

BILL

No. 61

An Act to amend *The Local Government Election Act*

(Assented to _____)

HER 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, 2008*.

S.S. 1982-83, c.L-30.1 amended

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

Section 2 amended

3 **Subsection 2(1) is amended:**

- (a) **in clause (c) by adding “, except in Part VIII,” after “means”;**
- (b) **in clause (d) by adding “, except in Part VIII,” after “means”;**
- (c) **in clause (f) by adding “, except in Part VIII,” after “means”;**
- (d) **in clause (j) by adding “, except in Part VIII,” after “means”;**
- (e) **in clause (k) by adding “, except in Part VIII,” before “includes”;**
- (f) **in clause (l) by adding “, except in Part VIII,” before “includes”;**
- (g) **in clause (n) by adding “, except in Part VIII,” after “means”;**
- (h) **in clause (q) by adding “, except in Part VIII,” after “means”;**
- (i) **in clause (u) by adding “, except in Part VIII” after “means”;**
- (j) **in clause (w) by adding “, except in Part VIII,” after “means”;**
- (k) **in clause (x) by adding “, except in Part VIII,” after “means”;**
- (l) **in clause (aa) by adding “, except in Part VIII,” after “means”;**
- (m) **by repealing clause (ee);**
- (n) **in clause (ii) by adding “, except in Part VIII,” after “means”;**
- (o) **in clause (jj) by adding “, except in Part VIII,” after “means”; and**
- (p) **by repealing clause (kk) and substituting the following:**
“(kk) **‘voter’s registration form’** means, except in Part VIII, a voter’s registration form in the prescribed form”.

Section 8 amended

4 Section 8 is amended in the portion preceding clause (a) by striking out “the Minister of Government Relations or the Minister of Learning” and substituting “the minister or the minister responsible for the administration of *The Education Act, 1995*”.

Section 9.1 repealed

5 Section 9.1 is repealed.

Section 10 repealed

6 Section 10 is repealed.

Section 11 amended

7 Subsection 11(1) is amended by striking out “Subject to subsection 10(3), the” and substituting “The”.

New section 17.1

8 Section 17.1 is repealed and the following substituted:

“School division to conduct election

17.1(1) In this section, ‘**minister**’ means the member of the Executive Council to whom for the time being the administration of *The Education Act, 1995* is assigned.

(2) If a municipality is required pursuant to this Act to conduct a school board election, and if the municipality, on written application to the minister, satisfies the minister that conducting the election would cause undue hardship for the municipality or that it would be more practical for the affected school division to conduct the election, the minister, after consulting with the affected school division, may issue an order notwithstanding any other provision of this Act:

- (a) relieving the municipality of the responsibility of conducting the election; and
- (b) requiring the school division to conduct the election”.

Section 23 amended

9 Subsection 23(1) is repealed and the following substituted:

“(1) Every person is qualified to be registered as an elector in a municipality or school division:

- (a) who is a Canadian citizen on the day of the election;
- (b) who is of the full age of 18 years on the day of the election;
- (c) who, on the day of the election:
 - (i) in the case of a municipality, other than a resort village, has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election and:
 - (A) has resided in the municipality, or on land now in the municipality, for at least three consecutive months immediately preceding the day of the election; or
 - (B) is the owner of assessable land situated in the municipality, or of land now situated in the municipality, for at least three consecutive months immediately preceding the day of the election;

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- (ii) subject to subsection (2), in the case of a school division:
 - (A) has resided in the school division, or on land now in the school division, for at least three consecutive months immediately preceding the day of the election; and
 - (B) has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election; or
 - (iii) in the case of a resort village:
 - (A) has resided in the resort village, or on land now in the resort village, for at least three consecutive months immediately preceding the day of the election;
 - (B) is the owner of assessable land situated in the resort village, or of land now situated in the resort village, for at least three consecutive months immediately preceding the day of the election;
 - (C) is the lessee of land in the resort village, or of land now in the resort village, for at least three consecutive months immediately preceding the day of the election; or
 - (D) is the spouse of a person mentioned in paragraph (A), (B) or (C)".

New section 24**10 Section 24 is repealed and the following substituted:****"One vote per elector—exception**

24(1) Subject to subsections (2) and (3), an elector may vote only once during an election.

(2) A person who qualifies as an elector in a resort village and as an elector of another municipality is entitled to vote at both an election in the municipality in which he or she resides and at a municipal election in that resort village.

(3) A person who qualifies as an elector of a municipality in which he or she resides and as an elector of another municipality in which he or she is the owner of assessable land for at least three consecutive months immediately preceding the day of the election, and has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election, is entitled to vote at both:

- (a) an election in the municipality in which he or she resides; and
- (b) an election in the municipality in which he or she is the owner of assessable land for at least three consecutive months immediately preceding the day of the election.

