



Bylaw No. 2012-42

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

Office Consolidation

THE MAIL-IN BALLOT BYLAW

Bylaw No. 2012-42

Including Amendments to July 29, 2020

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- a) the original bylaw and of all bylaws amending it; and**
- b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS

DATE PASSED

Bylaw No. 2016-20

March 29, 2016

Bylaw No. 2016-28

April 25, 2016

Bylaw No. 2020-52

July 29, 2020

BYLAW NO. 2012-42

THE MAIL-IN BALLOT BYLAW, 2012

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

1 The purpose of this Bylaw is to establish a mail-in ballot voting system for the purposes of receiving ballots in a City of Regina municipal election.

Statutory authority

2 The statutory authority for this Bylaw is:

(a) section 29(1)(b) and section 92 of *The Local Government Election Act, 2015*;

(b) section 18 of *The Local Government Election Regulations, 2015*; and

(c) clause 8(1)(a) of *The Cities Act*.

(#2016-20, s. 48, 49 and 59, 2016)

Definitions

3(1) In this Bylaw:

(a) **“Act”** means *The Local Government Election Act, 2015*;

(b) **“City”** means the municipal corporation of the City of Regina;

(c) **“Declaration of Person Requesting Mail-in Ballot”** means the declaration in Form C, Appendix A of the Regulations;

(d) **“deputy returning officer”** means a deputy returning officer appointed pursuant to section 48 of the Act;

(e) Repealed (#2016-20, s. 62, 2016)

(f) **“election official”** includes a returning officer, deputy returning officer, poll clerk, and any other supervisory officers and assistants appointed pursuant to section 48 of the Act;

(g) **“municipal election”** includes:

(i) an election held to fill a vacancy in the office of any member of council;

Approved as to form this _____ day of _____, 20____.

City Solicitor

- (ii) an election of members of council;
- (iii) a vote of voters, for approval of a bylaw or resolution, or to obtain their opinion on any question or resolution submitted to them, pursuant to *The Cities Act*;
- (h) **“personal care facility”** means a facility designated pursuant to The Provincial Health Authority Act that has five or more patient or resident beds and includes any free-standing facility that is a mental health centre within the meaning of The Mental Health Services Act and that:
 - (a) serves persons who are patients pursuant to that Act; and
 - (b) has five or more patient beds;”
- (i) **“Regulations”** means *The Local Government Election Regulations, 2015*;
- (j) **“returning officer”** means a person specified or appointed as a returning officer pursuant to section 47 of the Act and includes an associate returning officer who has been delegated any duty or power imposed or conferred on returning officers pursuant to the Act;
- (k) **“special poll”** means a polling place in a hospital, personal care facility or similar institution situated within the municipality or school division at which a voter of the municipality or school division, who is receiving care in that institution, may vote in an election;
- (k.1) **“voter”** means a voter as defined in the Act;
- (l) **“Voter’s Registration Form”** means Form R, Appendix C of the Regulations as modified in accordance with this Bylaw;
(#2020-52, s.4, 2020)
- (2) Where no definition is provided for in this Bylaw, the words shall be given their ordinary meaning, except as they may be defined in the Act, the Regulations or *The Cities Act*.
(#2016-20, s. 48, 49, 50, 52, 61, 62, 63, 64, 65, 66, 67 and 68, 2016)

Eligibility to use mail-in ballot system

- 4(1) The mail-in ballot voting system set out in this Bylaw may only be used by voters in a municipal election who meet one of the following conditions:
 - (a) voters who are unable to attend an established polling place during the advance poll or on election day; or”

- (b) voters who are unable to attend an established polling place because they are receiving care in a hospital, personal care facility or similar institution.
- (2) The returning officer or other designated election official shall determine a person's eligibility to use a mail-in ballot based on the voter's submission of the documents and proof of identify as set out in section 5 of this Bylaw.
 (#2016-20, ss. 52 and 54, 2016) (#2020-52, ss. 5-6, 2020)

