

BYLAW NO. 9717

The Election Amendment Bylaw, 2020

The Council of the City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Election Amendment Bylaw, 2020*.

Purpose

2. The purpose of this Bylaw is to amend *The Election Bylaw, 2012* to:
 - (a) expand accessibility to mail-in ballots by:
 - (i) permitting a person to apply for a mail-in ballot and submit identification electronically; and
 - (ii) identifying a broader scope of individuals permitted to act as a witness for mail-in ballot applications;
 - (b) provide for the processing of mail-in ballots both at the close of advance polls and at the close of polls on election day; and
 - (c) add headings and make housekeeping changes.

Bylaw No. 8191 Amended

3. *The Election Bylaw, 2012* is amended in the manner set forth in this Bylaw.

Section 4 Amended

4. (1) Section 4 is amended by adding the following clause after clause 4(a):

“(a.1) “alternative poll” means an advance poll, a special poll or a mobile poll;”.
- (2) Clause 4(g.2) is repealed and the following substituted:

“(g.2) “occupation-based professional” means:

- (i) a judge, dentist, pharmacist, veterinarian, police officer, notary public, commissioner for oaths, lawyer, medical doctor, nurse, dean of a university or college or signing officer of a bank or trust company or other financial institution that offers a full range of banking services, including cash withdrawals, deposits and savings provided that the professional is:
 - (A) registered or licensed to practice in the Province of Saskatchewan; and
 - (B) working in or as a practising member of their profession at the time of being a witness; and
 - (ii) the responsible authority of a shelter, soup kitchen, student residence, senior residence, rehabilitation centre, long-term care facility or care home;
- (g.3) “over-voted ballot” means a ballot indicating acceptable marks for more than the maximum number of selections which the vote tabulating unit is set to record;”.
- (3) Clause 4(k) is repealed.

Section 4.1 Amended

5. Section 4.1 is repealed and the following substituted:

“Election Procedure Generally

- 4.1 *The Local Government Election Act, 2015* shall apply where not inconsistent with this Bylaw, and the words and phrases defined in the Act shall, where not inconsistent with this Bylaw, have the same meaning in this Bylaw.”.

Section 4.2 Amended

6. Subsection 4.2(2) is amended by striking out the word “hereby”.

Section 5 Amended

7. Section 5 is repealed and the following substituted:

"Authorization

5. The Council of the City of Saskatoon authorizes the use of an automated vote counting system in the conduct of elections."

Section 6 Repealed

8. Section 6 is repealed.

New Sections 7.1 and 7.2

9. The following sections are added after section 7:

"Form of Ballot

- 7.1 Subject to such modifications and deviations as are permitted by *The Local Government Election Act, 2015*:
 - (a) the ballot for the election of a member shall be in the form set forth in Schedule "A";
 - (b) the ballot for a vote on a bylaw or resolution shall be in the form set forth in Schedule "B"; and
 - (c) the ballot for a vote on a question shall be in the form set forth in Schedule "C".

Objection by Candidate or Agent

- 7.2 Candidates or their agents have the right to object to a person's eligibility to vote, whether voting at an alternative poll, by mail-in ballot or at a polling place on election day pursuant to Section 112 of *The Local Government Election Act, 2015*."

Section 8 Amended

10. Subsection 8(4) is amended by striking out "returned ballot" and substituting "ballot mentioned in subsection (3)".

Section 11.1 Amended

11. Section 11.1 is repealed and the following substituted:

"Mail-in Ballot Authorization

11.1 A mail-in ballot voting system for the purpose of receiving ballots in an election is established.

Eligibility to Apply to Use Mail-in Ballot System

11.2 A person who anticipates being unable to vote at an alternative poll or on election day may apply to vote using a mail-in ballot.

