

BILL

No. 105

An Act to amend *The Local Government Election Act, 2015*

(Assented to _____)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Local Government Election Amendment Act, 2022*.

SS 2015, c L-30.11 amended

2 *The Local Government Election Act, 2015* is amended in the manner set forth in this Act.

Section 2 amended

3 Subsection 2(1) is amended:

(a) in the definition of “by-election” by striking out “11 or 12” and substituting “11, 12 or 141.1”;

(b) in the definition of “chief enumerator” by striking out “section 54” and substituting “section 53.6”;

(c) in clause (b) of the definition of “election day” by striking out “sections 11 and 12” and substituting “section 11, 12 or 141”;

(d) in the definition of “election official” by striking out “enumerator”;

(e) by repealing the definition of “enumerator”;

(f) in the definition of “returning officer” by striking out “section 47” and substituting “section 46 or 47, as the case may be”; and

(g) by adding the following definition in alphabetical order:

“ ‘**voter registry**’ means the registry of voters prepared pursuant to section 53.1”.

Section 4 amended

4 Subsection 4(5) is repealed and the following substituted:

“(5) If a person leaves that person’s residence because that person lives with a person mentioned in subsection (2), (3), (4), (6), (7) or (8) as the spouse or dependant of that person, the place of residence of the spouse or dependant may be determined as follows:

(a) if the spouse or dependant lives with a person mentioned in subsection (2) or (4), the spouse or dependant is considered to be resident in the place where the person mentioned in subsection (2) or (4) resides;

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(b) if the spouse or dependant lives with a person mentioned in subsection (3), the spouse or dependant is considered to be resident in one of the places mentioned in clauses (3)(a) and (b);

(c) if the spouse or dependant lives with a person mentioned in subsection (6), the spouse or dependant is considered to be resident in the place where the person mentioned in subsection (6) was resident immediately before leaving Saskatchewan for that person's studies;

(d) if the spouse or dependant lives with a person mentioned in subsection (7), the spouse or dependant is considered to be resident in one of the places mentioned in clauses (7)(a) and (b); or

(e) if the spouse or dependant lives with a person mentioned in subsection (8), the spouse or dependant is considered to have acquired the same residence as the person mentioned in subsection (8) for the duration of that person's studies”.

Section 11 amended**5 Subsection 11(2) is repealed and the following substituted:**

“(2) If a by-election is held pursuant to subsection (1), that by-election must be held, as nearly as possible, in accordance with the provisions of this Act respecting general elections, including the following:

(a) in resort villages, the by-election must occur on a Saturday that is not a holiday;

(b) in all other municipalities, the by-election must occur on a Wednesday that is not a holiday”.

Section 12 amended**6 Subsection 12(2) is repealed and the following substituted:**

“(2) Within 30 days after a request pursuant to subsection (1) or at the next meeting of the council, the council shall set the date specified or otherwise agreed on as by-election day”.

Section 15 amended**7 Section 15 is amended by striking out the portion preceding clause (a) and substituting the following:**

“Notwithstanding sections 11 and 12, if a vacancy occurs on a council or board within 1 year of the next scheduled general election, the council or board may:”.

Section 16 amended**8(1) Subsection 16(2) is repealed and the following substituted:**

“(2) If a member is elected in a by-election to fill a vacancy, that member's term of office commences at the first meeting of the council or board following the by-election and continues for the unexpired term of the person with respect to whom the vacancy arose”.

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(2) Subsection 16(6) is amended:

- (a) by striking out “his or her” and substituting “that candidate’s”; and**
- (b) by striking out “meeting of council” and substituting “meeting of the council or board”.**

New section 19**9 Section 19 is repealed and the following substituted:****“Election at large**

19(1) In a municipality other than a rural municipality or a school division or portion of a school division that has not been divided into wards, the voters of the municipality or school division or portion of a school division shall elect the councillors and board members at large.

(2) A rural municipality shall conduct its elections at large if:

- (a)** required to do so pursuant to subsection 49.1(3) of *The Municipalities Act*; or
- (b)** no divisions remain after an order is made pursuant to subsection 49(4) of *The Municipalities Act*.