Application process for mail-in ballot

- 5(1) Every voter who meets the eligibility requirements set out in subsection 4(1) and wishes to apply for a mail-in ballot shall apply to the returning officer or other designated election official at a location designated by the returning officer by:
- (a) submitting a Voter's Registration Form and Declaration of Person Requesting Mail-in Ballot Form; and
 - (b) providing proof of the voter's identity in accordance with this section.
- (2) Where the following conditions are met, the returning officer or other designated election official may attend at a voter's residence or at a hospital, personal care facility or similar institution in order to accept the documents required pursuant to subsection (1) and to check the proof of identity in accordance with subsection (1):
- (a) the voter makes such a request; and
 - (b) the voter is not able to apply in person because of a physical disability, limited mobility, illness, a compromised immune system or has increased risk factors that could lead to becoming severely ill if exposed to a communicable disease.
- (3) Subject to subsection (5), an application pursuant to subsection (1) or (2) is required to be made in person, either with the applicant voter attending a location designated by the returning officer to fill out the forms and provide proof of identity, or the returning officer or designated election official attending at the applicant voter's residence in accordance with subsection (2) to accept the forms and review the proof of identity.
- (4) Where a voter applies for a mail-in ballot in person or an election official attends at a voter's residence or at a hospital, personal care home or similar institution pursuant to subsection (2) to accept the documents in subsection (1), the following conditions must be met:

- (a) the returning officer or any other designated election official is required to witness the signature of the voter on the Voter's Registration Form and Declaration of Person Requesting Mail-in Ballot Form; and
 - (b) a voter is required to provide proof of the voter's identity by providing the documents or information set out in section 110 of the Act and the Regulations.
- (5) Notwithstanding subsection (3), a voter may apply for a mail-in ballot by mail, fax or other means of electronic transmission if all of the following conditions are met:
- (a) the applicant voter submits a Voter's Registration Form and Declaration of Person Requesting Mail-in Ballot Form which includes the applicant voter's signature on both documents;
 - (b) the applicant voter's signature on the Voter's Registration Form and Declaration of Person Requesting Mail-in Ballot Form is witnessed by one of the following prescribed persons:
 - (i) an eligible voter as defined in the Act and Regulations who is related to the applicant voter in one of the ways set out in Table 2 of Appendix D of the Regulations and who has known the applicant voter for two years or more;
 - (ii) an eligible voter as defined in the Act and Regulations who lives at the same address as the applicant voter and who has known the applicant voter for two years or more;
 - (iii) a person who is 18 years of age or older who is registered or licensed to practice with the applicable governing body in one of the following professions:
 - (A) judge;
 - (B) dentist;
 - (C) pharmacist;
 - (D) veterinarian;
 - (E) police officer;
 - (F) notary public;

- (G) lawyer/notary;
- (H) medical doctor;
- (I) dean/head of university or college;
- (J) signing officer of a:
 - (I) bank or trust company; or
 - (II) financial institution that offers a full range of banking services (cash withdrawals, deposits and savings);
- (iv) a Saskatchewan Health Authority employee who is 18 years of age or older and works in the hospital, rehabilitation centre, senior assisted living facility, long-term care facility, or care home governed by or affiliated with the Saskatchewan Health Authority where the voter resides;
- (c) the person who witnesses the applicant voter's signature on the Voter's Registration Form and Declaration of Person Requesting Mail-in Ballot Form reviews the following forms of the applicant voter's identification and confirms that they are satisfied that the voter's identity has been established:
 - (i) one piece of identification issued by the Government of Canada, the Government of Saskatchewan, a municipality or a government agency that contains a photograph of the applicant voter, the applicant voter's name and address and the applicant voter's signature; or
 - (ii) one piece of identification issued by the Government of Canada, the Government of Saskatchewan, a municipality or a government agency that contains a photograph of the applicant voter and the applicant voter's name and signature and a second piece of identification prescribed in the Regulations that contains the applicant voter's name and address;
- (d) the applicant voter provides the deputy returning officer or other designated election official copies of the following forms of identification:

- (i) one piece of identification issued by the Government of Canada, the Government of Saskatchewan, a municipality or a government agency that contains a photograph of the applicant voter, the applicant voter's name and address and the applicant voter's signature; or
 - (ii) one piece of identification issued by the Government of Canada, the Government of Saskatchewan, a municipality or a government agency that contains a photograph of the applicant voter and the applicant voter's name and signature and a second piece of identification prescribed in the Regulations that contains the applicant voter's name and address;
- (6) Where an applicant voter applies for a mail-in ballot by mail, fax or other means of electronic transmission and does not meet one or more of the following requirements to the satisfaction of the deputy returning officer or other designated election official reviewing the application, the voter will be required to apply in person for a mail-in ballot in accordance with subsections (3) and (4):
 - (a) the Voter's Registration Form or Declaration of Person Requesting Mail-in Ballot Form is not signed or witnessed in accordance with this section;
 - (b) the Voter's Registration Form or Declaration of Person Requesting Mail-in Ballot Form is incomplete or is not legible;
 - (c) the copies of the identification do not comply with the identification requirements in clause (d), or the copies are not provided or are not provided in a clear or legible form;
 - (d) the signature on the identification does not match the voter's signature on the Voter's Registration Form or Declaration of Person Requesting Mail-in Ballot Form.
- (7) Notwithstanding subsection (5), no candidate or candidate's agent shall witness the applicant voter's signature on the Voter's Registration Form or Declaration of Person Requesting Mail-in Ballot Form."