Application Process for Mail-in Ballot

- 11.3 (1) An application to vote using a mail-in ballot may not be submitted to the returning officer or other designated election official:
- (a) in the case of a general election, prior to the first business day in July of the election year;
 - (b) in the case of a by-election, prior to the Wednesday five weeks before nomination day.
- (2) An application to vote using a mail-in ballot, in the form established by the returning officer, may be made:
- (a) in person; or
 - (b) electronically.
- (3) An application to vote using a mail-in ballot must be received by the returning officer or other designated election official:
- (a) in the event of a person applying in person, on or before the day immediately preceding election day; and
 - (b) in the event of a person applying electronically, on or before the first day of advance voting as established by the returning officer or other designated election official.
- (4) Before being issued a mail-in ballot, a person shall:

- (a) complete a voter registration form and a declaration of person requesting mail-in ballot; and
- (b) establish the person's identity and residence to the satisfaction of the returning officer or other designated election official.

Electronic Applications – Additional Requirements

- 11.4 (1) In addition to the requirements of Section 11.3, a person applying for a mail-in ballot electronically must comply with the provisions of this Section.
- (2) Before being issued a mail-in ballot, a person applying for a mail-in ballot electronically shall complete a voter and witness declaration form.
- (3) For the purposes of clause 11.3(4)(b), a person applying for a mail-in ballot electronically shall submit, for each of the person applying for a mail-in ballot and any witness mentioned in clause 5(b), a photocopy or a scanned copy of the front and back of:
- (a) one piece of identification issued by the Government of Canada, the Government of Saskatchewan, a municipality or a government agency that contains a photograph of the applicant or witness, as the case may be, and their name, address and signature; or
 - (b) two pieces of information prescribed in Appendix D, Table 1 of *The Local Government Election Regulations, 2015*, each of which establishes the name and:
 - (i) at least one of which establishes the address of the applicant or witness, as the case may be; and
 - (ii) at least one of which bears the signature of the applicant or witness, as the case may be.
- (4) For the purposes of clause 11.3(4)(b), a person applying for a mail-in ballot electronically shall submit, for any witness mentioned in clause 5(c):
- (a) a photocopy or a scanned copy of the witness' business card;
 - (b) the witness' licence or registration number; or

- (c) any other form of licence or registration confirmation.
- (5) The following persons are authorized to witness the signature of a person applying for a mail-in ballot electronically and to complete a voter and witness declaration form:
 - (a) the returning officer or other designated election official;
 - (b) a family member, someone living at the same address as the applicant or a neighbour residing immediately adjacent to or across from the applicant provided that the witness:
 - (i) is an eligible voter for the upcoming election; and
 - (ii) has known the applicant for at least two years;
 - (c) an occupation-based professional;
 - (d) any other person authorized by City Council.
- (6) Notwithstanding subsection (5), a candidate for an election or a candidate's agent shall not act as a witness after signing nomination papers.
- (7) For the purposes of subsection (5):
 - (a) a family member means a family member as identified in Appendix D, Table 2 of *The Local Government Election Regulations, 2015*; and
 - (b) an eligible voter means a voter meeting the requirements of Section 36 of *The Local Government Election Act, 2015*.
- (8) A person applying for a mail-in ballot electronically shall be required to attend in person at the election office if their application, including all supporting documentation is incomplete, unclear, illegible or otherwise unsatisfactory as determined by the returning officer or other designated election official.

Approval of Mail-in Ballot Application

- 11.5 If the application for mail-in ballot is approved, the returning officer or other designated election official shall record the following information:

- (a) the name and ordinary residential address of the applicant;
- (b) the address where the mail-in ballot is to be sent;
- (c) the contact information of the applicant, including email address or telephone number;
- (d) the date the application for the mail-in ballot is approved;
- (e) the date the mail-in ballot is sent to the applicant;
- (f) the date the completed mail-in ballot is received by the returning officer or other designated election official;
- (g) a notation whether the mail-in ballot was accepted, not accepted or spoiled;
- (h) any other information considered appropriate by the returning officer.

