

RURAL MUNICIPALITY OF LAKE LENORE NO. 399

BYLAW NO. 08/2020

A BYLAW TO ESTABLISH A MAIL-IN BALLOT VOTING SYSTEM

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The Council of the Rural Municipality of Lake Lenore No. 399 in the Province of Saskatchewan enacts as follows:

1. The bylaw shall be referred to as the "Mail-in Ballot Bylaw".
2. In this bylaw:
  - a. "Act" means *The Local Government Election Act, 2015*, as amended from time to time;
  - b. "Administrator" means the administrator of the municipality;
  - c. "Municipality" means the Rural Municipality of Lake Lenore No. 399;
  - d. "Regulations" means *The Local Government Election Regulations, 2015*, as amended from time to time;
  - e. "Returning Officer" (RO) means
    - i. the administrator for the Rural Municipality of Lake Lenore No. 399; or
    - ii. a person appointed by the council of the Rural Municipality of Lake Lenore No. 399 pursuant to section 47 of *The Local Government Election Act, 2015*; or
    - iii. a person appointed by the Minister pursuant to section 62 of *The Municipalities Act*;
  - 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. A voter who desires to vote by mail shall apply for a mail-in ballot kit, by filling out:
  - a. a Voter's Registration Form, Form R of the Regulations, Schedule A appended hereto and forming part of this bylaw; and
  - b. the Declaration of Person Requesting a Mail-in Ballot, Form C of the Regulations, Schedule B appended hereto and forming part of this bylaw.
4. Schedule A and Schedule B may be witnessed by either:
  - a. the RO; or
  - b. any person appointed by the RO pursuant to section 48 of the Act.
5. A voter who desires to vote by mail shall apply in person to the administration office of the municipality no later than one (1) day before the election day.
6. Upon receiving the voter's application, Schedule A and Schedule B, for a mail-in ballot, the RO shall note the date of acceptance in the appropriate area of Schedule A.

**Providing Ballots to Voters**

7. Notwithstanding section 41 of the Regulations, the RO may authorize the use of blank ballots if, in his/her opinion, the expected delivery date of printed ballots will adversely affect the ability of voters to vote by mail.
8. The blank ballot form pursuant to section 7 of this bylaw is set out in Schedule E appended hereto and forming a part of this bylaw.

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL DOCUMENT.  
Certified by [Signature]  
this 10 day of September, 2020

9. All ballots issued to persons voting by mail shall be identical.
10. A ballot kit shall consist of:
  - a. a copy of this bylaw;
  - b. the ballots to which the voter is entitled;
  - c. a ballot security envelope, bearing the information described in Schedule C appended hereto and forming part of this bylaw;
  - d. a voter confirmation envelope, bearing the information described in Schedule D appended hereto and forming part of this bylaw;
  - e. an outer envelope, addressed to the RO, bearing the words "Mail-in Ballot" on its face;
  - f. appropriate directions to voters; and
  - g. if a blank ballot is used, a list of candidates who are seeking election.
11. The RO shall:
  - a. ensure the outer envelope is addressed to the RO at the correct postal address;
  - b. on the voter confirmation envelope Schedule D:
    - i. print the name of the voter;
    - ii. identify the division in which the voter is entitled to vote; and
    - iii. identify the ballots provided to the voter;
  - c. where a blank ballot is used for the office of councillor, indicate the division number for the councillor and the maximum number of candidates for whom a voter can vote in words and figures; and
  - d. place his/her initials in the box on the reverse side of the ballot(s) provided to the voter.
12. After receiving a completed Schedule A and Schedule B, the RO shall provide a ballot kit to the voter in person at the time of application if application is made after the notice of poll has been issued or by regular mail if application is made before the notice of poll has been issued.
  - a. A ballot kit shall not be provided to any voter until the Notice of Poll is issued.
  - b. The RO shall make the following entries in the pollbook 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 RO provides a ballot kit to the voter, the voter is deemed to have voted and is not entitled to vote at any other poll for the municipality in this election.