(4) A person who qualifies as an elector of a municipality in which he or she resides and as an elector in a resort village in which he or she is the lessee of land for at least three consecutive months immediately preceding the day of the election, and has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election, is entitled to vote at both:

- (a) an election in the municipality in which he or she resides; and
- (b) an election in the resort village in which he or she is the lessee of land for at least three consecutive months immediately preceding the day of the election".

New section 26

11 Section 26 is repealed and the following substituted:

“Candidates in municipal election

26 A person is qualified to be nominated as a candidate in a municipal election and to hold office as mayor or councillor of a municipality if the person:

- (a) in the case of a municipality other than a resort village:
 - (i) on the day of the election, is at least 18 years of age; and
 - (ii) at the time he or she submits the nomination paper, is a Canadian citizen and has resided:
 - (A) in that municipality, or on land now in that municipality, for at least three consecutive months immediately preceding the date on which nomination papers are submitted; and
 - (B) in Saskatchewan for at least six consecutive months immediately preceding the date on which nomination papers are submitted;
- (b) in the case of a resort village:
 - (i) on the day of the election, is at least 18 years of age; and
 - (ii) at the time he or she submits the nomination paper, is a Canadian citizen and:
 - (A) has resided:
 - (I) in that resort village, or on land now in that resort village, for at least three consecutive months immediately preceding the date on which nomination papers are submitted; and
 - (II) in Saskatchewan for at least six consecutive months immediately preceding the date on which nomination papers are submitted;
 - (B) has:
 - (I) been the owner or lessee of assessable land situated in the resort village, or of land now in that resort village, for at least three consecutive months immediately preceding the date on which nomination papers are submitted; and
 - (II) resided in Saskatchewan for at least six consecutive months immediately preceding the date on which nomination papers are submitted; or
 - (C) is the spouse of a person mentioned in paragraph (A) or (B); and
- (c) is not disqualified pursuant to this or any other Act”.

New section 27

12 Section 27 is repealed and the following substituted:

“Candidates in board election

27 A person is qualified to be nominated as a candidate for and hold office as a board member for a school division if the person:

- (a) is an elector of the school division on the day of the election; and
- (b) at the time he or she submits the nomination paper, is a Canadian citizen, and has resided:
 - (i) in the school division, or on land now in that school division, for at least three consecutive months immediately preceding the date on which nomination papers are submitted; and
 - (ii) in Saskatchewan for at least six consecutive months immediately preceding the date on which nomination papers are submitted”.

Section 28 amended

13(1) Clause 28(2)(b) is repealed and the following substituted:

“(b) for the purpose of the school board election, is the person appointed by the board as the returning officer at least 90 days before election day”.

(2) Subsection 28(7) is repealed and the following substituted:

“(7) Notwithstanding any other provision of this Act, if a school division is required by an order made pursuant to section 17.1 to conduct a school board election, the returning officer is the person appointed by the board as the returning officer at least 90 days before election day”.

Section 38 amended

14 Section 38 is amended:

- (a) in clause (a) in the portion preceding subclause (i) by striking out “secretary treasurer” and substituting “board”; and
- (b) in clause (c) by adding “at least 31 days before the day on which a general election is held,” before “shall”.

Section 40 amended

15 Section 40 is amended by striking out “voters’ registration form” and substituting “voter’s registration form”.

Section 45 amended

16 Subsection 45(2) is amended by striking out “secretary treasurer of the school division” and substituting “person designated by the board”.

Section 46.1 amended

17 The following subsection is added after subsection 46.1(4):

“(4.1) Notwithstanding subsection (4), if a council has passed a bylaw or a board has passed a resolution pursuant to section 145.1, the council or board is not required to return the deposit to a candidate unless the candidate and the candidate’s business manager have complied with the provisions of the bylaw or resolution”.

Section 47 amended

18 Subsection 47(6) is repealed and the following substituted:

“(6) After the election, the returning officer shall deliver all completed nomination forms in his or her possession to the clerk or to the person designated by the board, as the case may be, and the forms shall be retained in accordance with section 112”.

New section 49

19 Section 49 is repealed and the following substituted:

“Eligibility of incumbents

49(1) A person holding an elected office:

(a) of a municipality:

(i) is eligible, during the last year of his or her current term of office, to be nominated for re-election to that office or as a candidate for any other elected office of the municipality for which he or she is qualified;

(ii) is eligible to be nominated as a candidate for mayor if a vacancy is to be filled at a by-election; and

(b) of a school division, is eligible, during the last year of his or her current term of office, to be nominated for re-election to that office.