(3) In a rural municipality conducting elections at large, general elections must be held in accordance with clause 10(4)(a).

(4) Notwithstanding subsection 16(3), all terms of office in a rural municipality conducting elections at large expire at the next general election held in accordance with clause 10(4)(a).

(5) A municipality or school division conducting elections at large shall provide notice at least 90 days before election day”.

Section 22 amended**10(1) Subsection 22(1) is amended:**

- (a) in the portion preceding clause (a) by striking out “the council shall” and substituting “the returning officer shall”; and**
- (b) in clause (a) by striking out “it considers” and substituting “the returning officer considers”.**

(2) Subsection 22(2) is repealed and the following substituted:

“(2) Subject to subsection (3), if a school division is not situated wholly or substantially within a municipality:

(a) in the case of a by-election or a vote pursuant to Part IX held at a time other than a general election, the returning officer for the municipality or the returning officer for the school division with respect to which a by-election is to be held shall:

- (i)** in accordance with section 25, divide the municipality or school division into as many polling areas as the returning officer considers necessary; and
- (ii)** name the polling place for each polling area; and

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(b) in the case of a general election or a vote pursuant to Part IX held at the same time as a general election, the returning officer for the public school division shall:

(i) in accordance with section 25, divide the public school division and any separate school division and municipalities within the public school division into as many polling areas as the returning officer, in consultation with the returning officers for the municipalities, considers necessary; and

(ii) name the polling place for each polling area”.

(3) Subsection 22(4) is amended by striking out “by the council or public school board”.

(4) Subsection 22(5) is repealed and the following substituted:

“(5) In the case of a school division described in subsection (3), the returning officer for the school division shall consult with the returning officer for the city to ensure that, if possible, polling areas in the school division are numbered consecutively”.

(5) Subsection 22(6) is amended by adding “the returning officer for” after “school board election,”.

Section 24 amended

11 Section 24 is amended by striking out “The council of” and substituting “The returning officer for”.

Section 26 amended

12 Section 26 is amended in the portion preceding clause (a) by adding “or 24” after “section 22”.

Section 29 amended

13(1) Subsection 29(1) is repealed and the following substituted:

“(1) A returning officer may do either or both of the following:

(a) establish a polling place in a hospital, personal care facility or similar institution at which a voter of the municipality or school division who is a resident or receiving care at that institution may vote in an election;

(b) permit a voter of the municipality or school division who is a resident or receiving care at 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 the mail-in ballot voting system established by bylaw or resolution pursuant to section 92, and facilitate the use of mail-in ballots by delivering the ballots to the institution”.

(2) The following subsections are added after subsection 29(2):

“(3) If a returning officer establishes a polling place pursuant to clause (1)(a), the returning officer may also take the vote of a caregiver or any staff member of the institution if the caregiver or staff member is also a voter in the municipality or school division.

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“(4) If a polling place mentioned in clause (1)(a) is held in advance of election day, sections 85, 86 and 87 apply, with any necessary modification.

“(5) Notwithstanding subsection 83(4), the returning officer may determine the days and hours during which a poll established pursuant to this section is to be open, but the poll must be kept open for at least 1 continuous hour on any day that it is open”.

Section 30 amended**14(1) Subsection 30(1) is amended:**

(a) in the portion preceding clause (a) by striking out “council or board” and substituting “returning officer”; and

(b) by repealing clause (b) and substituting the following:

“(b) of a resident caregiver of the voter mentioned in clause (a) if the resident caregiver is also a voter in the municipality or school division”.

(2) Subsection 30(2) is repealed and the following substituted:

“(2) If a school division is situated wholly or substantially within a municipality and, pursuant to subsection 46(1), the administrator or another person appointed by the council is the returning officer with respect to both the municipal election and the board election, only the returning officer may provide pursuant to subsection (1) for the taking of votes mentioned in clauses (1)(a) and (b)”.

