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.
THE MAIL-IN BALLOT BYLAW

Bylaw No. 2012-42

Including Amendments to March 29, 2016

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.
<table>
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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.

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(e) Repealed (#2016-20, s. 62, 2016)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;
(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 personal care home licensed pursuant to *The Personal Care Homes Act*, a special-care home designated pursuant to *The Regional Health Services Act*, a residential-service facility licensed pursuant to *The Residential Services Act* or an approved home as defined in *The Mental Health Services Act*, but only if the home or facility accommodates or cares for at least five individuals;

(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;

(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 anticipate being absent from the city during the advance poll and 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 in person as set out in section 5 of this Bylaw.

(#2016-20, ss. 52 and 54, 2016)

Application process for mail-in ballot

5(1) Every voter who meets the eligibility requirements set out in subsection 4(1) and wishes to vote by mail shall apply in person 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 and residence consistent with sections the Regulations.

(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 or limited mobility.

(#2016-20, ss. 51, 53, 54, 57, 69 and 70, 2016)

Information to be provided to Elector

6 Where a voter makes a request to vote by mail-in ballot in accordance with section 5, the returning officer or other designated election official shall provide the voter with the following:

(a) information describing the procedure to apply for a mail-in ballot;

(b) a copy of section 110 of the Act, if requested;

(c) a copy of section 14 of the Regulations, if requested;

(d) any other information deemed necessary by the returning officer.

(#2016-20, ss. 50, 51 and 71, 2016)
Voter’s Registration Form

The Voter’s Registration Form is modified to include areas to record the following information:

(a) the address to which a mail-in ballot is to be mailed, if different than the regular address of the voter;

(b) an explanation as to how the voter meets the eligibility requirements set out in section 4:

(c) the date when the application to vote by mail is approved;

(d) the date when a ballot kit is provided or will be sent to the voter;

(e) the date ballots are required to be received by the returning officer;

(f) any other modifications consistent with the Act that are deemed necessary or desirable by the returning officer.

(#2016-20, ss. 51 and 73 2016)

Witness

The following persons are authorized to witness the signature of a voter requesting a mail-in ballot:

(a) the returning officer or any other designated election official;

(b) a person authorized to administer oaths.

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

Approval of mail-in ballot

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; 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)
**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 special poll ballots
19 To ensure the secrecy of the mail-in ballots, the mail-in ballots shall be included with and counted at the Elections Regina Office where all of the special poll ballots are counted.

Materials required on election day
20 On election day, 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 counted:
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(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)

Examination by candidate or agent
21 On election day, 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)

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, 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 machine used for special poll
ballots in accordance with the provisions of Bylaw 10197 being The
Automated Vote Counting Bylaw.

(#2016-20, ss. 51, 56, 58 and 78, 2016)

**Ballots counted after close of polls**

24(1) The deputy returning officer or other designated election official shall not tabulate
the final results through the voting machine until after the close of polls on election
day.

(2) After the close of polls, the deputy returning officer or other designated election
official shall proceed to count the mail-in ballots using the voting machine along
with the ballots in the special poll ballot boxes in accordance with sections 129 to
132 of the Act.

(#2016-20, ss. 58 and 79, 2016)

**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.
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 Voter:______________________________

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 Voter

(#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