VILLAGE OF ELBOW

BYLAW NO. 7-2024

A BYLAW TO ESTABLISH A MAIL-IN BALLOT VOTING SYSTEM

The council of the Village of Elbow 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 Village of Elbow;
   d) Regulations means *The Local Government Election Regulations, 2015*;
   e) Returning Officer means
        i.   the administrator for the Village of Elbow;
        ii. a person appointed by the council of the Village of Elbow 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;* 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.   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, Schedule A appended hereto and forming a part of this bylaw; and
   b) the Declaration of Person Requesting a Mail-in Ballot, Form C, Schedule B, appended hereto and forming a part of this bylaw.

4.   Form R, Schedule A and Form C, Schedule B may be witnessed by either:
   a) the returning officer;
   b) the deputy returning officer;
   c) the enumerator;
   d) a Commissioner of Oaths; or
   e) a Notary Public

5.   A voter who desires to vote by mail shall apply in person, or by submitting via mail or e-mail, no later than 30 days before election day.

6.   Upon receiving the voter's application, Form R, Schedule A and Form C, Schedule B, for a mail-in ballot, the returning officer shall note the date of approval in the appropriate area of Form R, Schedule A.

Providing Ballot To Voters

7.   Notwithstanding section 41 of the Regulations, the returning officer may authorize the use of special 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 special ballot form pursuant to section 7 of this bylaw is set out in Schedule E, appended hereto and forming a part of this bylaw.

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 a part of this bylaw;
    d) a voter confirmation envelope, bearing the information described in Schedule D, appended hereto and forming a part of this bylaw;
    e) an outer envelope, addressed to the returning officer, bearing the words "Mail-in Ballot" on its face; and
    f) appropriate directions to voters

11. The returning officer shall:
    a) ensure the outer envelope is addressed to the returning officer at the correct postal address;
    b) on the voter confirmation envelope, Schedule D:
        i. print the name of the voter; and
        ii. identify the ballots provided to the voter;
    c) place his/her initials in the box on the reverse side of the ballot or ballots provided to the voter.

12. The returning officer shall provide a ballot kit to a voter who has completed and submitted Form R, Schedule A and Form C, Schedule B in accordance with section 5 of this bylaw:
    a) a ballot kit will be provided after 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; and
    c) after the returning officer provides a ballot kit to the voter, the voter may vote with the mail in ballot by mail or in person at the poll.

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 returning officer by regular mail, registered mail, courier, in person, or by any other means.

14. 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 day.

15. 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.

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 municipal administrator, consistent with sections 137 and 142 of the Act.

17. 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 day.

18. 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 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 returning officer.

Objections By Candidates/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 returning officer shall make necessary entries in the poll book consistent with sub-clause 112(1)(b)(c) and (d) of the Act.

Counting Ballots

22. Mail-in ballots will be counted after the close of polls on election day.

23. Where the returning officer 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 returning officer may direct the deputy returning officer to include the mail-in ballots in the same ballot box used for polling on election day.

24. The deputy returning officer:
    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) 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 returning officer 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 returning officer shall reject the ballot security envelope; or
    b) is accepted by the deputy returning officer, 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 26 of this bylaw, 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.

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 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 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 16 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.

33. Bylaw 8-2022 is hereby repealed.

Adopted the 8th day of April, 2024.

_____
Deputy Mayor

_____
Administrator

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

Name: _____
(Print)

Mailing Address: _____
(Print)

Election held in: Village of Elbow

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.

Municipal Voters - Excluding Rural Municipalities and Resort Villages

4) On the day of the election:

    a) I: *(place an "X" in one of the following boxes for clause a)*

       ☐ i) have resided for at least three consecutive months immediately preceding the day of the election in or on land now in the Village of Elbow; **or**

       ☐ ii) have been the owner for at least three consecutive months immediately preceding the day of the election of assessable land situated in the municipality or land now in the municipality; **and**

    b) I have resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election.

I declare that I am a voter entitled to vote in Ward/Division No. _____ of the _____ of _____. *(municipality)*

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

Dated this _____ day of _____ , 20 _____.

Witness: _____   _____
(Deputy Returning Officer or Enumerator or Other   *(Voter)*
Person Authorized by Bylaw for the Purposes
of a Mail-in Ballot)

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

REMARKS _____ ENTRY NO. _____

Schedule B

Appendix A

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:

☐ I am qualified to vote in the Village of Elbow.

☐ 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*.

Date: _____, 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 Returning Officer or Person Authorized by Bylaw to Witness the Signature of a Person Requesting a Mail-in Ballot)

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 Mayor
> [_]   Office of Councillor
> [_]   Office of Member, _____ School Division
> [_]   Bylaw
> [_]   Question
> _____
>
> To be completed by the 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
Special Ballot [Template]

Face of Ballot, Office of Mayor

Special Ballot – for the Office of MAYOR Village of Elbow	
CANDIDATE "A"	
CANDIDATE "B"	
CANDIDATE "C"	

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

Face of Ballot, Office of Councillor

Special Ballot – for the Office of COUNCILLOR Village of Elbow	
CANDIDATE "A"	
CANDIDATE "B"	
CANDIDATE "C"	

INSTRUCTIONS TO VOTE
Vote by marking an "X" in the square to the right
of the candidates of your choice
Maximum – 4 candidates

Back of Ballot

	R.O. Initials

Village of Elbow
Box 8, Elbow, SK
S0H 1J0