

BYLAW NO. 9992

The Election Amendment Bylaw, 2024

The Council of the City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Election Amendment Bylaw, 2024*.

Purpose

2. The purpose of this Bylaw is to amend *The Election Bylaw, 2012* to:
 - (a) replace references to “electors” with “voters”;
 - (b) authorize the use of a voter registry and voters list;
 - (c) authorize persons to apply to strike names from, or make corrections to, the voters list through email or other electronic means;
 - (d) allow the returning officer to arrange names of candidates on ballots randomly, rather than alphabetically, in cases where there are 5 or more candidates;
 - (e) in respect to mail-in ballots:
 - (i) remove references to witness declarations;
 - (ii) permit mail-in ballot applications via ordinary mail;
 - (iii) deem persons as having voted at the time their ballots are received and processed by the election office;
 - (iv) require persons that have applied for a mail-in ballot to swear a voter’s declaration, if necessary, upon presenting at a polling place to cast their ballot;
 - (v) enable designated election officials to recreate ballots in cases where a ballot that is clearly and properly marked is not accepted and unable to be counted by a vote tabulating unit; and

- (vi) make other minor amendments to ensure consistency with provincial legislation and election modernization processes;
- (f) authorize the counting of votes at City Hall or any other location selected by the returning officer; and
- (g) make minor housekeeping amendments.

Bylaw No. 8191 Amended

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

Bylaw Amended

4. The Bylaw is amended by striking out:
- (a) “*The Local Government Election Act, 2015*” wherever it appears and substituting “the Act”;
 - (b) “elector” wherever it appears and substituting “voter”;
 - (c) “electors” wherever it appears and substituting “voters”;
 - (d) “card” wherever it appears and substituting “device”;
 - (e) “cards” wherever it appears and substituting “devices”;
 - (f) “Section” wherever it appears and substituting “section”; and
 - (g) “ballot security envelope” wherever it appears and substituting “ballot secrecy envelope”.

Section 2 Amended

5. Section 2 is repealed and the following substituted:
- “2. The purpose of this Bylaw is to establish election procedures, including procedures for voting, both in person and by mail-in ballot and the counting of votes, including by an automated vote counting system.”.

Section 4 Amended

6. Section 4 is repealed and the following substituted:

“4. (1) In this Bylaw:

- (a) **“Act”** means *The Local Government Election Act, 2015*;
- (b) **“automated vote counting system”** means a system that:
 - (i) counts and records votes;
 - (ii) processes and stores election results; and
 - (iii) is comprised of:
 - (A) vote tabulating units that rest on a two-compartment ballot box, one compartment of which is for voted ballots and the other, an emergency ballot compartment; and
 - (B) a number of portable ballot boxes into which voted ballots are deposited for counting by a vote tabulating unit after the close of voting on election day;
- (c) **“ballot”** means a ballot paper or form designed for use in an automated vote counting system;
- (d) **“deputy returning officer”** means a deputy returning officer appointed pursuant to section 48 of the Act, and includes an issuing deputy returning officer, a receiving deputy returning officer and a supervising deputy returning officer;
- (e) **“election official”** includes a returning officer, deputy returning officer, poll clerk and any other person appointed pursuant to section 48, 49 or 54 of the Act;
- (f) **“emergency ballot compartment”** means an emergency ballot compartment of a two-compartment ballot box into which voted ballots are temporarily deposited during any period that a vote tabulating unit is not functioning;

- (g) **“issuing deputy returning officer”** means the deputy returning officer who from time to time, and among other duties, administers the voter registration and declaration process and provides voters with a ballot;
- (h) **“memory device”** means a preprogrammed device used to store electronic information necessary to conduct an election, that:
 - (i) plugs into a vote tabulating unit; and
 - (ii) serves as a mechanism to record and retain the information set out on the register tape;
- (i) **“mobile poll”** means the taking of votes by attendance of election officials at a voter’s residence in accordance with this Bylaw and section 30 of the Act;
- (j) **“over-voted ballot”** means a ballot on which a voter made more votes than the voter is entitled to make;
- (k) **“poll book”** means a book, in the form and manner determined by the returning officer, that contains a list of voters, a register of voters who have cast their vote and information relating to ballots, objections and affidavits;
- (l) **“receiving deputy returning officer”** means the deputy returning officer who from time to time, and among other duties, receives a voted ballot from a voter and inserts the ballot into a vote tabulating unit;
- (m) **“register tape”** means the printed record generated from a vote tabulating unit at the close of voting on election day that shows:
 - (i) the total number of ballots received;
 - (ii) the number of ballots on which no vote is marked;
 - (iii) the number of over-voted ballots;
 - (iv) the number of votes for each candidate; and