(3) Subsection 30(3) is amended in the portion preceding clause (a) by striking out “council or board” and substituting “returning officer”.**(4) Subsection 30(4) is repealed and the following substituted:**

“(4) An application made pursuant to subsection (3) must:

- (a) be submitted within the time required by the returning officer;
- (b) include a completed voter’s registration form;
- (c) include the voter’s preferred contact information; and
- (d) if applicable, set out the contact information of the voter’s resident caregiver”.

(5) Subsection 30(5) is repealed and the following substituted:

“(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 the name and address of each voter entitled to vote pursuant to this section on a list in the form and manner determined by the returning officer”.

(6) Subsection 30(6) is amended in the portion preceding clause (a) by striking out “in writing in the prescribed form” and substituting “in the form and manner determined by the returning officer”.

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Section 38 amended

15 Subsection 38(3) is repealed and the following substituted:

- “(3) A voter described in subsection (2):
- (a) may obtain a certificate from the municipal assessor indicating in which ward the voter is eligible to vote; and
 - (b) if the voter obtains a certificate pursuant to clause (a), shall present the certificate to the deputy returning officer when the voter attends the polling place to vote”.

New section 47.1

16 The following section is added after section 47:**“Emergency powers of returning officers**

47.1(1) If, in the opinion of the returning officer, an emergency exists that would cause a substantial number of voters who are entitled to vote at a polling place to be unable to vote, the returning officer may do one or more of the following:

- (a) extend the hours during which a polling place is to be kept open;
- (b) suspend voting at one or more polling places and postpone that voting to a date not more than 7 days after the day of the election;
- (c) move the location of one or more polling places.

(2) Immediately after taking any action pursuant to this section, the returning officer shall give notice of the action and the reasons for taking the action to voters and every candidate and election official within the municipality or school division, as the case may be, affected by the action as the returning officer considers appropriate, including:

- (a) by placing a notice at the original polling place or as close as possible to that location of the polling place; and
- (b) at least 2 of the following:
 - (i) by posting notice on the website of the municipality;
 - (ii) by posting on the municipality’s social media;
 - (iii) by issuing a press release;
 - (iv) by posting notice on a media website operating in the community;
 - (v) by giving notice on local radio stations;
 - (vi) by using any other method of notice that will reach the greatest number of voters during the hours in which the polling place was to be open.

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- (3) The Lieutenant Governor in Council may make regulations respecting:
- (a) the nature or type of emergency mentioned in subsection (1);
 - (b) the maximum number of hours a polling place can be open pursuant to clause (1)(a);
 - (c) the accessibility of alternate locations for the purposes of clause (1)(c);
 - (d) any requirements for giving notice of any actions carried out pursuant to this section; and
 - (e) any other matter necessary to carry out the intent of this section”.

New sections 53.1 to 53.6

17 The following sections are added before section 54:

“Voter registry

53.1(1) Subject to subsection (2), the council or board may provide for the establishment and maintenance of a voter registry consisting of persons who are eligible to vote from which a voters list mentioned in section 54 may be prepared for use in an election.

(2) If a school division is located wholly or substantially within a municipality, only the council may provide for the establishment and maintenance of a voter registry.

(3) The returning officer is responsible for the preparation or revision of a voter registry unless the council or board directs otherwise.

(4) The returning officer may appoint assistants for the purpose of preparing or revising a voter registry.

(5) The voter registry may be established and maintained manually or in an electronic format.

“Contents of voter registry

53.2(1) The voter registry may only contain the following voter data about persons who are voters or who will be eligible to vote at the next general election after the date on which the information is collected:

- (a) surname, given name and any middle name;
- (b) residential address, including the postal code, of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address;
- (c) date of birth;
- (d) gender;
- (e) telephone number;
- (f) the permanent unique identifier assigned pursuant to subsection (2);
- (g) whether the person is or will be eligible to vote with respect to the public or separate school division;
- (h) in the case of a rural municipality that is divided into divisions, the division in which the person is or will be eligible to vote; and
- (i) in the case of a municipality that is divided into wards, the ward in which the person is or will be eligible to vote.

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(2) The returning officer may assign or utilize, with respect to each person whose information is contained in the voter registry, a permanent unique identifier consisting of numbers or letters, or a combination of numbers and letters, to be used to assist in distinguishing a person from another person or verifying information about a person.

