

BYLAW NO. 2093

A BYLAW OF THE CITY OF NORTH BATTLEFORD TO ESTABLISH A MAIL-IN BALLOT VOTING SYSTEM.

WHEREAS the Council of the City of North Battleford deems it necessary to establish a Mail-In Ballot Voting system pursuant to the provisions of Clause 29(1)(b) and Section 92 of *The Local Government Election Act, 2015*; and

WHEREAS it is necessary to establish rules and provisions for a Mail-In Ballot process pursuant to the provisions of Section 18 of *The Local Government Election Regulations, 2015*;

NOW THEREFORE the Council of the City of North Battleford, in the Province of Saskatchewan, in open meeting assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as “The Mail-in Ballot Bylaw.”

PURPOSE

2. The purpose of this Bylaw is to establish a Mail-In Ballot voting system for the purposes of receiving ballots in the City of North Battleford municipal election.

DEFINITIONS AND INTERPRETATIONS

3. In this Bylaw:

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

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

“**deputy returning officer**” means a Deputy Returning Officer appointed pursuant to Section 48 of The Act;

“**election**” means an election as defined in the Act.

“**election official**” includes a Returning Officer, Deputy Returning Officer, Poll Clerk or any other Supervisory Officers and Assistants appointed pursuant to Section 48 of the Act;

“**municipality**” means the City of North Battleford;

“personal care facility” means a personal care home licensed pursuant to *The Personal Care Homes Act*, a special care home designed 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;

“Regulations” means *The Local Government Election Regulations, 2015*;

“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;

“special poll” means a polling place in a hospital, personal care facility or similar institution situated with 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;

“voter” means a voter as defined in the Act;

“Voter’s Registration Form” means Form R, Appendix C of the Regulations as modified in accordance with this Bylaw;

ELIGIBILITY TO APPLY TO USE MAIL-IN BALLOT SYSTEM

4. (1) The mail-in ballot voting system set out in this Bylaw may 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 identity in person as set out in Section 5 of this Bylaw.

APPLICATION PROCESS FOR MAIL-IN BALLOT

5. (1) An application to vote using a mail-in ballot may not be submitted to the Returning Officer or other designated election official:

- (a) in the case of a general election, prior to September 1st of the Election year;
 - (b) in the case of a by-election, prior to the Wednesday, Five (5) weeks before nomination day;
- (2) An application to vote using a mail-in ballot, in the form established by the Returning Officer, may be made:
 - (a) in person; or
 - (b) by mail, facsimile, or electronically.
- (3) An application to vote using a mail-in ballot must be received by the Returning Officer or other designated election official:
 - (a) in the event of a person applying in person, on or before the business day immediately preceding Election Day; and
 - (b) in the event of a person applying by mail, facsimile or electronically, on or before the first day of advance voting as established by the Returning Officer or other designated election official.
- (4) Before being issued a mail-in ballot a person shall:
 - (a) complete a Voter's Registration form and a Declaration of Person Requesting Mail-in Ballot; and
 - (b) establish the person's identity in accordance with Section 110 of the Act and the Regulations to the satisfaction of the Returning Officer or other designated election official.
- (5) A 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 in subsection (4) and to check the proof of identity in accordance with subsection (4):
 - (a) if the voter makes such request; and
 - (b) if the voter is not able to apply in person because of a physical disability, limited mobility, illness, is immunocompromised or has increased risk factors that could lead to severe illness if exposed to communicable diseases.
- (6) Subject to subsection 7, an application pursuant to subsection (4) or (5) 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 (5) to accept the forms and review the proof of identity.

- (7) Notwithstanding subsection 6, a voter may apply for a mail-in ballot by mail, facsimile or electronically if all 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 a family member of the applicant voter in one of the ways set out in Table 2 of Appendix D of the Regulations;
 - (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) an occupation-based professional 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) commissioner for oaths;
 - (H) lawyer
 - (I) medical doctor;
 - (J) nurse;

- (K) dean/head of university or college;
- (L) 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) the responsible authority of a shelter, soup kitchen, student residence, senior residence, rehabilitation centre, long-term care facility or care home;
- (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 as follows:
 - (i) one (1) piece of identification issued by the Government of Canada, Government of Saskatchewan, a municipality or a government agency that contains a photograph of the applicant voter, his or her name, address and signature; or
 - (ii) two (2) pieces of information prescribed in Table 1, Appendix D of the Regulations, each of which establishes the name and:
 - (a) at least one (1) of which establishes the address of the applicant; and
 - (b) at least one (1) of which bears the signature of the applicant.
- (d) the applicant voter provides the Returning Officer or other designated election official, copies of the following forms of identification:
 - (i) one (1) piece of identification issued by the Government of Canada, Government of Saskatchewan, a municipality or a government agency that contains a photograph of the applicant voter, his or her name, address and signature; or
 - (ii) two (2) pieces of information prescribed in Table 1, Appendix D of the Regulations, each of which establishes the name and:
 - (a) at least one (1) of which establishes the address of the applicant; and
 - (b) at least one (1) of which bears the signature of the applicant.

- (8) Where an applicant voter applies for a mail-in ballot by mail, facsimile or electronically and does not meet one or more of the following requirements to the satisfaction of the 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 (4) and (6):
- (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 illegible;
 - (c) the copies of the identification do not comply with the identification requirements in subsection 7(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.
- (9) Notwithstanding subsection 7(b), a candidate for an election or a candidate's agent shall not act as a witness after signing nomination papers.