Declaration of Person Requesting Mail-in Ballot Form

- 7.1 The Declaration of Person Requesting Mail-in Ballot Form is modified to include areas to record the following information:

- (a) the printed name, address, telephone number and e-mail address (if the witness has an e-mail address) of the person who witnessed the voter's signature on the Declaration of Person Requesting Mail-in Ballot Form;
- (b) where the witness is a witness outlined in clauses 5(b)(i) or (ii) an oath or affirmation from the witness stating that the witness is an eligible voter as defined in the Act and Regulations and has reviewed the identification of the applicant voter and is satisfied that their identity has been established and believes that the matters sworn or affirmed are true in substance and in fact;
- (c) where the witness is a witness outlined in clauses 5(b)(iii) or (iv) an oath or affirmation from the witness stating that the witness is 18 years of age or older and has reviewed the identification of the applicant voter and is satisfied that their identity has been established and believes that the matters sworn or affirmed are true in substance and in fact."

(#2016-20, ss. 51, 53, 54, 57, 69 and 70, 2016, #2016-28, ss. 2(a) and 2(b), 2016) (#2020-52, ss.5-8, 2020)

Witness

8 Repealed
 (#2016-20, s. 50, 2016) (#2020-52, s.9, 2020)

Approval of mail-in ballot

9 Where the returning officer or other designated election official reviews the application and documents submitted pursuant to section 5 and approves of the voter's request to vote by mail, the returning officer or election official shall:

- (a) affix his or her signature to the Declaration of Person Requesting Mail-in Ballot, where the voter applies in person; and
- (b) note the date of approval in the appropriate area of the Voter's Registration Form which is used as the poll book.

(#2016-20, s. 54, 2016) (#2020-52, s.10, 2020)

Provision of ballot kit to elector

10 Where a voter's request to vote by way of mail-in ballot has been approved, the returning officer or other designated election official shall provide the voter with a ballot kit by regular mail, registered mail, courier, in person or by any other means and the ballot kit shall consist of the following:

- (a) the ballots to which the voter is entitled;
- (b) a ballot security envelope, bearing the information set out in Schedule "A" to this Bylaw;
- (c) a voter confirmation envelope, bearing the information set out in Schedule "B" to this Bylaw;
- (d) an outer envelope, addressed to the returning officer, bearing the words "Mail-in Ballot" on its face; and
- (e) the instructions for the voter to follow.

(#2016-20, ss. 51 and 53, 2016)

Ballot kits

11 The returning officer or other designated election official shall do the following with respect to the ballots and envelopes in the ballot kit:

- (a) ensure that all ballots issued to a voter voting by mail are identical to the ballots used at the polling stations;
- (b) ensure the outer envelope is addressed to the returning officer at the correct postal address;
- (c) on the voter confirmation envelope:
 - (i) print the name of the voter;
 - (ii) print the ward number; and
 - (iii) identify the ballots provided to the voter;
- (d) place his or her initials in the box on the reverse side of the ballot or ballots provided to the voter.

(#2016-20, ss. 50 and 51, 2016)

Notice of poll

12 The returning officer or other designated election official shall not provide a ballot kit to a voter who is authorized to vote by mail until after the notice of poll is issued. (#2016-20, s. 50, 2016)

Poll book

13 Where a ballot kit has been provided or sent to a voter who is authorized to vote by mail the returning officer or other designated election official shall make the following entries to the Voter's Registration Form which is used as the poll book:

- (a) all entries required pursuant to section 107 of the Act;
- (b) the date on which the ballot kit was provided or sent to the voter; and
- (c) an indication of which of the following methods was used to provide the ballot kit to the voter:
 - (i) regular mail;
 - (ii) registered mail;
 - (iii) courier;
 - (iv) in person; or
 - (v) other means.

(#2016-20, ss. 50, 51 and 74, 2016)

Not eligible to vote at any poll once ballot kit provided

14 Where the returning officer or other designated election official provides a ballot kit to a voter, the voter is deemed to have voted and is not entitled to vote at any other poll.

(#2016-20, ss. 50 and 51, 2016)

Instructions for mail-in ballots

15 Where a voter is authorized to use a mail-in ballot, he or she is required to do the following with respect to the ballots and envelopes in the ballot kit:

- (a) insert all 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) follow any additional instructions provided by the returning officer.