“Revising the voter registry

53.3(1) The returning officer shall revise the voter registry in accordance with this section at any time that the returning officer considers it necessary in order to keep the voter registry information current.

(2) The voter registry may be revised by any or all of the following methods:

- (a) using information obtained from conducting an enumeration in accordance with section 53.6;
- (b) using information provided pursuant to an agreement made pursuant to section 55;
- (c) using personal information listed in public telephone directories;
- (d) using any other information obtained by or available to the returning officer.

(3) Information, including a person’s name, must be removed from the voter registry for the following reasons:

- (a) the person to whom the information relates or whose name is listed is no longer alive;
- (b) the person is not eligible or will not be eligible to vote in the next general election;
- (c) in the opinion of the returning officer, the information is false;
- (d) the person to whom the information relates or whose name is listed requests the removal of that person’s information or name.

“Protection of voter registry data

53.4(1) A voter registry must be used only by the returning officer and any assistants appointed pursuant to subsection 53.1(4) for the purpose of preparing a voters list in accordance with this Act.

(2) A returning officer shall take reasonable steps to ensure that voter registry data is used only accordance with this Act.

“Access to information in voter registry

53.5(1) A person or a person’s agent may apply in the form and manner prescribed in the regulations to:

- (a) have access to information in the voter registry about the person to determine whether the information is correct; and
- (b) have the person’s information removed from or not included in the voter registry.

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(2) If an application is made pursuant to clause (1)(b), the returning officer shall remove the person's information from the voter registry or not include the person's information in the voter registry.

(3) The returning officer may remove information on the voter registry to protect the security or privacy of a voter.

“Enumeration

53.6(1) Subject to subsection (2), at least 55 days before the day on which a general election is held, the council or board may provide for the enumeration of the names of voters for the purpose of preparing or revising a voters list.

(2) If a school division is located wholly or substantially within a municipality, only the council may provide for the enumeration of the names of voters for the purpose of preparing or revising a voters list.

(3) For the purposes of enumeration, the returning officer is the chief enumerator, unless the council or board otherwise specifically directs.

(4) If a council or board has directed the enumeration of voters pursuant to subsection (1), the chief enumerator shall conduct the enumeration of voters for the purpose of preparing or revising a voters list.

(5) The chief enumerator may appoint assistants for the purpose of enumeration.

(6) A returning officer may use information from enumeration to update a voter registry”.

New section 54**18 Section 54 is repealed and the following substituted:****“Voters list**

54(1) Subject to subsection (2), the council or board may provide for the preparation or revision of a voters list.

(2) If a school division is located wholly or substantially within a municipality, only the council may provide for preparation or revision of a voters list.

(3) The returning officer is responsible for the preparation or revision of a voters list unless the council or board specifically directs otherwise.

(4) The returning officer may appoint assistants for the purpose of preparing or revising a voters list.

(5) The preparation and revision of a voters list mentioned in this section may be completed:

(a) in any manner necessary for the purposes of preparing or revising a voters list; and

(b) using any information obtained by or available to the returning officer, including:

(i) a voter registry mentioned in section 53.1; and

(ii) agreements mentioned in section 55.

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(6) The voters list mentioned in this section may be compiled and kept manually or in an electronic format.

(7) Nothing in this section prevents a voter whose name does not appear on a voters list from voting in accordance with clause 108(1)(b)".

Section 55 amended**19(1) Subsection 55(1) is repealed and the following substituted:**

“(1) The council of a municipality may enter into agreements with respect to sharing or using a voter registry or voters list, or any voter data used for the purpose of creating a voter registry or voters list, with any officer who is appointed or body that is appointed or established pursuant to an Act or an Act of the Parliament of Canada and who or that is responsible for conducting an election pursuant to that Act”.

(2) Subsection 55(2) is amended by adding “voter registry or” before “voters list”.

(3) The following subsection is added after subsection 55(2):

“(3) An agreement pursuant to subsection (1) may involve the sharing of any voter data used by any party to the agreement for the purpose of the preparation or revision of a voter registry or voters list”.