### **Receiving Ballots from Voters**

13. 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;
  - d. seal the voter confirmation envelope and insert it into the outer envelope; and
  - e. return the ballot in its original form to the RO by regular mail, registered mail, courier, in person, or by any other means.
14. The RO 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 day.
15. Upon receipt of an outer envelope containing a voter's ballot on or before the close of poll on election day, the RO 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.

16. 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 administrator, consistent with sections 137 and 142 of the Act.
17. The RO shall designate at least one deputy RO who will receive mail-in ballots prior to the close of polls on election day.
18. Prior to the close of polls on election day, the RO shall deliver the following materials to the deputy RO designated pursuant to section 17 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 RO.

#### **Objections by Candidates or Agents**

19. On election day, any candidate or candidate's agent may examine the application package filed by a person who applied for a mail-in ballot.
20. 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.
21. On the objection of a candidate or an agent to the entitlement of a person voting by mail, the RO shall make necessary entries in the poll book consistent with subclauses 112(1)(b)(c) and (d) of the Act.

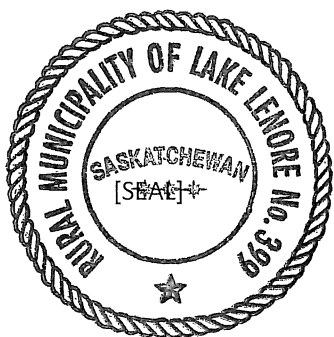
#### **Counting Ballots**

22. Only those mail-in ballots received on time will be counted after the close of polls on election day.
23. Where the RO is of the opinion that the number of voters who voted by mail is small and as a result it may be possible to determine for which candidate any of the voters voted, the RO may direct the deputy RO to include the mail-in ballots in the same ballot box used for polling on election day.
24. The deputy RO:
  - a. shall open the mail-in ballot box in the presence of persons authorized to be in the polling place pursuant to section 134 of the Act;
  - b. 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; and
  - c. may reject a voter confirmation envelope if the signature of the voter is missing.
25. If the voter confirmation envelope is accepted, the deputy RO shall extract the ballot security envelope and examine it for any tears or unauthorized markings.
26. If the ballot security envelope:
  - a. contains any tears or unauthorized markings, the deputy RO shall reject the ballot security envelope; or
  - b. is accepted by the deputy RO, he/she shall deposit the ballot security envelope into a container or another ballot box.
27. After all ballot security envelopes have been dealt with pursuant to section 27 of this bylaw, the deputy RO 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.

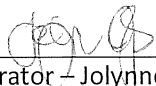
28. The deputy RO shall deem spoiled those ballots which were sent to voters by the RO but were not returned to the RO prior to the close of polls on election day and shall, pursuant to subsection 118(2) of the Act, reference this fact in the report of the count of the votes.
29. The mail-in ballots and any forms used in conjunction with voting by mail, including the voter confirmation envelopes opened by the deputy RO pursuant to section 26 of this bylaw are placed in packets in the same manner as other ballots pursuant to section 136 of the Act.
30. The deputy RO 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 17 of this bylaw, the RO or municipal administrator shall:
  - a. write "deemed spoiled" on the outer envelope;
  - b. record the date said ballot came into his/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.

**Coming into Force**

33. This bylaw shall come into force upon the third reading.



  
 Reeve – Jean Kernalleguen

  
 Administrator – Jolynne Gallays

Read a third time and adopted  
 this 04 day of September 2020.

