

# **Mail-in Ballot Bylaw**

## **VILLAGE OF ELBOW**

### **BYLAW NO 12-05**

#### **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*;
  - b) “Administrator” shall mean the administrator of the municipality;
  - c) “Municipality” shall mean the Village of Elbow;
  - d) “Regulations” means *The Local Government Election Regulations, 2006*;
  - e) “returning officer” means the administrator for the Village of Elbow or a person appointed by the Council of the Village of Elbow pursuant to Section 28 of *The Local Government Election Act*;
  - f) “voter’s registration form” means the Voter’s Registration Form and Poll Book, Form Y, Appendix A of the Regulations, modified as provided for within this bylaw;

#### **APPLICATION PROCESS**

3. An application package will consist of:
  - a) a voter’s registration form; and
  - b) the Declaration of Person Requesting Mail-in Ballot, Form C, Appendix C of the Regulations.
4. The voter’s registration form is modified to include areas to record the following information:
  - a) in the voter registration portion, the address to which a mail-in ballot is to be mailed, if different than the regular address of the elector; and
  - b) in the poll book area:
    - a) the date when the application for a mail-in ballot is accepted;
    - b) the date when a ballot kit is provided to the elector;
    - c) the date when ballot(s) are received by the returning officer; and
  - c) any other modifications consistent with Section 126 of the Act deemed necessary or desirable by the returning officer.
5. An elector who desires to vote by mail shall apply in person to the office of the Village of Elbow no later than thirty (30) days before Election Day.
6. The following persons are authorized to act pursuant to Section 67.6(1)(b) of the Regulations for the purpose of establishing the identity and residence of a person requesting a mail-in ballot:
  - a) the returning officer; and
  - b) any person appointed by the returning officer pursuant to Clauses 29(2)9a) to (e) of the Act.
7. Upon acceptance of the elector’s application for a mail-in ballot, the returning officer shall affix:
  - a) his or her signature to the voter’s declaration form; and
  - b) note the date of approval in the appropriate area of the poll book.

## **PROVIDING BALLOT TO ELECTORS**

8. Notwithstanding Section 19 of the Regulations, the returning officer may authorize the use of blank ballots if, in his opinion, the expected delivery date of printed ballots will adversely affect the ability of electors to vote by mail.
9. The blank ballot form pursuant to Section 8 of this bylaw is set out in Schedule "C", appended hereto and forming a part of this bylaw.
10. All ballots issued to persons voting by mail shall be identical.
11. A ballot kit shall consist of:
  - a) the ballots to which the elector is entitled;
  - b) a ballot security envelope, bearing the information described in Schedule "A", appended hereto and forming a part of this bylaw;
  - c) a voter confirmation envelope, bearing the information described in Schedule "B", appended hereto and forming a part of this bylaw;
  - d) an outer envelope, addressed to the returning officer, bearing the words "Mail-in Ballot" on its face;
  - e) appropriate directions to electors; and
  - f) a list of candidates who are seeking election if a blank ballot is used.
12. The returning officer shall:
  - a) ensure the outer envelope is addressed to the returning officer at the correct postal address; and
  - b) on the voter confirmation envelope:
    - i. print the name of the elector;
    - ii. identify the ballots provided to the elector;
  - c) on a ballot for the office of councillor, indicate the maximum number of candidates for whom an elector can vote in figures and in words if a blank ballot is used;
  - d) place his or her initials in the box on the reverse side of the ballot or ballots provided to the elector.
13. The returning officer shall provide a ballot kit in person or by regular mail to an elector described in Section 7 of this bylaw.
  - a) A ballot kit will not be provided until 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 an elector:
    - i. those required pursuant to Section 74 of the Act; and
    - ii. the date on which the ballot kit was provided to the elector.
  - c) After the returning officer provides a ballot kit to the elector, the elector is deemed to have voted and is not entitled to vote at any other poll.

## **RECEIVING BALLOTS FROM VOTERS**

14. 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; and
  - d) seal the voter confirmation envelope and insert it into the outer envelope;
15. Voters may return ballots in their original form to the returning officer by regular mail, registered mail, courier, in person, or by any other means.