(2) For the purposes of subclause (1)(a)(ii), the person is not required to resign from his or her current office on nomination day.

(3) If a person holding the office of councillor is elected as mayor in a by-election, the person is deemed to have resigned from the office of councillor on the day before the day on which he or she is declared elected as mayor”.

Section 61 amended

20 Clause 61(1)(a) is amended by striking out “voters’ registration forms” and substituting “voter’s registration forms”.

Section 64 amended

21 Subsection 64(2) is amended by striking out “voters’ registration forms” wherever it appears and in each case substituting “voter’s registration forms”.

Section 67 amended

22 Subsection 67(3) is amended by striking out “two consecutive hours” and substituting “one hour”.

Section 74 amended

23 Clause 74(a) is amended by striking out “voters’ registration form” and substituting “voter’s registration form”.

Section 75 amended

24 Clause 75(b) is amended by striking out “voters’ registration form” and substituting “voter’s registration form”.

Section 76 amended

25 Clause 76(a) is amended by striking out “voters’ registration form” and substituting “voter’s registration form”.

Section 84 amended

26(1) Subsection 84(1) is amended by striking out “voters’ registration form” and substituting “voter’s registration form”.

(2) Subsection 84(4) is amended by striking out “voters’ registration form” and substituting “voter’s registration form”.

New section 85

27 Section 85 is repealed and the following substituted:

“Attendance at incorrect polling place

85 Subject to section 65.1, the deputy returning officer shall not allow an elector to vote at the polling place and shall direct that elector to the proper polling place if:

- (a) the elector is at the incorrect polling place; or
- (b) the name of the elector is not on the voters’ list and:
 - (i) in the case of an election in a school division, the elector does not reside in the polling area;
 - (ii) in the case of an election in a municipality other than a resort village:
 - (A) the elector has not resided in the polling area for at least three consecutive months immediately preceding the day of the election; or
 - (B) the elector is not the owner of assessable land in the polling area for at least three consecutive months immediately preceding the day of the election; or
 - (iii) in the case of an election in a resort village:
 - (A) the elector has not resided in the polling area for at least three consecutive months immediately preceding the day of the election;
 - (B) the elector is not the owner of assessable land in the polling area for at least three consecutive months immediately preceding the day of the election;
 - (C) the elector is not a lessee of land in the polling area for at least three consecutive months immediately preceding the day of the election; or
 - (D) the elector is not the spouse of a person entitled to vote in the election”.

Section 109 amended

28 Subsection 109(2) is repealed and the following substituted:

“(2) The council or board, as the case requires, shall be provided with a copy of the declaration of results with respect to the municipal or board election”.

New section 110

29 Section 110 is repealed and the following substituted:

“Notice to minister

110 As soon as is practicable after the counting of the votes, the clerk or the person designated by the board, as the case may be, shall give written notice to the minister or the minister responsible for the administration of *The Education Act, 1995* in a form satisfactory to the minister or the minister responsible for the administration of *The Education Act, 1995*, as the case may be, of:

- (a) the name and address of each person who has been elected as a member in an election; and
- (b) any other information that the minister or the minister responsible for the administration of *The Education Act, 1995*, as the case may be, may require”.

Section 112 amended

30(1) Subsection 112(1) is repealed and the following substituted:

“(1) When an election is completed, the returning officer shall deliver to the clerk or to the person designated by the board, as the case may be, the ballot boxes and duplicate statements of results, and the clerk or the person designated by the board, as the case may be, is then responsible for their safekeeping in accordance with this section”.

(2) Subsection 112(2) is amended by striking out “secretary treasurer” and substituting “the person designated by the board”.

Section 114 amended

31 Subsection 114(1) is amended by striking out “secretary treasurer of the school division” and substituting “board”.

New section 151

32 Section 151 is repealed and the following substituted:

“Canvassing at polling place prohibited

151 No candidate, no agent of any candidate nor any other person shall:

- (a) canvass or solicit votes in the polling place or within 100 metres of the building where the poll is held; or
- (b) make any communication to a person intending to vote otherwise than through the deputy returning officer”.

New section 152

33 Section 152 is repealed and the following substituted:

“Specimen ballot prohibited

152 No person shall display, distribute or post in the polling place or within 100 metres of the building in which the poll is held a specimen ballot for a person whose name is on the ballot for election, or any other material purporting to explain how to vote, or leave any of the preceding materials in a voting compartment, except as provided by this Act”.