  
 Administrator – Jolynne Gallays

SCHEDULE A

FORM R

[Subsections 96(2) and 121(2) of the Act]

**Voter's Registration Form and Poll Book – Mail-in Ballot**

Please print clearly

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Land Description: \_\_\_\_\_

Election held in: Rural Municipality of Lake Lenore No. 399, Division No. \_\_\_\_\_

Complete the following by placing an X in the box to the left of each statement that is correct:

- 1) I am a Canadian citizen.
- 2) I am the full age of 18 years or will attain the full age of 18 years on or before election day.
- 3) I have not already voted at this election.
- 4) On the day of the election, I: *(place an X in the box of only the **first statement** that applies)*
  - a) have resided in the rural municipality or on land now in the rural municipality for at least three consecutive months immediately preceding the day of the election;
  - b) am the registered owner, or purchaser pursuant to a bona fide agreement for sale, of land in the rural municipality;
  - c) am assessed with respect to land in the rural municipality pursuant to a lease, licence, permit or contract in agreement with the registered owner;
  - d) am assessed with respect to an improvement in the rural municipality;
  - e) am the holder of a permit in the rural municipality with respect to a trailer or mobile home;
  - f) am the spouse of a person described in clause (b), (c), (d) or (e);
  - g) am the chief executive officer of a duly incorporated cooperative, corporation or religious association that is assessed on the last revised assessment roll with respect to property in the rural municipality that is not exempt from taxation.

I declare that I am a voter entitled to vote in Division No. \_\_\_ of the Rural Municipality of Lake Lenore No. 399.

I declare that the information given by me with respect to the above statements is true in all respects.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(signature of voter)

\_\_\_\_\_  
(signature of RO or other appointed person)

| MAIL-IN BALLOT DATE INFORMATION |                            |                      | VOTED WITH RESPECT TO |            |           |
|---------------------------------|----------------------------|----------------------|-----------------------|------------|-----------|
| Date of acceptance              | Date kit provided to voter | Date ballot received | Reeve                 | Councillor | Objection |
|                                 |                            |                      |                       |            |           |

REMARKS \_\_\_\_\_

ENTRY NO. \_\_\_\_\_

SCHEDULE B

FORM C

[Section 92 of the Act and clause 18(1)(a) of the Regulations]

**Declaration of Person Requesting Mail-in Ballot**

**Declaration of Absentee Voter:**

Complete the following by placing an X in the box to the left of each statement that is correct:

- I am qualified to vote in the Rural Municipality of Lake Lenore No. 399;
- I have completed a Voter's Registration Form; and
- I request that a mail-in ballot be issued to me.

I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath/affirmation and by virtue of the *Canada Evidence Act*.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature of person requesting mail-in ballot)

I have witnessed the signature of the person named above and I am satisfied the person's identity has been established pursuant to *The Local Government Election Act, 2015* and the regulations.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature of RO or other appointed person)

SCHEDULE C

**Ballot Security Envelope**

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

**BALLOT(S) ONLY**

The ballot(s) contained within this envelope will be rejected if this envelope:

- is torn;
- bears any unauthorized markings; or
- contains materials other than ballots.

SCHEDULE D

**Voter Confirmation Envelope**

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

*Office use only:*

Name of Voter \_\_\_\_\_

*Ballot(s) included:*

Office of Reeve

Office of Councillor, Division \_\_\_\_\_

Office of Member, \_\_\_\_\_ School Division

Bylaw

Question

To be completed by voter:

**Insert sealed ballot envelope in this envelope, seal and complete the following certificate:**

I certify that I am entitled to vote in this election pursuant to *The Local Government Election Act, 2015* and that enclosed in this envelope is a ballot envelope that contains the ballot(s) received by me and marked by me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Voter



**SCHEDULE E  
Blank Ballot Template**

Face of Ballot, Office of Reeve

Blank Ballot – for the Office of REEVE  
Rural Municipality of Lake Lenore No. 399

[Empty space for candidate name]

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

Face of Ballot, Office of Councillor

Blank Ballot – for the Office of COUNCILLOR  
Division [ ]  
Rural Municipality of Lake Lenore No. 399

[Empty space for candidate name]

**INSTRUCTIONS TO VOTE**  
Vote by writing in the space above the name of the candidate of your choice  
Maximum – ONE [1] candidate

Back of Ballot

[Empty space for back of ballot]

R.O. Initials

Printer's Name and Address