VOTER'S REGISTRATION FORM

6. 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) the date when the application to vote by mail-in ballot is approved;
 - c) the date when a ballot kit is provided or sent to the voter;
 - d) the date when ballot(s) are received by the Returning Officer; and,
 - e) any other modifications consistent with the Act deemed necessary or desirable by the Returning Officer.

DECLARATION OF PERSON REQUESTING MAIL-IN BALLOT FORM

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

- (a) the printed name and address of the person who witnessed the voter's signature on the Declaration of Person Requesting Mail-in Ballot Form;
- (b) 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.

APPROVAL OF MAIL-IN BALLOT

8. 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.

PROVISION OF BALLOT KIT TO VOTERS

9. 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.

BALLOT KITS

10. 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; and
 - ii. 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.

NOTICE OF POLL

11. 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.

POLL BOOK

12. 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 method 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.

NOT ELIGIBLE TO VOTE AT ANY POLL ONCE BALLOT KIT PROVIDED

13. 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.

INSTRUCTIONS FOR MAIL-IN BALLOTS

14. 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.

RETURN OF BALLOTS

15. 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.

REVIEW OF RETURNED VOTER CONFIRMATION ENVELOPES

16. (1) 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) record on the Voter's Registration Form, which is used as the poll book, the date on which the envelope was received;
 - (b) open the outer envelope;
 - (c) remove the sealed voter confirmation envelope and:
 - (i) determine if the certificate on the front of the voter confirmation envelope has been properly completed; and

- (ii) ensure the signature on the voter confirmation envelope matches the signature on the applicant's Voter Registration Form and the Declaration of Person Requesting a Mail-in Ballot form; and
 - (d) if the certificate has not been properly completed or the signatures do not match, place the unopened voter confirmation envelope in a separate envelope for ballots that are not accepted;
 - (e) if the certificate has been properly completed and the signatures match, remove the sealed ballot security envelope from the voter confirmation envelope and place the ballot security envelope into a portable ballot box designated for mail-in ballots.
- (2) The returning officer may designate at least one deputy returning officer who will receive mail-in ballots prior to the close of polls on Election Day.

MATERIALS REQUIRED ON ELECTION DAY

17. 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 16 of this Bylaw:
 - a) any voter confirmation envelopes that have been returned but have not yet been placed in the portable ballot box provided for mail-in ballots;
 - b) the portable ballot box provided for mail-in ballots which contains the voter confirmation envelopes; and
 - c) the Voter's Registration Form and Declaration of Person Requesting Mail-in Ballot Form for each voter who was approved to vote by mail.

COUNTING OF MAIL-IN BALLOTS

18. In order to be counted, a mail-in ballot must be received by the Returning Officer or other designated election official by the close of polls on Election Day.
19. Ballots received after the close of polls on Election Day are deemed to be spoiled and will remain unopened in their respective voter confirmation envelopes.
20. Where a ballot is deemed to be spoiled pursuant to section 18, the Returning Officer or other designated election official shall:
 - (a) write "spoiled" on the outer envelope;
 - (b) record the date and time the spoiled ballot was received;

- (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 the Act.
21. Subject to Section 22, after the close of polls on Election Day, the Returning Officer or other designated election official shall:
- (a) open the portable ballot box designated for mail-in ballots 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 envelope 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) record on the Voter's Registration Form whether the mail-in ballot was accepted, not accepted or spoiled.
 - (g) extract the mail-in ballot from the ballot security envelope that has been accepted;
 - (h) insert the mail-in ballot into the vote tabulating machine designated for mail-in ballots; and
 - (i) complete the vote counting procedures in accordance with the provisions of Section 17 of The Automated Vote Counting Bylaw.
22. If one hundred (100) or more mail-in ballots are received on or before the final day of advance voting, subsections 21 (a), (g) and (h) may be performed by the Returning Officer or other designated election official on the business day immediately following the final day of advance voting.
23. 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.

EXAMINATION BY CANDIDATE OR AGENT

24. Candidates or a candidate's agent shall be notified by the Returning Officer or designated election official prior to the processing of mail-in ballots as provided in Section 22.
25. The Voter's Registration Form, Declaration of Person Requesting a Mail-in Ballot Form, and Voter Confirmation Envelopes may be inspected by candidates or candidate's agents at the Election Office during normal business hours commencing on the day following nomination day and ending at the close of polls on Election Day.
26. A candidate or a candidate's agent retains the right to object to a person's entitlement to vote.
27. 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 shall make the necessary entries on the voter's Voter Registration Form which is used as the poll book.
28. 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) of the Act have been followed.

MATERIALS IN PACKETS

29. 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.

RETENTION OF ELECTION MATERIALS

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

REPEAL OF BYLAW

31. Bylaw No. 2019 is hereby repealed.

COMING INTO FORCE

31. This Bylaw shall come into force and take effect on the day of the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 17th DAY OF AUGUST, A.D.2020.

READ A SECOND TIME THIS DAY OF , A.D. 2020.

READ A THIRD TIME AND PASSED THIS DAY OF , A.D.2020.

MAYOR

CITY CLERK

SCHEDULE "A"
Bylaw No. 2093

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:

- is torn;
- bears any unauthorized markings; or
- contains materials other than ballots.

SCHEDULE "B"
Bylaw No. 2093

VOTER CONFIRMATION ENVELOPE

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

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

OFFICE USE ONLY:

Name of Voter: _____

Ballot(s) included:

- Office of Mayor
- Office of Councillor
- Office of School Board Member – Living Sky School Division No. 202
- Office of School Board Member – Light of Christ Roman Catholic Separate School Division No. 16