New sections 160.01 and 160.011**34 Section 160.01 is repealed and the following substituted:****“Interpretation of Part****160.01(1) In this Part:**

- (a) **‘administrator’** means the administrator of a municipality appointed pursuant to section 110 of *The Municipalities Act*;
- (b) **‘annual election’** means:
 - (i) an election held pursuant to section 160.03; or
 - (ii) a first election held in a newly-established municipality;
- (c) **‘by-election’** means an election held to fill a vacancy in the office of reeve or councillor pursuant to section 160.07;
- (d) **‘candidate’** means a person nominated in accordance with this Act for election to a rural municipal council pursuant to section 160.04;
- (e) **‘chief enumerator’** means the chief enumerator described in section 160.08;
- (f) **‘council’** means the council of a rural municipality;
- (g) **‘councillor’** means a member of council other than the reeve;
- (h) **‘deputy returning officer’** means the deputy returning officer appointed pursuant to section 160.131;
- (i) **‘division’** means a division of a rural municipality established pursuant to Part IV of *The Municipalities Act*;
- (j) **‘election’** means:
 - (i) an election of members of council;
 - (ii) a vote of voters, to approve a bylaw or resolution, or to obtain their opinion on any question or resolution submitted to them pursuant to *The Municipalities Act*;and includes a by-election;
- (k) **‘election official’** includes a returning officer, deputy returning officer, poll clerk, revising officer, associate returning officer, nomination officer, enumerator, constable and any other supervisory officer and assistant appointed pursuant to section 160.131;
- (l) **‘judge’** means a judge of the court sitting at the judicial centre nearest to which the municipality is situated;
- (m) **‘nomination day’** means the day specified in section 160.15;
- (n) **‘polling place’** means a polling place named pursuant to section 160.13;
- (o) **‘prescribed form’** means the form prescribed in the regulations for use in rural municipalities;
- (p) **‘property’** means property as defined in *The Municipalities Act* for the purposes of Parts X and XI of that Act;

(q) **'rejected ballot'** means a ballot rejected by the deputy returning officer pursuant to section 160.6;

(r) **'voter'** means a person described in section 160.011;

(s) **'voters' list'** means a list of voters prepared pursuant to section 160.08;

(t) **'voter's registration form'** means a voter's registration form in the prescribed form for use in rural municipalities.

(2) Notwithstanding section 2, any terms that are used in this Part and that are defined in *The Municipalities Act* in relation to rural municipalities have the meanings ascribed to them in that Act.

"Eligibility to vote

160.011 Every person is qualified to be registered as a voter in a rural municipality who:

(a) on the day of an election in a rural municipality, is at least 18 years of age and a Canadian citizen; and

(b) immediately preceding the day of the election:

(i) has resided in the rural municipality for at least six consecutive months;

(ii) is the registered owner of taxable land in the rural municipality or the purchaser of land in the rural municipality under a bona fide agreement for sale;

(iii) is assessed as an occupant of any land in the rural municipality that is exempt from taxation;

(iv) is assessed with respect to an improvement in the rural municipality;

(v) is licensed with respect to property in the rural municipality used for business purposes;

(vi) is the holder of a permit in the rural municipality with respect to a trailer or mobile home;

(vii) is:

(A) a resident of Saskatchewan; and

(B) the chief executive officer of a duly incorporated co-operative, 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 or that is licensed with respect to a home-based business; or

(viii) is the spouse of a person mentioned in subclause (ii), (iii), (iv), (v) or (vi) and resides with that person in Saskatchewan but outside of the rural municipality".

New section 160.04**35 Section 160.04 is repealed and the following substituted:****“Qualification for nomination**

160.04(1) Subject to subsection (2), a person is qualified for nomination as reeve or councillor if the person:

- (a) resides in Saskatchewan;
 - (b) is eligible to vote in the rural municipality; and
 - (c) is not disqualified by reason of any provision of this Act or any other Act.
- (2) No person may be nominated or elected as:
- (a) a member of council for more than one division; or
 - (b) a councillor of a division and the reeve of the rural municipality.
- (3) Notwithstanding subsection (2), in the case of an annual election or by-election for reeve, a councillor is eligible to be nominated as a candidate for reeve, and is not required to resign from his or her current office on nomination day.
- (4) If a person holding the office of councillor is elected as reeve:
- (a) in an annual election, pursuant to section 160.03, the person is deemed to have resigned from the office of councillor on the day before the day he or she assumes the office of reeve; or
 - (b) in a by-election, the person is deemed to have resigned from the office of councillor on the day before the day on which he or she is declared elected as reeve”.