New section 56**20 Section 56 is repealed and the following substituted:****“Contents of voters list**

56(1) The voters list must state:

- (a) each voter’s name;
- (b) each voter’s street address or the legal description of the land located within the municipality; and
- (c) in the case of:
 - (i) a rural municipality that is divided into divisions, the division in which the voter is eligible to vote; or
 - (ii) a municipality that is divided into wards, the ward in which the voter is eligible to vote.

(2) In addition to the requirements listed in subsection (1), a voters list may also include the school division for which a voter intends to vote in accordance with subsection 36(2), if applicable and available”.

New section 57**21 Section 57 is repealed and the following substituted:****“Publishing of voters list**

57(1) At least 31 days before the day on which a general election is held, the returning officer shall publish in any manner that the returning officer considers necessary to bring to the attention of voters:

- (a) a copy of the voters list mentioned in section 54 or 60, as the case may be; and
- (b) information respecting how a voter or applicant mentioned in section 58 or 59 may apply for revisions to a voters list.

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(2) If the voters list is kept and revised in an electronic format as mentioned in subsection 54(6) and the information in subsection (1) is not published manually, the returning officer shall provide voters with public access to a computer for the purposes of viewing the voters list and information mentioned in clause (1)(b)".

Section 58 amended**22(1) Subsection 58(1) is amended:**

(a) by striking out "chief enumerator" and substituting "returning officer"; and

(b) by striking out "15 business days" and substituting "21 days".

(2) Subsection 58(2) is amended by striking out "must be in writing and".

(3) The following subsections are added after subsection 58(2):

"(2.1) An application made pursuant to subsection (1) may be made:

(a) in writing; or

(b) if the municipality has dealt with methods of application in a general election bylaw adopted pursuant to section 9.1, by email or other electronic means.

"(2.2) An application made by email or other electronic means must include the applicant's contact information".

(4) Subsection 58(3) is amended by striking out "his or her" and substituting "that person's".

Section 59 amended**23(1) Subsection 59(2) is repealed and the following substituted:**

"(2) At least 21 days before the day on which a general election is to be held, an applicant may apply to the returning officer to correct the error or omission in the voters list by filing with the returning officer in the form and manner required by the returning officer an application to correct the error or omission".

(2) The following subsections are added after subsection 59(2):

"(3) An application made pursuant to subsection (2) may be made:

(a) in writing; or

(b) if the municipality has dealt with methods of application in a general election bylaw adopted pursuant to section 9.1, by email or other electronic means.

"(4) An application made by email or other electronic means must include the applicant's name, address and email address or telephone number".

Section 60 amended**24 Subsection 60(1) is repealed and the following substituted:**

"(1) Before the first day of advance voting, the returning officer shall:

(a) consider all applications made pursuant to sections 58 and 59; and

(b) if the returning officer considers that a change is necessary, amend the voters list and record each change".

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Section 61 amended

25 Subsection 61(1) is repealed and the following substituted:

“(1) If the name of a person is deleted from the voters list after the voter list has been published in accordance with section 57, the returning officer shall immediately cause to be served personally or sent by registered mail to that person, at the mailing address given in the voters list, a notice indicating the reason that the person’s name was deleted from the list and advising the person of the eligibility requirements of a voter set out in section 36”.

New section 62

26 Section 62 is repealed and the following substituted:**“Errors**

62 The returning officer may, at any time, correct any errors apparent on the face of the voters list and, if a correction is made, the returning officer shall record each correction”.

Section 63 amended

27 Subsection 63(1) is amended by striking out “chief enumerator” and substituting “returning officer”.

New section 64

28 Section 64 is repealed and the following substituted:**“Use of voters list**

64 A board or council may use the voters list or revised voters list prepared in accordance with sections 54 to 63 at any general election or by-election”.

Section 65 amended

29 Section 65 is amended:

(a) in the portion preceding clause (a) by striking out “chief enumerator” and substituting “returning officer”; and

(b) in clause (b) by striking out “chief enumerator” and substituting “returning officer”.