- (v) if there is a vote on a bylaw, resolution or question, the number of votes for and against each bylaw, resolution or question;
 - (n) **“rejected”** means, in respect to a ballot, a ballot that is not counted in an election:
 - (i) for any reason mentioned in section 129 of the Act; or
 - (ii) in the case of mail-in ballots, for any reason within the discretion of the deputy returning officer or other designated election official, including due to missing or incorrect information on voter declaration certificates;
 - (o) **“returning officer”** means a person specified or appointed as a returning officer pursuant to section 47 of the Act;
 - (p) **“secrecy sleeve”** means an open-ended folder or envelope used to cover ballots to conceal any marks made by the voter on the ballot;
 - (q) **“special poll”** means a polling place in a hospital, personal care facility or similar institution established in accordance with section 29 of the Act;
 - (r) **“supervising deputy returning officer”** means the deputy returning officer who from time to time, and among other duties, supervises the poll clerk, issuing deputy returning officer and receiving deputy returning officer and is responsible for the conduct of all matters in a polling place;
 - (s) **“vote tabulating unit”** means an optical scanning device or other voting machine into which ballots are inserted that scans each ballot and records the number of votes:
 - (i) for each candidate;
 - (ii) for and against any bylaw or resolution; or
 - (iii) in the affirmative or negative respecting any question.
- (2) Unless otherwise defined in this Bylaw, definitions in the Act and *The Local Government Election Regulations, 2015* apply, with any necessary modification, to the interpretation of this Bylaw.”.

Section 4.1 Amended

7. Section 4.1 is repealed and the following substituted:

- “4.1 (1) This Bylaw is intended to complement the Act and to modify the Act only to the extent that the Act specifically authorizes the same.
- (2) In the event of an inconsistency between this Bylaw and the Act that is not specifically authorized by the Act, the Act prevails.”.

Section 4.2 Amended

8. Section 4.2 is repealed and the following substituted:

“Accommodating Voters With Disabilities

- 4.2 Voters with disabilities are accommodated through the use of voter-assist terminals deployed to select poll locations on advance poll days and election day, mobile polls, special polls, the mail-in ballot system and the procedures set out in section 123 of the Act.

Part II – Returning Officer

Appointment of Returning Officer

- 4.3 (1) Council may appoint a person other than the City Clerk as the returning officer for an election.
- (2) The returning officer is authorized to further delegate the returning officer’s powers, functions and responsibilities in an election to other election officials.”.

Section 5 Amended

9. Section 5 is amended by striking out “The Council of the City of Saskatoon” and substituting “Council”.

Section 6.1 Amended

10. Subsection 6.1(2) is amended by striking out “The City of Saskatoon’s” and substituting “the City’s”.

New Section 6.3

11. The following section is added after section 6.2:

“Use of Voter Registry and Voters List

- 6.3 (1) The returning officer may establish and maintain a voter registry and voters list for use in an election.
- (2) Applications to strike a name from, or make a correction to, the voters list may be made in writing, including electronically by email or any other electronic means acceptable to the returning officer, in accordance with the Act.”.

Section 7 Amended

12. Clause 7(5)(a) is amended by striking out “blank” and substituting “ballots on which no vote is marked”.

Section 7.1 Amended

13. (1) Section 7.1 is amended by adding “(1)” before “Subject”.
- (2) The following subsections are added after clause 7.1(1)(c):
- “(2) Subject to subsection (3), names of candidates on a ballot shall be arranged alphabetically in accordance with subsection 91(1) of the Act.
- (3) Where there are 5 or more candidates, the returning officer may arrange names of candidates on a ballot randomly in accordance with subsection 91(2) of the Act.”.