New section 160.05**36 Section 160.05 is repealed and the following substituted:****“Disqualification**

160.05(1) None of the following persons is qualified to be nominated or elected or to hold office as a member of council:

- (a) a judge of a court;
 - (b) an auditor or solicitor of the municipality.
- (2) No person is disqualified from being nominated, elected or holding office as a member of council by reason of having an interest in a contract with the municipality.
- (3) The following persons may seek nomination to the council with which the person is employed if the person has first obtained a leave of absence in accordance with subsection 80(1) of *The Labour Standards Act*:
- (a) an employee of a municipality;
 - (b) an employee of a board or commission appointed by a council;
 - (c) an employee of a board of education;
 - (d) an employee of a joint board, as defined in *The Education Act, 1995*.
- (4) Notwithstanding subsection 80(2) of *The Labour Standards Act*, an employee described in subsection (3) who is elected is deemed to have resigned from his or her position of employment on the day before the day on which he or she is declared elected unless for any reason the results of the election are overturned”.

Section 160.06 repealed

37 Section 160.06 is repealed.

New section 160.07

38 Section 160.07 is repealed and the following substituted:

“Vacancy

160.07(1) If a seat on the council of a rural municipality becomes vacant for any reason, the council shall, at its next meeting, do one of the following:

- (a) set a day, which is to be a Monday, for the closing of a nomination period and appoint a returning officer to hold an election to fill the vacancy for the remainder of the term of the person being replaced;
- (b) if the vacancy occurs in the final year of the term, decide not to fill the vacancy until the next annual election;
- (c) if the vacancy occurs in the first year of the term, decide to hold the by-election in conjunction with the next annual election.

(2) An election held pursuant to this section is to be conducted in accordance with this Part and the other provisions of this Part apply, with any necessary modification, to that election.

(3) If the council of the rural municipality neglects or refuses to comply with subsection (1), the minister may appoint a returning officer and fix a date for an election to fill the vacancy.

(4) If a member of the council of a rural municipality whose term of office does not expire at the first meeting of the council following the next annual election submits his or her notice of resignation to the administrator not less than 15 days before the closing of the nomination period and specifies a day in the future, but not beyond the date of the first meeting following the next annual election, on which the resignation is to become effective, the returning officer shall take the steps necessary to elect, at the next annual election, a reeve or councillor, as the case may be, to fill the vacancy for the remainder of the term of the person being replaced.

(5) If the number of members of the council is reduced by death, resignation, invalidation of election or otherwise below the number required to constitute a quorum, the minister may by order do one or both of the following:

- (a) appoint a returning officer and fix a date for an election to fill the vacancies;
- (b) appoint one or more persons to act as members to constitute a quorum and hold office until the vacancies are filled at an election.

(6) Every person appointed pursuant to clause (5)(b) has all the powers, rights and obligations of an elected member”.

New sections 160.08 to 160.089**39 Section 160.08 is repealed and the following substituted:****“List of voters, enumeration, chief enumerator, revising officer**

160.08(1) At least 55 days before nomination day, the council of a rural municipality may provide for the enumeration of the names of voters and the preparation of a voters’ list in the prescribed form.

(2) For the purposes of enumeration, the returning officer is the chief enumerator, unless the council otherwise specifically directs, and the chief enumerator:

- (a) shall conduct the enumeration of voters and prepare and revise the voters’ list; and
- (b) is the revising officer for the purposes of sections 160.083 to 160.088.

“Content of voters’ list

160.081 The voters’ list shall be in the prescribed form and shall state:

- (a) the name of each voter;
- (b) each voter’s street or road address or the legal description of the land located within the municipality set out opposite the voter’s name; and
- (c) the division in which the voter is eligible to vote.

“Posting of voters’ list and notice of posting

160.082 The chief enumerator shall, at least 31 days before the day on which an annual election is held:

- (a) cause to be posted in the office of the administrator, and in any other public place that he or she considers necessary:
 - (i) a copy of the voters’ list; and
 - (ii) a copy of the notice of revision of voters’ list in the prescribed form; and
- (b) publish a notice of the completed voters’ list at least once in a newspaper having general circulation in the municipality indicating the time and locations where the voters’ list may be inspected.

“Application to strike name

160.083(1) Any voter may apply to the revising officer at least 22 days before the day on which an annual election is held to have the name of any person struck off the voters’ list on the ground that the person is not qualified as a voter.

(2) Every application pursuant to subsection (1) must be in writing and must specify the grounds on which the applicant alleges the person is not eligible to be a voter.

(3) An application pursuant to subsection (1) may be made by a person on his or her own behalf.

“Application to correct error

160.084(1) In this section, ‘**applicant**’ means a person:

- (a) who is qualified as a voter, but whose name does not appear on the voters’ list;
- (b) whose name is listed in error on a voters’ list; or
- (c) whose name is listed on a voters’ list in the incorrect division.

(2) An applicant may apply, at least 22 days before the day on which an annual election is held, to the revising officer to correct the error or omission in the voters’ list by filing with the revising officer a voter’s registration form setting out the information necessary to correct the error or omission.