Provision of Mail-in Ballot

- 11.6 (1) As soon as reasonably practicable after nomination day, the returning officer or other designated election official shall mail or otherwise deliver to each person approved to receive a mail-in ballot:
- (a) a ballot for the upcoming election;
 - (b) a ballot security envelope;
 - (c) a voter confirmation envelope;
 - (d) a self-addressed mailing envelope for the return of the ballot to the returning officer; and
 - (e) instructions for voting by mail-in ballot.
- (2) Self-addressed mailing envelopes for the return of the ballot to the returning officer shall be postage paid for destinations within Canada.
- (3) Where the returning officer or other designated election official provides a mail-in ballot to a person, the person is deemed to have voted and is not entitled to vote at any other poll.

Voting and Return of Mail-in Ballots

- 11.7 (1) A person who receives a mail-in ballot:
- (a) shall vote in accordance with the instructions enclosed with the ballot; and
 - (b) may vote for any number of candidates up to the number to be elected in the ward in which the person is entitled to vote.
- (2) A person who has voted by mail-in ballot shall:
- (a) place the completed ballot in the ballot security envelope and seal the envelope;
 - (b) place the sealed ballot security envelope in the voter confirmation envelope and seal the envelope;
 - (c) date and sign the certificate on the voter confirmation envelope;
 - (d) place the signed voter confirmation envelope in the mailing envelope and seal the envelope; and
 - (e) return the mailing envelope to the returning officer by mail, courier or in person.

Receipt of Mail-in Ballots

- 11.8 Upon receipt of a mail-in ballot, the returning officer or other designated election official shall:
- (a) determine and record the date and time the ballot is received;
 - (b) open the mailing envelope;
 - (c) remove the sealed voter confirmation envelope from the mailing envelope and:
 - (i) determine if the certificate on the front of each voter confirmation envelope has been properly completed; and

- (ii) ensure the signature on the voter confirmation envelope matches the signature on the applicant's voter and witness declaration form or declaration of person requesting mail-in ballot, as the case may be;
- (d) if the certificate has not been properly completed or the signatures do not match, place the unopened voter confirmation envelope in a separate envelope for ballots that are not accepted;
- (e) if the certificate has been properly completed and the signatures match, remove the sealed ballot security envelope from the voter confirmation envelope and place the envelope in a portable ballot box designated for mail-in ballots.

Counting of Mail-in Ballots

- 11.9 (1) Subject to subsection (2), after the close of polls on election day, the returning officer or other designated election official shall:
- (a) remove the sealed voter confirmation envelopes from the portable ballot box designated for mail-in ballots;
 - (b) remove the mail-in ballot from the ballot security envelope;
 - (c) insert the mail-in ballot into the vote tabulating machine designated for mail-in ballots;
 - (d) complete the vote counting procedures mentioned in Section 12; and
 - (e) record whether the mail-in ballot was accepted, not accepted or spoiled.
- (2) If 100 or more mail-in ballots are received on or before the final day of advance voting, clauses (1)(a) through(c) may be performed by the returning officer or other designated election official on the business day immediately following the final day of advance voting.
- (3) Candidates or their agents shall be notified by the returning officer or other designated election official prior to the processing of mail-in ballots as provided for in subsection (2).

- (4) In order to be counted, a mail-in ballot must be received by the returning officer or other designated election official by the close of polls on election day.
- (5) Mail-in ballots received after the close of polls on election day are deemed to be spoiled ballots and shall be dealt with by the deputy returning officer in accordance with subsection 118(2) of *The Local Government Election Act, 2015*.

Examination by Candidate or Agent

11.10 The voter registration forms, declarations of persons requesting mail-in ballots, voter and witness declaration forms and voter confirmation envelopes and certificates may be inspected by candidates or candidates' agents at the election office during normal business hours commencing on the day following nomination day and ending at the close of polls on election day.”.

New Section 13.2

12. The following section is added after section 13.1:

“Retention of Election Materials

13.2 Mail-in ballots and forms and other election materials shall be retained and destroyed in accordance with Section 142 of *The Local Government Election Act, 2015*.”.