Section 7.2 Amended

14. Section 7.2 is repealed and the following substituted:

“Objection or Request by Candidate or Agent

7.2 Candidates or their agents have the right to:

- (a) object to a person's eligibility to vote in accordance with subsection 112(1) of the Act; and
- (b) request pursuant to clause 112(2)(b) of the Act to verify that the procedures respecting establishing identity as set out in clause 110(b) of the Act have been followed.”.

Section 8 Amended

- 15. (1) Clause 8(1)(b) is amended by striking out “subdivision” and substituting “place”.
- (2) Subsection 8(6) is amended by striking out “box” wherever it appears and substituting “compartment”.
- (3) Subsection 8(8) is amended by striking out “spoiled” and substituting “rejected”.

Section 8.1 Amended

- 16. Subsection 8.1(2) is amended by adding “, rejected” after “declined”.

Part V Amended

- 17. The header of Part V is amended by striking out “Alternative” and substituting “Advance”.

Section 10 Amended

- 18. Section 10 is repealed and the following substituted:

“Part V.I – Special and Mobile Polls

Special Polls

- 10. Ballots completed at a special poll shall be deposited in the ballot box provided and counted in accordance with section 13.”.

Section 11 Amended

- 19. Section 11 is repealed and the following substituted:

- “11. (1) Any two of the following election officials must be present at the time a vote is taken at a mobile poll:
- (a) returning officer;
 - (b) issuing deputy returning officer;
 - (c) receiving deputy returning officer.
- (2) Ballots completed at a mobile poll shall be deposited in the ballot box provided, and counted in accordance with section 13.”.

Section 11.2 Amended

20. (1) Subsection 11.2(2) is amended by:
- (a) in clause (a), striking out “or”;
 - (b) in clause (b), striking out “.” and substituting “; or”; and
 - (c) adding the following clause after clause (b):
 - “(c) by ordinary mail.”.
- (2) Clause 11.2(3)(a) is amended by striking out “event” and substituting “case”.
- (3) Clause 11.2(3)(b) is amended by:
- (a) striking out “event” and substituting “case”; and
 - (b) adding “or by ordinary mail” after “electronically”.
- (4) Subsection 11.2(4) is repealed and the following substituted:
- “(4) Before being issued a mail-in ballot, a person requesting a mail-in ballot shall provide to the returning officer or other designated election official:
- (a) in the circumstances required by subsection 18(1.2) of *The Local Government Election Regulations, 2015*, a voter’s registration form; and
 - (b) a declaration signed by the person requesting the mail-in ballot that includes:

- (i) a statement that the person is qualified to vote;
 - (ii) evidence of the person's identity and residence as set out in section 110 of the Act; and
 - (iii) a statement that the person believes the declaration to be true and knows that it is of the same force and effect as if made under oath or affirmation and by virtue of the *Canada Evidence Act*."
- (5) The following subsections are added after subsection 11.2(4):
- "(5) For the purposes of clause 11.2(4)(b):
- (a) digital signatures on declarations received electronically are acceptable; and
 - (b) for declarations received electronically or by ordinary mail, copies of the identification or information evidencing the person's identity and residence are acceptable.
- (6) A person applying for a mail-in ballot electronically or by ordinary mail may 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."

Section 11.3 Repealed

21. Section 11.3 is repealed.

Section 11.4 Amended

22. Section 11.4 is repealed and the following substituted:

"Record of Mail-in Ballot Applications

- 11.4 If an application for a 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 mail-in ballot is sent to the applicant;
- (e) any other information considered appropriate by the returning officer.”.

Section 11.5 Amended

23. (1) Subsection 11.5(1) is amended:
- (a) in clause (c), by striking out “confirmation envelope” and substituting “declaration certificate”; and
 - (b) in clause (d), by striking out “mailing” and substituting “voter return”.
- (2) Subsection 11.5(2) is amended by striking out “mailing” and substituting “voter return”.
- (3) Subsection 11.5(3) is repealed and the following substituted:
- “(3) In the event a person who was provided a mail-in ballot votes in person at a polling place, the mail-in ballot shall, if subsequently received by the election office, be marked as spoiled.
 - (4) A person who was provided a mail-in ballot and who votes at a polling place may be required to swear a voter’s declaration in accordance with clause 109(d) of the Act.”.

