁹.

⁵ A rural municipality will identify the division in which a voter may vote.

- An urban municipality which is divided into wards will identify the ward in which an voter may vote.
- An urban municipality which is not divided into wards will delete this clause.

⁶ This clause is not required if the municipality prints special ballots.

⁷ Or ward number in an urban municipality divided into wards.

⁸ This applies only if the municipality is using a blank ballot instead of a special ballot.

⁹ If the municipality is divided into wards, the returning officer may consider it desirable to provide at least one ballot box for each ward. Election officials were required to place the ward number on the voter confirmation envelope.

17. Upon receipt of an outer envelope containing a voter's ballot on or before the close of poll on Election Day, the returning officer shall:
 - a) ensure the voter confirmation envelope is signed by the voter;
 - b) record in the poll book the date on which the envelope was received; and
 - c) deposit the voter confirmation envelope in a ballot box.
18. Ballots received after the close of polls on Election Day:
 - a) are deemed to be spoiled;
 - b) will remain unopened in the voter confirmation envelope; and
 - c) are given to the municipal administrator, consistent with sections 137 and 142 of the Act.
19. The returning officer shall designate at least one deputy returning officer who will receive mail-in ballots prior to the close of polls on Election Day¹⁰.
20. Prior to the close of polls on Election Day, the returning officer shall deliver the following materials to the deputy returning officer designated pursuant to Section 19 of this bylaw:
 - a) the ballot box containing all ballots received by mail;
 - b) the application kits from all voters who applied for a mail-in ballot; and
 - c) any ballots received by mail after the above materials have been delivered to the deputy returning officer¹¹.

OBJECTIONS BY CANDIDATES / AGENTS

21. On Election Day, any candidate or candidate's agent may examine the application package filed by a person who applied for a mail-in ballot¹².
22. A candidate or a candidate's agent retains the right to object to a person's entitlement to vote if that person votes by mail.

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- Rural municipalities may consider it desirable to have at least one ballot box for each polling place.

¹⁰ If the municipality is divided into wards, the returning officer may consider designating at least one deputy returning officer in each ward.

- In a rural municipality, the returning officer may consider designating at least one deputy returning officer in each polling place. A polling place may accommodate multiple divisions.

¹¹ There is a possibility a ballot may be received by the returning officer:

- after the ballot box has been delivered to the deputy returning officer, and
- before the close of polls on Election Day.

¹² The bylaw may include additional periods during which candidates or agents may inspect the application package.

23. On the objection of a candidate or an agent to the entitlement of a person voting by mail, the returning officer shall make necessary entries in the poll book consistent with clause 112(1)(b)(c) and (d) of the Act.

COUNTING BALLOTS

24. Mail-in ballots will be counted after the close of polls on Election Day.
25. Where the returning 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 for which candidate any of the voters voted, the returning officer may direct the deputy returning officer to include the mail-in ballots in the same ballot box used for polling on Election Day¹³.
26. The deputy returning officer shall open the mail-in ballot box in the presence of persons authorized to be in the polling place pursuant to 134 of the Act.
27. The deputy returning officer shall examine each voter confirmation envelope in the ballot box and shall allow each other person in attendance at the polling place to view the voter's certification on the voter confirmation envelope.
 - a) The deputy returning officer may reject a voter confirmation envelope if the signature of the voter is missing.
 - b) If the voter confirmation envelope is accepted, the deputy returning officer shall extract the ballot security envelope and examine it for any tears or unauthorized markings.
 - c) If the ballot security envelope:
 - i. contains any tears or unauthorized markings, the deputy returning officer shall reject the ballot security envelope; or
 - ii. is accepted by the deputy returning officer, he or she shall deposit the ballot security envelope into a container or another ballot box.
 - d) After all ballot security envelopes have been dealt with pursuant to clause (c), the deputy returning officer shall then extract the ballots from the ballot security envelopes and proceed to count the ballots in accordance with sections 129 to 132 of the Act.
28. The deputy returning officer shall deem spoiled those ballots which were sent to voters by the returning officer but were not returned to the returning officer prior to the close of polls on Election Day and shall, pursuant to subsection 118(2) of the Act, reference this fact in the report of the count of the votes.

¹³ Similar to the authority provided in Section 32 of the Act. While those in attendance at the ballot count may draw conclusions as to the vote cast by mail-in voters, this may not be clearly evidenced by entries on the DRO statement of results.