Section 67 amended

30 The following clause is added after clause 67(6)(c):

“(c.1) accompanied by the nominee’s telephone number, email address or any other preferred contact information”.

Section 68 amended

31 The following subsection is added after subsection 68(1):

“(1.1) Notwithstanding subsection (1), a municipality with a population of 20,000 or more with a general election bylaw adopted pursuant to section 9.1 may, in that bylaw, require a nomination deposit not exceeding \$500 for any elected office specified in the bylaw”.

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Section 73 amended

32(1) Section 73 is amended by renumbering it as subsection 73(1).

(2) The following subsection is added after subsection 73(1):

“(2) Notwithstanding clause (1)(a) and subclauses (1)(b)(i), (ii) and (iv), a municipality may, as part of its general election bylaw adopted pursuant to section 9.1, establish a nomination day that is up to 7 weeks before election day”.

Section 75 amended

33 Section 75 is amended by adding “or nomination officer” after “section 74, the returning officer”.

Section 78 amended

34 The following subsection is added after subsection 78(2):

“(3) If a by-election pursuant to subsection (2) does not result in filling the remaining vacancies, nothing in this section relieves a council or board from the requirement to fill any vacancies in accordance with this Act or any other Act”.

Section 83 amended

35(1) Subsection 83(2) is repealed.

(2) Subsection 83(4) is repealed and the following substituted:

“(4) Subject to subsection (5), the returning officer shall set the days and hours during which an advance poll established pursuant to subsection (1) or (3) is to be kept open, but the poll must be kept open for at least 2 consecutive hours on any day that is it open”.

Section 86 amended

36(1) Clause 86(1)(b) is repealed and the following substituted:

“(b) if a voters list is used, prepare and deliver to the returning officer an advance poll book in accordance with the regulations”.

(2) Subsection 86(2) is amended by striking out “clause 87(1)(a) or (b)” and substituting “section 87”.

New section 87

37 Section 87 is repealed and the following substituted:

“If voters list used

87 If a voters list is used in an election and the returning officer has received the advance poll book from the deputy returning officer in accordance with section 86, the returning officer shall mark the voters list in a manner that indicates which voters have already voted”.

Section 88 amended

38 Clause 88(1)(b) is repealed and the following substituted:

“(b) has not voted before election day”.

Section 93 amended

39 Subsection 93(2) is amended:

(a) in clause (a) by striking out “poll list” and substituting “poll book”; and

(b) in clause (b) by striking out “poll list” and substituting “poll book”.

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Section 96 amended**40(1) Subsection 96(1) is repealed and the following substituted:**

“(1) The poll book must be in the form and manner determined by the returning officer and must be sufficient to accommodate the requirements of the election”.

(2) Subsection 96(2) is amended by striking out “for the purposes of (1)” and substituting “for the purposes of subsection (1)”.

(3) The following subsection is added after subsection 96(3):

“(4) If a voters list is used in an election, the returning officer may use the information from the poll book to revise the voters list”.

Section 100 amended

41(1) Subsection 100(1) is amended by striking out “Subject to subsections (2) and (3)” and substituting “Subject to subsection (2) and section 47.1”.

(2) Subsection 100(3) is repealed.

Section 108 amended

42 The following subsection is added after subsection 108(2):

“(3) If an entry in a voters list does not include whether the person is a voter of the public school division or separate school division as described in clause (1)(a), the deputy returning officer shall, in accordance with subsection 36(2), cause to be recorded in the poll book this updated information”.

Section 119 amended

43(1) Subsection 119(1) is amended by striking out “he or she” and substituting “that voter”.

(2) Subsection 119(2) is amended by striking out “in the prescribed form” and substituting “in the form and manner determined by the returning officer”.

New section 127

44 Section 127 is repealed and the following substituted:

“Voting after close of poll

127(1) Every voter qualified to vote at the polling place who is in the polling place or waiting for admission into the polling place at the time set for closing the polling place is entitled to vote.

(2) For the purposes of subsection (1), a polling place must be kept open after the time set for the close of the polling place if, at the time set for closing, there are voters who have not yet voted.