16. 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.
17. 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.
18. 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 107 and 112 of the Act.
19. 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.
20. 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 19 of this bylaw:
  - a) the ballot box containing all ballots received by mail;
  - b) the application kits from all electors 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**

21. 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.
22. 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.
23. 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 Clauses 76(1)(b), (c), and (d) of the Act.

#### **COUNTING BALLOTS**

24. Mail-in ballots will be counted after the close of polls on Election Day.
25. Where the returning officer is of the opinion that the number of electors who voted by mail are small and as a result it may be possible to determine for which candidate any of the electors 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.
26. The deputy returning officer shall open the mail-in ballot box in the presence of persons authorized to be in the polling place pursuant to Subsection 98(1) of the Act.
27. The deputy returning officer 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 elector's certification on the voter confirmation envelope.
  - a) The deputy returning officer may reject a voter confirmation envelope if the signature of the elector is missing.

- b) 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.
  - c) If the ballot security envelope:
    - i. contains any tears or unauthorized markings, the deputy returning officer shall reject the ballot security envelope; or
    - ii. is accepted by the deputy returning officer, he or she shall deposit the ballot security envelope into a container or another ballot box.
  - d) After all ballot security envelopes have been dealt with pursuant to clause (c), the deputy returning officer shall then extract the ballots from the ballot security envelopes and proceed to count the ballots in accordance with Sections 99 to 102 of the Act.
28. The deputy returning officer shall deem spoiled those ballots which were sent to electors by the returning officer and subsequently were not returned to the returning officer prior to the close of polls on Election Day and shall, pursuant to Subsection 83(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 27 of this bylaw are placed in packets in the same manner as other ballots pursuant to Section 106 of the Act.
30. The deputy returning officer will place the packets described in Section 30 of this bylaw along with the poll book and any other forms used in conjunction with voting by mail.
31. Ballots and other forms used in conjunction with voting by mail shall be retained with other election materials pursuant to Section 112 of the Act.
32. Upon receipt of a ballot described in Section 18 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 112 of the Act, unless said ballot can be deposited in the ballot box without unsealing the ballot box.

[SEAL]

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Mayor

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Administrator

Subsection 60(7) *The Local Government Election Act*

Read a third time and adopted  
this 9<sup>th</sup> day of July, 2012

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Administrator

**SCHEDULE "A"**  
**BALLOT SECURITY ENVELOPE**

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

<p><b>BALLOT(S) ONLY.</b> The ballot(s) contained within this envelope will be rejected if this envelope:</p> <ul style="list-style-type: none"><li>• is torn;</li><li>• bears any unauthorized markings; or</li><li>• contains materials other than ballots.</li></ul>
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**SCHEDULE "B"**  
**VOTER CONFIRMATION ENVELOPE**

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

<p><b>Office use only:</b></p> <p>Name of Voter _____</p> <p>Ballot(s) included:</p> <p><input type="checkbox"/> Office of Mayor</p> <p><input type="checkbox"/> Office of Councillor</p> <p><input type="checkbox"/> Office of Member, Sunwest School Division</p> <p><input type="checkbox"/> Bylaw</p> <p><input type="checkbox"/> Question</p>
<p><b>To be completed by the voter:</b></p> <p><b>Insert sealed ballot envelope in this envelope, seal and complete the following certificate.</b></p> <p>I certify that I am entitled to vote in this election pursuant to <i>The Local Government Election Act</i> and that enclosed in this envelope is a ballot envelope that contains the ballot(s) received by me and marked by me.</p> <p>Dated this ___ day of _____, 20___</p> <p>_____ Signature of voter</p>

**SCHEDULE “C”  
BLANK BALLOT [TEMPLATE]**

Face of Ballot, Office of Mayor

Blank Ballot – for the Office of MAYOR Village of Elbow
<b>INSTRUCTIONS TO VOTE</b> 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 Village of Elbow
<b>INSTRUCTIONS TO VOTE</b> Vote by writing in the space above the name of the <b>candidates of your choice</b> <b>Maximum – four (4) candidates</b>

Back of ballot

	R.O. Initials
Village of Elbow 201 Saskatchewan Street Elbow, SK	