29. The mail-in ballots and any forms used in conjunction with voting by mail, including the voter confirmation envelopes opened by the deputy returning officer pursuant to Section 27 of this bylaw are placed in packets in the same manner as other ballots pursuant to section 136 of the Act.
30. The deputy returning officer will place the packets described in Section 29 of this bylaw along with the poll book and any other forms used in conjunction with voting by mail in the ballot box.
31. Ballots and other forms used in conjunction with voting by mail shall be retained with other election materials pursuant to section 142 of the Act.
32. Upon receipt of a ballot described in Section 18¹⁴ of this bylaw, the returning officer or the municipal administrator shall:
 - a) write “deemed spoiled” on the outer envelope;
 - b) record the date said ballot came into his or her possession;
 - c) initial the entry; and
 - d) retain it with, but not in, the ballot box described in section 142 of the Act, unless said ballot can be deposited in the ballot box without unsealing the ballot box.

Read a first time this 11th day of July, 2019

Read a second time this 11th day of July, 2019

Read a third time and adopted this 15th day of August, 2019

Reeve

Administrator

(seal)

¹⁴ Late ballots.

SCHEDULE "A"
BALLOT SECURITY ENVELOPE

The following text shall be printed on a ballot security envelope:

<p>BALLOT(S) ONLY. The ballot(s) contained within this envelope will be rejected if this envelope:</p> <ul style="list-style-type: none">• is torn;• bears any unauthorized markings; or• contains materials other than ballots.
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SCHEDULE "B"
VOTER CONFIRMATION ENVELOPE

The following text shall be printed on a voter confirmation envelope:

<p>Office use only:</p> <p>Name of Voter _____</p> <p>Ballot(s) included:</p> <p><input type="checkbox"/> Office of Reeve</p> <p><input type="checkbox"/> Office of Councillor Division ____</p> <p><input type="checkbox"/> Bylaw</p> <p><input type="checkbox"/> Question</p>
<p>To be completed by the voter:</p> <p>Insert sealed ballot envelope in this envelope, seal and complete the following certificate.</p> <p>I certify that I am entitled to vote in this election pursuant to <i>The Local Government Election Act, 2015</i> and that enclosed in this envelope is a ballot envelope that contains the ballot(s) received by me and marked by me.</p> <p>Dated this ____ day of _____, 20____</p> <p>_____</p> <p>Signature of voter</p>

**SCHEDULE “C”
BLANK BALLOT [TEMPLATE]¹⁵**

Face of Ballot, Office of Reeve

Blank Ballot – for the Office of REEVE
RM of Prince Albert No. 461

INSTRUCTIONS TO VOTE
Vote by writing in the space above the name of the
candidate of your choice

Face of Ballot, Office of Reeve¹⁶

Special Ballot – for the Office of REEVE
RM of Prince Albert No. 461

CANDIDATE “A” Occupation		
CANDIDATE “B” Occupation		
CANDIDATE “C” Occupation		

INSTRUCTIONS TO VOTE
Vote by marking an “X” in the square to the right
of the candidate of your choice
Maximum – 1 (ONE) candidates

¹⁵ Do not use both formats in the bylaw – decide if the blank ballots will be printed in house, or if the printing will be outsourced.

¹⁶ This format could be used by a municipality that chooses to print special ballots in-house.

Face of Ballot, Office of Councillor¹⁷

Blank Ballot – for the Office of COUNCILLOR
Division ¹⁸
 RM of Prince Albert No. 461

INSTRUCTIONS TO VOTE
 Vote by writing in the space above the name of the
candidates of your choice¹⁹
Maximum – [] candidates

Face of Ballot, Office of Councillor ²⁰

Special Ballot – for the Office of COUNCILLOR
Division ²¹
 RM of Prince Albert No. 461

CANDIDATE “A”	
Occupation	
CANDIDATE “B”	
Occupation	
CANDIDATE “C”	
Occupation	

INSTRUCTIONS TO VOTE
 Vote by marking an “X” in the square to the right
 of the candidates of your choice²²
Maximum – # [NUMBER] candidates

¹⁷ Make sure ballots are big enough to accommodate writing in names of candidates.

¹⁸ Urban municipalities should delete this line.

¹⁹ In a rural municipality, change “candidates” to “candidate”.

²⁰ This format could be used by a municipality that chooses to print special ballots in-house.

²¹ Urban municipalities should delete this line.

²² In a rural municipality, change “candidates” to “candidate”.

Back of Ballot²³

R.O. Initials	
Printer's Name and Address ²⁴	

²³ Use this on the back of each type of ballot – mayor, reeve, or councillor.

²⁴ Municipality's name and address would go here if the municipality printed the ballots.