“Revised voters’ list

160.085(1) At least 16 days before the day on which an annual election is held, the revising officer shall:

- (a) consider all applications made pursuant to sections 160.083 and 160.084; and
- (b) if the revising officer considers that a change is necessary, amend the voters’ list accordingly and initial and date each change.

(2) The voters’ list amended pursuant to subsection (1) is the revised voters’ list.

“Procedure where name deleted

160.086 If the name of a person is deleted from the voters’ list, the revising officer shall immediately cause to be served personally or sent by registered mail to that person, at the address given in the voters’ list, a notice indicating the reason that the person’s name was deleted from the list and advising him or her of the qualifications of a voter set out in section 160.011.

“Errors

160.087 The revising officer may, at any time, correct any errors apparent on the face of the voters’ list and, if a correction is made, the revising officer must initial and date each correction.

“Copies of voters’ list

160.088 The revising officer shall provide, on request, a copy of a voters’ list or revised voters’ list to each candidate.

“Use of voters’ list

160.089 A council may use a voters’ list or a revised voters’ list prepared in accordance with sections 160.08 to 160.087:

- (a) at the annual election with respect to which the list is prepared; and
- (b) at any by-election or annual election held within two years after the annual election described in clause (a)”.

Section 160.1 repealed

40 Section 160.1 is repealed.

New section 160.11**41 Section 160.11 is repealed and the following substituted:****“Duties of administrator**

160.11(1) No administrator shall knowingly fail to:

- (a) prepare a list of voters when requested to do so by council;
- (b) enter on the list of voters the name of any person whom the administrator knows to be entitled to have his or her name placed on this list;
- (c) enter on the list of voters any other particulars as provided by this Act;
- (d) omit from the list of voters the name of any person who is not a voter; or
- (e) note on the tax notice of the assessed voter the division in which the assessed voter is entitled to vote.

(2) The administrator shall state in the assessment notice to be sent pursuant to section 216 of *The Municipalities Act* the division in which the owner or owners are entitled to vote in an election.

(3) If assessable property is owned jointly by two or more persons, the administrator, in the assessment notice, shall state the division in which each owner of that property is entitled to vote in an election”.

Section 160.12 amended**42 Clause 160.12(2)(a) is repealed and the following substituted:**

“(a) is entitled to vote once only for reeve and once only for a councillor, notwithstanding that he or she qualifies as a voter more than once in accordance with section 160.011 for the purposes of that election”.

New sections 160.13 and 160.131**43 Section 160.13 is repealed and the following substituted:****“Election officials and polling places**

160.13(1) Before August 1 in each year, a council shall:

- (a) name one or more polling places within Saskatchewan for each division;
- (b) appoint a returning officer; and
- (c) set the remuneration to be paid to election officials acting with respect to an election.

(2) If a returning officer is unable to act, the reeve shall appoint a person to act in the place of the returning officer.

(3) A person appointed pursuant to subsection (2) has all the powers, shall perform all the duties and is subject to the same liabilities as the returning officer in whose place the person is acting.

(4) If a deputy returning officer or any person appointed pursuant to subsection 160.131(2) other than a returning officer is unable to act, the returning officer shall appoint a person to act in the place of that person.

(5) If any polling place named pursuant to clause (1)(a) becomes unavailable, the returning officer shall name another place.

“Duties of returning officer and appointment of officials

160.131(1) The returning officer is responsible for all matters relating to the election as provided in this Part.

- (2) The returning officer shall appoint in writing, in the prescribed form:
 - (a) a deputy returning officer or, if he or she considers it desirable, more than one deputy returning officer for a polling place;
 - (b) a deputy returning officer or, if he or she considers it desirable, more than one deputy returning officer for an advance poll established pursuant to section 160.49; and
 - (c) any other official the returning officer may consider necessary for the conduct of the election.
- (3) Notwithstanding subsection (2), the returning officer may act as deputy returning officer in a municipality with a population of less than 200 or in which there is only one polling place.
- (4) The returning officer or a deputy returning officer may appoint a constable to maintain order at a polling place”.

Section 160.3 amended

44 Subsection 160.3(2) is amended by striking out “voter registration forms” wherever it appears and in each case substituting “voter’s registration forms”.

New section 160.31

45 Section 160.31 is repealed and the following substituted:

“Voting compartment

160.31(1) The deputy returning officer shall cause every polling place to be furnished with a compartment in which the voters can mark their ballots screened from observation.

- (2) The deputy returning officer and other election officials at the polling place shall maintain the voting compartments in proper condition”.