(#2016-20, s. 50, 2016)

Return of ballots

16 A voter who is authorized to use a mail-in ballot may return his or her ballots in accordance with the instructions set out in this Bylaw to the returning officer by regular mail, registered mail, courier, in person or by any other means.

(#2016-20, s. 50, 2016)

Review of returned voter confirmation envelopes

17 Upon receipt of the outer envelope containing a voter confirmation envelope which contains a ballot security envelope in which the ballot has been placed, the returning officer or other designated election official shall:

(a) open the outer envelope and ensure the voter confirmation envelope is signed by the voter;

(b) record on the Voter's Registration Form, which is used as the poll book, the date on which the envelope was received; and

(c) deposit the confirmation envelope in the ballot box provided for in section 18.

(#2016-20, s. 51, 2016)

Ballot box for confirmation envelopes

18 The returning officer or other designated election official shall ensure there is a secure ballot box that complies with section 95 of the Act which shall be used to contain and store all the voter confirmation envelopes received until the voter confirmation envelopes and security envelopes are examined and dealt with in accordance with section 23 of this Bylaw.

(#2016-20, s. 75, 2016)

Inclusion with ballots at advance poll

19(1) Subject to subsection (4), the deputy returning officer or other designated election official shall set aside voting machines at the Elections Regina Office that will exclusively be used to count mail-in ballots.

(2) Where 100 or more mail-in ballots are received prior to the advance poll dates, the deputy returning officer or other designated election official may insert these mail-in ballots into voting machines set up for the mail-in ballots the next business day after the close of the

advance poll dates in accordance with the provisions of this Bylaw and Bylaw 10197, being The Automated Vote Counting Bylaw.

(3) Where mail-in ballots have been dealt with at the advance poll dates in accordance with subsection (2), any ballots received after the advance poll dates shall be included with and counted at the Elections Regina Office through the voting machines used for mail-in ballots that were used in subsection (2).

(4) Where less than 100 mail-in ballots are received in total, the mail-in ballots shall be included with and counted with the special poll ballots.
(#2020-52, s.11, 2020)

Materials required on advance poll day or election day

20 On election day or the advance poll dates in the case of mail-in ballots dealt with in accordance with subsection 19(2), the following materials are required to be provided to the deputy returning officer or other designated election official at the polling station where the mail-in ballots will be inserted into the voting machines:

(a) any voter confirmation envelopes that have been returned but have not yet been placed in the ballot box provided for in section 18;

(b) the ballot box provided for in section 18 which contains the voter confirmation envelopes; and

(c) the Voter's Registration Form and Declaration of Person Requesting Mail-in Ballot for each voter who was approved to vote by mail.

(#2016-20, s. 55, 2016) (#2020-52, s.12, 2020)

Examination by candidate or agent

21 On election day or the advance poll dates in the case of mail-in ballots dealt with in accordance with subsection 19(2), any candidate or candidate's agent may examine the Voter's Registration Form and Declaration of Person Requesting Mail-in Ballot for each voter who was approved to vote by mail.

(#2016-20, s. 55, 2016) (#2020-52, s.13, 2020)

Objection to entitlement to vote

22(1) Any candidate or a candidate's agent retains the right to object to a person's entitlement to vote.

(2) In accordance with section 112 of the Act, where a candidate or a candidate's agent objects to a person's entitlement to vote, the deputy returning officer or other designated election official shall make the necessary entries on the voter's Voter Registration Form which is used as the poll book.

- (3) A candidate or a candidate's agent may request pursuant to clause 112(2)(b) of the Act that the deputy returning officer verify that the procedures in clause 110(b) have been followed.

(#2016-20, ss. 54, 76 and 77, 2016)

Process for examining confirmation envelopes and extracting ballots

23 On election day or the advance poll dates in the case of mail-in ballots dealt with in accordance with subsection 19(2), the deputy returning officer or other designated election official shall take the following steps:

- (a) open the ballot box provided for in section 18 in the presence of the persons authorized pursuant to section 128 of the Act;
- (b) allow those persons authorized pursuant to section 128 of the Act to review each voter's confirmation signature on each voter confirmation envelope;
- (c) examine each voter confirmation envelope and reject those envelopes where the signature of the voter is missing;
- (d) if the voter confirmation envelope is accepted, extract the ballot security envelope and examine it for tears, unauthorized markings or material other than ballots;
- (e) reject any ballot security envelopes that are torn, have unauthorized markings or contain materials other than ballots;
- (f) extract the ballots from those ballot security envelopes that have been accepted and insert the ballots into the voting machines in accordance with the provisions of Bylaw 10197, being The Automated Vote Counting Bylaw

(#2016-20, ss. 51, 56, 58 and 78, 2016) (#2020-52, s.14, 2020)

Results tabulated after close of polls

24 The deputy returning officer or other designated election official shall not tabulate the final results through the voting machines until after the close of polls on election day.

