

Mail-in Ballot Bylaw

Sample Template - May 2020

Disclaimer – This sample template is intended to be used as a guide by municipalities to develop a bylaw. The content must be modified and formatted to suit the needs of the municipality.

FULL NAME OF MUNICIPALITY

BYLAW NO _____

A BYLAW TO ESTABLISH A MAIL-IN BALLOT VOTING SYSTEM

The council of the _____ of _____ 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 [full name of municipality];
 - d) Regulations means *The Local Government Election Regulations, 2015*;
 - e) Returning Officer means
 - i. the administrator for the [full name of municipality];
 - ii. a person appointed by the council of the [full name of municipality] 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 ([Schedule A can be modified in compliance with section 26 of The Legislation Act](#)) 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. Schedule A and Schedule B may be witnessed by either:
 - a) the returning officer;
 - b) the deputy returning officer;
 - c) the enumerator;
 - d) any other person authorized to sign oaths; or
 - e) any other person.

[\(Council should be specific for who can witness the forms due to the option of electronic or mail application. Examples of who maybe authorized are: Commissioner of Oaths, Notary Public, lawyer or postmaster.\)](#)

5. A voter who desires to vote by mail shall apply via _____ (for example in person, electronically, by mail or other means based on council's decision.) no later than ____ days before election day. (The deadline before election day should strike a balance between maximizing a voter's opportunity to vote in this manner while ensuring there is sufficient time to reasonably expect return of the ballot.)
6. Upon receiving the voter's application, Schedule A and Schedule B, for a mail-in ballot, the deputy returning officer shall note the date of approval in the appropriate area of Schedule A.

Providing Ballot To Voters

7. Notwithstanding section 41 of the Regulations, the returning officer 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. (Printed ballots which are identical to those used on election day should be used if possible.)
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. (Two formats are proposed in Schedule "E". The first is a generic ballot which requires voters to insert the names of selected candidates. The second format could be used by a municipality which has the ability to use in-house technology to create a mail-in ballot. If the second format is selected, the municipality may consider using the term "special ballot" rather than "blank ballot" in 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;
 - f) appropriate directions to voters; and
 - g) a list of candidates who are seeking election if a blank ballot is used. (This item will not be needed if the special ballot is printed in-house, or a ballot identical to those used on election day is used.)
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;
 - ii. identify the ____ (division/ward or delete if not applicable) in which the voter is entitled to vote; and
 - iii. identify the ballots provided to the voter;

- c) on a ballot for the office of councillor, indicate the maximum number of candidates for whom a voter can vote in figures and in words if a blank ballot is used; (This clause is not required if the municipality prints special ballots.)
 - d) on a ballot for the office of councillor, indicate the division/ward number in which the voter is entitled to vote; and
 - e) 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 Schedule A and 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 is deemed to have voted and is not entitled to vote at any other 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. (If the municipality is divided into wards, the returning officer may consider it desirable to provide at least one ballot box for each ward. Election officials were required to place the ward number on the voter confirmation envelope. Rural municipalities may consider it desirable to have at least one ballot box for each polling place.)
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. (If the municipality is divided into wards, the returning officer may consider designating at least one deputy returning officer in each ward. In a rural municipality, the returning officer may consider designating at least one deputy returning officer in each polling place. A polling place may accommodate multiple divisions.)
 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. (There is a possibility a ballot may be received by the returning officer after the ballot box has been delivered to the deputy returning officer, and before the close of polls on election day.)

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. (The bylaw may include additional periods during which candidates or agents may inspect the application package.)
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. (Similar to the authority provided in section 32 of the Act. While those in attendance at the ballot count may draw conclusions as to the vote cast by mail-in voters, this may not be clearly evidenced by entries on the deputy returning officer statement of results.)
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 27 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 17 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.

Mayor/Reeve

Administrator

Read a third time and adopted
this ____ day of _____

Administrator

SAMPLE

SCHEDULE A

Appendix C

FORM R

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

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

Name: _____
(Print)

Mailing Address: _____
(Print)

Election held in: (complete as applicable)

_____ of _____
(Municipality)

Division/Ward No. _____ (If applicable)

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 _____ of _____; **or**
(Municipality)

- 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.

Municipal Voters - Rural Municipalities Only

4) On the day of the election, I: (place an "X" in one of the following boxes)

- 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 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.

Municipal Voters - Resort Villages Only

- 4) On the day of the election, I: *(place an "X" in one of the following boxes)*
- a) have resided for at least three consecutive months immediately preceding the day of the election in or on land now in the Resort Village of _____;
 - b) have been the assessed person with respect to property for at least three consecutive months immediately preceding the day of the election or on land now in the Resort Village of _____;
 - c) am the spouse of a person described in clause (a) or (b).

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 Person Authorized by Bylaw for the Purposes of a Mail-in Ballot) *(Voter)*

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 _____.
- 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 / Reeve
- Office of Councillor [Ward / Division ____]
- 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
Blank Ballot [Template]¹

Face of Ballot, Office of Mayor / Reeve

Blank Ballot – for the Office of MAYOR / REEVE [Full name of Municipality]
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>
INSTRUCTIONS TO VOTE Vote by writing in the space above the name of the candidate of your choice

Face of Ballot, Office of Mayor / Reeve²

Special Ballot – for the Office of MAYOR / REEVE [Full name of Municipality]		
CANDIDATE “A”	<input type="checkbox"/>	
CANDIDATE “B”	<input type="checkbox"/>	
CANDIDATE “C”	<input type="checkbox"/>	
INSTRUCTIONS TO VOTE Vote by marking an “X” in the square to the right of the candidate of your choice Maximum – 1 (ONE) candidate		

¹ Do not use both formats in the bylaw – decide if the blank ballots will be printed in-house, or if the printing will be outsourced.

² This format could be used by a municipality that chooses to print special ballots in-house.

Face of Ballot, Office of Councillor³

Blank Ballot – for the Office of COUNCILLOR
Division []⁴
[Full name of Municipality]

INSTRUCTIONS TO VOTE
Vote by writing in the space above the name of the
candidates of your choice⁵
Maximum – [] candidates

Face of Ballot, Office of Councillor⁶

Special Ballot – for the Office of COUNCILLOR
Division []⁷
[Full name of Municipality]

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 choice⁸
Maximum – # [NUMBER] candidates

³ Make sure ballots are big enough to accommodate writing in names of candidates.

⁴ Urban municipalities should delete this line.

⁵ In a rural municipality, change “candidates” to “candidate”.

⁶ This format could be used by a municipality that chooses to print special ballots in-house.

⁷ Urban municipalities should delete this line.

⁸ In a rural municipality, change “candidates” to “candidate”.

Back of Ballot⁹

	R.O. Initials
Printer's Name and Address ¹⁰	

SAMPLE

⁹ Use this on the back of each type of ballot – mayor, reeve, or councillor.

¹⁰ Municipality's name and address would go here if the municipality printed the ballots.