New section 160.35

46 Section 160.35 is repealed and the following substituted:

“Persons entitled to be in polling place

160.35(1) Subject to section 160.42, during the hours of voting, no person is entitled or permitted to be present in the polling place other than the election officials, candidates and agents authorized to attend the polling place and the voters who are actually engaged in voting or waiting their turn to vote.

- (2) Subject to subsection (3), if a person presents to the deputy returning officer a written notice, in the prescribed form and signed by the candidate, authorizing that person to represent a candidate as his or her agent, the person named in the notice shall:
 - (a) be recognized by the deputy returning officer as an agent of the candidate; and
 - (b) on making a declaration in the prescribed form, be permitted to exercise his or her duties as an agent.
- (3) Not more than two agents of any candidate are entitled to be present at the same time in any polling place during the voting.

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- (4) Each candidate or one of his or her agents is entitled to be present during the count of the votes.
 - (5) A candidate:
 - (a) may be present at any place at which his or her agent is by this Part authorized to attend; and
 - (b) may:
 - (i) undertake the duties that his or her agent might have undertaken; or
 - (ii) assist his or her agent in the performance of any duties.
 - (6) The deputy returning officer may designate the location in a polling place from which an agent or candidate may observe the conduct of the election”.

New sections 160.37 to 160.372**47 Section 160.37 is repealed and the following substituted:****“Voting if no voters’ list**

160.37(1) If a voters’ list has not been prepared, a person who wishes to vote shall:

- (a) complete, or cause to be completed, a voter’s registration form obtained from the election official at the polling place; and
 - (b) deliver the completed form to the deputy returning officer.
- (2) The deputy returning officer shall cause the name of a person who completes the voter’s registration form to be recorded in the poll book.
 - (3) All entries in the poll book are to be numbered in consecutive order.

“Voting if voters’ list

160.371(1) If a voters’ list has been prepared and the name of a person wishing to vote:

- (a) appears on the voters’ list, the deputy returning officer shall cause to be recorded in the poll book the name and residence of the person;
 - (b) does not appear on the voters’ list, the deputy returning officer shall require the person to complete a voter’s registration form and deliver it to the deputy returning officer.
- (2) If a completed voter’s registration form is delivered to a deputy returning officer pursuant to clause (1)(b), the deputy returning officer shall cause to be recorded in the poll book the information specified in clause (1)(a).
 - (3) Every person whose name is on the list is entitled to vote without making a voter’s declaration unless the person is required to make a voter’s declaration pursuant to section 160.372 or 160.381.

“When voter’s declaration can be demanded

160.372 The deputy returning officer shall require an individual who appears at the polling place to make a voter’s declaration if the deputy returning officer has reasonable grounds to believe that the individual:

- (a) is not entitled to vote;
- (b) is tendering his or her vote under a false name or designation;
- (c) is impersonating or falsely representing himself or herself as being on the voters’ list;
- (d) has already voted; or
- (e) has participated in or committed any corrupt practice”.

Section 160.39 amended

48 Section 160.39 is amended by striking out “voter registration form” and substituting “voter’s registration form”.

New section 160.4

49 Section 160.4 is repealed and the following substituted:

“Provision of ballot to voter

160.4(1) If a voters’ list has been prepared, the deputy returning officer shall give a ballot paper to every individual whose name:

- (a) is on the voters’ list and who is not required to make a voter’s declaration;
- (b) is on the voters’ list and who, if required to make a voter’s declaration, has made the voter’s declaration;
- (c) has been struck off the voters’ list and who has made a voter’s declaration;
- (d) is not on the voters’ list and who has made the voter’s declaration.

(2) If a voters’ list has not been prepared, the deputy returning officer shall give a ballot paper to every individual who completes a voter’s registration form.

(3) Before giving a ballot paper to a voter, the deputy returning officer shall ensure that his or her initials are placed in the box on the reverse side of the ballot paper”.

Section 160.54 amended

50(1) Subsection 160.54(1) is amended by striking out “voter registration form” and substituting “voter’s registration form”.

(2) Subsection 160.54(2) is amended by striking out “voter registration forms” and substituting “voter’s registration forms”.

New section 160.541**51 The following section is added after section 160.54:****“If voters’ list used**

160.541(1) If a voters’ list is used in an election and the returning officer has received the advance poll list from the deputy returning officer in accordance with section 160.551, the returning officer shall make an entry in the voters’ list opposite the name of each voter whose name appears on the advance poll list and whose vote has been received at an advance poll, showing that the voter has voted.

(2) Before opening the poll on election day, the deputy returning officer of the polling place shall make an entry in the voters’ list supplied to him or her opposite the name of each voter whose name appears on the list as provided to him or her by the returning officer showing that the voter has voted”.