(#2016-20, ss. 58 and 79, 2016) (#2020-52, s.15, 2020)

Late ballots deemed spoiled

25(1) Ballots received after the closing of the polls on election day are deemed to be spoiled ballots and shall remain unopened in their respective voter confirmation envelopes.

- (2) Where a ballot is deemed spoiled pursuant to subsection (1), the returning officer or other designated election official shall:

- (a) write “deemed spoiled” on the outer envelope;
- (b) record the date the spoiled ballot came into his or her possession;
- (c) initial the entry;
- (d) deal with the ballot in accordance with subsection 118(2) of the Act;
- (e) ensure the spoiled ballots are retained in accordance with of the Act.
(#2016-20, ss. 80 and 81, 2016)

Materials in packets

26 The deputy returning officer or other designated election official shall place all the materials used in conjunction with the mail-in ballot in packets in accordance with section 136 of the Act.

(#2016-20, s. 82, 2016)

Retention of election materials

27 Ballots and other forms used in conjunction with voting by mail shall be retained and destroyed in the same way as other election materials in accordance with section 142 of the Act.

(#2016-20, s. 83, 2016)

Coming into force

28 This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS 28th DAY OF May 2012.

READ A SECOND TIME THIS 11th DAY OF June 2012.

READ A THIRD TIME AND PASSED THIS 11th DAY OF June 2012.

P. FIACCO
Mayor

J. SWIDNICKI
City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

Schedule “A”**Required Wording for Ballot Security Envelope**

The following wording shall be printed on each ballot security envelope for mail-in ballots:

BALLOT(S) ONLY

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

- (a) is torn;
- (b) bears any unauthorized markings;
- (c) contains material other than ballots.

Schedule “B”

Required Wording for Voter Confirmation Envelope

The following wording shall be printed on each voter confirmation envelope for mail-in ballots:

Name of Elector: _____

Ballot(s) included:

- Office of Mayor;
- Office of Councillor for Ward _____;
- Office of Trustee, _____ School Division;

To be completed by the Voter named above:

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 Elector

(#2016-20, s. 51, 2016)

ABSTRACT

BYLAW NO. 2012-42

THE MAIL-IN BALLOT BYLAW, 2012

PURPOSE: The purpose of this Bylaw is to establish a mail-in ballot voting system for the purposes of receiving ballots in a City of Regina municipal election.

ABSTRACT: This Bylaw allows for electors to use a mail-in ballot system where the elector anticipates being absent from the city during the advance poll and on election day or is unable to attend an established polling place because they are receiving care in a hospital, personal care facility or similar institution. This Bylaw sets out what documents are required to be submitted in order to apply to use a mail-in ballot and provides that the elector must establish their proof of identity. This Bylaw sets out what is to be contained in a ballot kit sent out to an elector who is authorized to vote using a mail-in ballot as well as the instructions that an elector must follow. Because it is anticipated that there will be only a small number of mail-in ballots used, these ballots will be sent from the elector to the polling station where the special poll ballots are counted and will be counted with these ballots. This maintains the secrecy of the ballots. This Bylaw also sets out the process to be followed to check the mail-in ballots as they are returned and the process for depositing the mail-in ballots with the other special poll ballots for the purposes of counting them at the close of the polls. The Bylaw also sets out when a ballot is deemed spoiled and sets out that the same process for counting ballots, recording the results, and retaining and destroying the mail-in ballots and other related forms and materials will be used as is used for regular ballots.

STATUTORY AUTHORITY: Section 22 and subsection 60(7) of *The Local Government Election Act*; section 67.6 of *The Local Government Election Regulations, 2006*; and clause 8(1)(a) of *The Cities Act*.

MINISTER'S APPROVAL: N/A

PUBLIC HEARING: N/A
PUBLIC NOTICE: N/A

REFERENCE: Report CR12-7 from the January 23, 2012 City Council Meeting

AMENDS/REPEALS: New bylaw

CLASSIFICATION: Regulatory and administrative

INITIATING DIVISION: City Manager's Office

INITIATING DEPARTMENT: City Clerk's Office