(3) If a voter is not in the polling place or is not waiting for admission into the polling place at the time set for closing the polling place, the polling place is closed to that voter and that voter is not permitted to vote.

(4) The deputy returning officer is responsible for determining the eligibility of a voter to vote with respect to subsections (1) to (3)”.

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Section 137 amended

45 Clause 137(a) is repealed and the following substituted:

“(a) place any printed copies of the voter registry, voters list, poll book and all forms used with respect to the election and the packets prepared pursuant to section 136 in the ballot box”.

Section 140 amended

46 Subsection 140(1) is amended:

(a) by striking out “and” after clause (a); and

(b) by adding the following after clause (a):

“(a.1) in the case of a rural municipality, confirmation that:

(i) the municipality has established a policy for the review of its division boundaries pursuant to subsection 49.1(3) of *The Municipalities Act*; or

(ii) elections were conducted at large, with no reference to divisions in accordance with subsection 19(2);

“(a.2) whether the returning officer exercised authority to move polling hours or locations pursuant to section 47.1;

“(a.3) in the case of a northern municipality or school division, whether the council or the board set an alternate election date pursuant to subsection 10(3); and”.

New section 141

47 Section 141 is repealed and the following substituted:**“Tie vote**

141(1) Subject to section 141.1, if, on the summing of the votes, two or more candidates for a vacant office have an equal number of votes, the returning officer shall:

(a) establish a date on and location where the tie vote will be resolved as described in subsection (2);

(b) notify the two or more candidates who have an equal number of votes of the date and location established pursuant to clause (a); and

(c) arrange for at least 2 witnesses to observe the resolution of the tie vote as described in subsection (2) who are not the candidates.

(2) At the date and location established in subsection (1), the returning officer shall:

(a) write the names of the 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 who is not a candidate to withdraw one of the sheets.

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(3) The candidate whose name is on the sheet withdrawn pursuant to subsection (2) shall be declared elected.

(4) Subsections (1) to (3) apply with any necessary modification for each vacant office if there is more than 1 vacant office for which 2 or more candidates have an equal number of votes”.

New section 141.1**48 The following section is added after section 141:****“By-election to resolve tie vote**

141.1(1) Notwithstanding section 141, a municipality may, in its general election bylaw adopted pursuant to section 9.1, provide for a by-election to resolve any tie vote.

(2) If a municipality has provided to resolve tie votes in accordance with a by-election pursuant to subsection (1), the returning officer shall declare that the seat remains vacant until a by-election can be held to fill the vacancy.

(3) Notwithstanding any other provision of this Act, a by-election mentioned in subsection (1) must:

(a) be held within 3 months after the summing of the votes and conclusion of any recounts, whichever is later;

(b) not require nominations; and

(c) involve only the 2 or more candidates who received an equal number of votes.

(4) Subsections (1) to (3) apply with any necessary modification for each vacant office if there is more than 1 vacant office for which 2 or more candidates have an equal number of votes.

(5) If, on the conclusion of a by-election held pursuant to this section, 2 or more candidates for any vacant office remain with an equal number of votes, the returning officer shall resolve the tie in accordance with section 141”.

Section 142 amended**49 The following subsection is added after subsection 142(6):**

“(7) In addition to the requirements of this section, the returning officer, administrator or person designated by the board, as the case may be, may electronically store any information used in conducting an election for the purpose of preparing for a future election, if the information is stored securely”.

Section 186 amended**50 Section 186 is amended:****(a) by adding the following clause after clause (f):**

“(f.1) for the purposes of subsection 53.5(1), prescribing the form and manner of an application”; **and**

(b) by adding the following clause after clause (g):

“(g.1) for the purposes of section 86, respecting the information that is required to be contained in an advance poll book”.

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Coming into force

51 This Act comes into force on January 1, 2024.

THIRD SESSION

Twenty-ninth Legislature

SASKATCHEWAN

BILL

No. 105

An Act to amend *The Local Government
Election Act, 2015*

Received and read the

First time

Second time

Third time

And passed

Honourable Don McMorris