Headings Added

13. The following headings are added:

- (a) **“Part I – General”** preceding section 1;
- (b) **“Part II – Returning Officer”** preceding section 4.2;
- (c) **“Part III – Election Database, Vote Counting System and Memory Cards”** preceding section 5;
- (d) **“Part IV – Ballots and Voting Procedures”** preceding section 7.1;
- (e) **“Part V – Alternative Polls”** preceding section 9;

- (f) **"Part VI – Mail-in Ballots"** preceding section 11.1;
- (g) **"Part VII – Vote Counting"** preceding section 12.

Schedule "A" Amended

14. Schedule "A" is repealed and the schedule marked as Schedule "A" to this Bylaw is substituted.

Schedule "B" Amended

15. Schedule "B" is repealed and the schedule marked as Schedule "B" to this Bylaw is substituted.

Schedule "C" Amended

16. Schedule "C" is repealed and the schedule marked as Schedule "C" to this Bylaw is substituted.

Coming into Force

17. This Bylaw comes into force on the day of its final passing.

Read a first time this _____ day of _____, 2020.

Read a second time this _____ day of _____, 2020.

Read a third time and passed this _____ day of _____, 2020.

Mayor

City Clerk

Schedule "A"
Form of Ballot
Election of a Member

Instructions to Voters: Vote by completely filling in the OVAL to the RIGHT of the candidate(s) of your choice. If you tear or wrongly mark your ballot, return it and another will be provided.
VOTE LIKE THIS ●.

FOR:

OFFICE OF MAYOR

YOU ARE ENTITLED TO VOTE FOR ONE CANDIDATE

CHRISTIE, Gayle ☐

TONKS, Alan ☐

FOR:

OFFICE OF COUNCILLOR

YOU ARE ENTITLED TO VOTE FOR ONE CANDIDATE

HERGERT, Edgar ☐

HOWELLS, Dan ☐

PAGE, Joan ☐

RAGNO, Enzo ☐

FOR:

**TRUSTEES
SEPARATE SCHOOL BOARD**

YOU ARE ENTITLED TO VOTE FOR SEVEN CANDIDATES

BELL, Jay ☐
Lawyer

COLLE, Michael ☐
Union Representative

GOLDBERG, Dan ☐
Store Clerk

NOBLEMAN, Ben ☐
Teacher

PETERS, Cathy ☐
Musician

REID, James ☐
Salesperson

SCOTT, Jack ☐
Contractor

THOMPSON, Robert ☐
Electrician

WILSON, Pat ☐
Teacher

FOR:

**TRUSTEE
PUBLIC SCHOOL BOARD**

YOU ARE ENTITLED TO VOTE FOR ONE CANDIDATE


POLLOCK, Evelyn ☐
Insurance Agent

SIMPSON, Doris ☐
Physician

Schedule "B"


Form of Ballot

Vote on a Bylaw or Resolution

Instructions to Voters: Vote for or against the bylaw (or resolution) by completely filling in the OVAL to the RIGHT of the words which express your intention. Do not write any word or other figure on this ballot. If you tear or wrongly mark your ballot, return it and another will be provided.
VOTE LIKE THIS .

Vote on bylaw (or resolution) to *(here state object of the bylaw or resolution)*

For the Bylaw (or Resolution) 


Against the Bylaw (or Resolution) 

Submitted by the City of Saskatoon (or school division) this ____ day of _____, 20__.

Schedule "C"

Form of Ballot

Vote on a Question

Instructions to Voters: Vote for or against the bylaw (or resolution) by completely filling in the OVAL to the RIGHT of the words which express your intention. Do not write any word or other figure on this ballot. If you tear or wrongly mark your ballot, return it and another will be provided.
VOTE LIKE THIS .

Vote on the Question:

(here state question)

Yes 

No 

Submitted by the City of Saskatoon (or school division) this ____ day of _____, 20__.