Section 160.55 amended**52 Clause 160.55(1)(a) is amended by striking out “voter registration forms” and substituting “voter’s registration forms”.****New section 160.551****53 The following section is added after section 160.55:****“Close of advance poll**

160.551(1) At the close of the advance poll on the last day it is held, the deputy returning officer shall:

- (a) proceed in accordance with section 160.55;
- (b) prepare and deliver to the returning officer an advance poll list in the prescribed form; and
- (c) attend at the place designated by the returning officer on the close of the polls on election day.

(2) The returning officer shall ensure that a copy of the list marked in accordance with subsection 160.541(1) is provided to each deputy returning officer with respect to the election for which the advance poll was held”.

New section 160.65**54 Section 160.65 is repealed and the following substituted:****“Packets for ballots**

160.65(1) In the presence of the candidates or their agents, the deputy returning officer shall make separate packets for each division and the reeve with respect to:

- (a) the original of the statement of results;
- (b) all of the counted ballots to which no objection has been made;
- (c) all of the counted ballots to which objection has been made;
- (d) all of the rejected ballots;
- (e) all of the spoiled and declined ballots; and
- (f) all of the unused ballots.

- (2) The deputy returning officer shall:
 - (a) mark each packet clearly to:
 - (i) identify its contents;
 - (ii) indicate the date of the vote; and
 - (iii) indicate the name of the deputy returning officer; and
 - (b) seal each packet”.

Section 160.66 amended

55 Clause 160.66(a) is amended by striking out “voter registration forms” and substituting “voter’s registration forms”.

Section 160.68 amended

56 Clause 160.68(2)(b) is repealed and the following substituted:

“(b) post in the municipal office a statement of results in the prescribed form signed by him or her, showing the number of votes for each candidate”.

New sections 160.681 and 160.69

57 Sections 160.681 and 160.69 are repealed and the following substituted:

“Notice to minister

160.681 As soon as is practicable after the counting of the votes, the administrator of a rural municipality shall give written notice to the minister in a form satisfactory to the minister of:

- (a) the name and address of each person who has been elected as a member in an election pursuant to this Part; and
- (b) any other information that the minister may require.

“Procedure if equality of votes

160.69(1) If, on the addition of the votes, two or more candidates for any vacant office have an equal number of votes, the returning officer shall:

- (a) write the names of those 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 to withdraw one of the sheets.

(2) The candidate whose name is on the sheet withdrawn pursuant to subsection (1) shall be declared elected.

(3) Subsections (1) and (2) apply with any necessary modification in the case where there is more than one office to be filled”.

New sections 160.861 to 160.863**58 Section 160.861 is repealed and the following substituted:****“Canvassing at polling place prohibited**

160.861 No candidate, no agent of any candidate nor any other person shall:

- (a) canvass or solicit votes in the polling place or within 100 metres of the building where the poll is held; or
- (b) make any communication to a person intending to vote otherwise than through the returning officer or deputy returning officer.

“Specimen ballot prohibited

160.862 No person shall display, distribute or post in the polling place or within 100 metres of the building in which the poll is held a specimen ballot for a person whose name is on the ballot for election, or any other material purporting to explain how to vote, or leave any of the preceding materials in a voting compartment, except as provided by this Act.

“Penalties

160.863 Every person who contravenes section 160.861, 160.862, 160.867 or 160.88 is guilty of an offence and liable on summary conviction to a fine of not more than \$500, to imprisonment for a term of not more than six months or to both that fine and imprisonment”.

New section 160.881**59 The following section is added after section 160.88:****“Powers of minister in relation to certain elections**

160.881(1) An order made by the minister pursuant to subsection 402(6) of *The Municipalities Act*:

- (a) may include any provisions the minister considers appropriate to achieve the purposes of this Act; and
- (b) notwithstanding subsection 402(7) of *The Municipalities Act*, may include an order providing an exception to this Act or a bylaw or regulation made pursuant to this Act.

(2) Without limiting subsection (1), the minister may make an order extending a period or establishing a new date in place of a date set by or pursuant to this Act and giving any other directions the minister considers appropriate in relation to this Act”.

New section 160.951**60 The following section is added after section 160.95:****“Tie vote**

160.951 In the case of an equality of votes, the matter is deemed to be resolved in favour of the situation as it exists at the time the vote is taken”.

Coming into force

61(1) Subject to subsection (2), this Act comes into force on assent.

(2) Clause 3(m), section 13, clause 14(a), and sections 16, 18, 28, 29, 30 and 31 of this Act come into force on July 1, 2009.

SECOND SESSION

Twenty-sixth Legislature

SASKATCHEWAN

B I L L

No. 61

An Act to amend *The Local Government
Election Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Bill Hutchinson