Section 11.6 Amended

24. (1) The following subsections are added after subsection 11.6(1):
- “(1.1) If, before returning the ballot to the election office, the person who received a mail-in ballot determines that an error may have been made in marking the ballot, the person may apply in person at the election office to request a replacement ballot from the returning officer or other designated election official.

(1.2) Upon a request under subsection (1.1), the returning officer or other designated election official shall issue a replacement ballot, mark the original ballot as spoiled, retain the spoiled ballot separately from all other ballots, and ensure the spoiled ballot is not counted in the election.”.

(2) Subsection 11.6(2) is repealed and the following substituted:

“(2) A person who has voted by mail-in ballot shall:

- (a) place the completed ballot in the ballot secrecy envelope and seal the envelope;
- (b) place the sealed ballot secrecy envelope in the voter return envelope;
- (c) complete and sign the voter declaration certificate;
- (d) place the signed voter declaration certificate in the voter return envelope and seal the envelope; and
- (e) return the voter return envelope to the returning officer by mail, courier or in person.”.

Section 11.7 Amended

25. Section 11.7 is repealed and the following substituted:

“11.7 (1) Upon receipt of a mail-in ballot, the returning officer or other designated election official shall:

- (a) open the voter return envelope;
- (b) remove the voter declaration certificate from the voter return envelope and:
 - (i) confirm the voter declaration certificate is signed and otherwise completed;
 - (ii) scan the barcode on the voter declaration certificate; and

- (iii) compare the information associated with the voter declaration certificate against the information contained in the voters list portal;
 - (c) determine and record the date and time the ballot is received and whether the ballot is rejected, accepted or declined pursuant to clause (1)(d), (e) or (f);
 - (d) if the certificate is not signed or otherwise properly completed or the information does not match the information in the voters list portal, place the unopened ballot secrecy envelope in a separate envelope for ballots that are rejected;
 - (e) if the certificate is signed and otherwise properly completed and the information matches the information in the voters list portal, place the unopened ballot secrecy envelope in a portable ballot box designated for mail-in ballots;
 - (f) if the voter has indicated that they have declined to mark their ballot, place the unopened ballot secrecy envelope in a separate envelope for ballots that are declined; and
 - (g) place the voter confirmation certificate inside the voter return envelope and place them in a separate designated envelope.
- (2) Notwithstanding clause (1)(d), in cases where information is missing from a voter declaration certificate, the returning officer or other designated election official may attempt to contact the voter to give them an opportunity to provide the missing information.
- (3) A person shall be deemed to have voted at the time their mail-in ballot is received and processed by the election office.”.

Section 11.8 Amended

26. (1) Clause 11.8(1)(c) is amended by striking out “machine” and substituting “unit”.
- (2) Clause 11.8(1)(e) is amended by striking out “not accepted or spoiled if necessary” and substituting “rejected, declined or recreated pursuant to subsection (6)”.

- (3) The following subsections are added after subsection 11.8(5):
 - “(6) In the event a mail-in ballot is not accepted by a vote tabulating unit, a designated election official may, subject to subsection (7):
 - (a) spoil the ballot;
 - (b) mark a new ballot to recreate the original ballot; and
 - (c) insert the new ballot into the vote tabulating unit.
 - (7) A ballot may only be recreated pursuant to subsection (6) if designated election officials agree that the original ballot:
 - (a) was completed correctly; and
 - (b) clearly indicates the voter’s choice in the circle provided on the ballot opposite the name of the candidate.”.

Section 11.9 Amended

- 27. Section 11.9 is amended by striking out “The voter registration forms, declarations of persons requesting mail-in ballots, voter and witness declaration forms and voter confirmation envelopes and certificates” and substituting “Voter’s registration forms and declarations of persons requesting mail-in ballots, voter declaration certificates and voter return envelopes”.

Section 12 Amended

- 28. Clause 12(e) is amended by adding “, declined, rejected” after “spoiled”.

Section 13 Amended

- 29. (1) Clause 13(b) is amended by striking out “paragraph” and substituting “clause”.
- (2) Clause 13(c) is amended by adding “, or another location as determined by the returning officer” after “Saskatchewan”.

