

**BYLAW NO. 2020-2028**

**A BYLAW OF THE CITY OF ESTEVAN TO ESTABLISH A MAIL-IN BALLOT VOTING SYSTEM FOR ELECTORS IN THE CITY OF ESTEVAN**

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WHEREAS the Council of the City of Estevan wishes to establish a mail-in ballot voting system for the purposes of receiving ballots in an election is hereby established. The Local Government Election Act, 2015, Sections 29(1)(b) and Section 92, along with Section 18 of The Local Government Election Regulations, 2015 provides statutory authority to do so.

Therefore, the Council of the City of Estevan, in the Province of Saskatchewan, enacts as follows:

**Title and Purpose**

1. This Bylaw may be referred to as the “ Mail-In Ballot”.

The purpose of this Bylaw is to establish a mail-in ballot voting process for the purpose of receiving ballots in a City of Estevan municipal election.

**Definitions**

2. “**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;

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

“**elector**” means elector as defined in the *Act*;

“**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;

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

“**Returning Officer**” means the City Clerk for the City of Estevan as per Section 47 and 48 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 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;

**“voters registration form”** means the Voters Registration Form R, Appendix C of the Regulations modified as provided for in this bylaw.

### **Eligibility To Use Mail-In Ballot System**

- 3(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;
  - (b) voters who are unable to attend an established polling place during the advance poll and on election day;
  - (c) 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.

### **Mail-in Ballot Process**

- 4(1) Every voter who meets the eligibility requirements set out in subsection 3(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 of 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 disability or limited mobility.

### **Voter's Registration Form**

5. 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 3;
  - (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.

### **Witness**

6. 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.

### **Approval Of Mail-In Ballot**

7. Where the returning officer or other designated election official reviews the application and documents submitted pursuant to section 4 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.

### **Provision Of Ballot Kit To Elector**

8. 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**

9. 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;
  - (c) place his or her initials in the box on the reverse side of the ballot or ballots provided to the voter.

### **Poll Book**

- 10 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.

**Not Eligible To Vote At Any Poll Once Ballot Kit Provided**

11. 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**

12. 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**

13. 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**

14. 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 15.

**Ballot Box For Confirmation Envelopes**

15. 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 19 of this Bylaw.

#### **Inclusion With Advanced Poll Ballots**

16. 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 the advanced poll ballots are counted.

#### **Materials Required On Election Day**

17. The following materials are required to be provided to the deputy returning officer or other designated election official at City Hall by 4:30 on Election Day where the mail-in ballots will be counted:
  - (a) any voter confirmation envelopes that have been returned but have not yet been placed in the ballot box provided for in section 16;
  - (b) the ballot box provided for in section 15 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.

#### **Examination By Candidate Or Agent**

18. 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.

#### **Process For Examining Confirmation Envelopes And Extracting Ballots**

19. 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 15 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 advanced poll ballots in accordance with the provisions of The Automated Vote Counting Bylaw.

### **Ballots Counted After Close Of Polls**

- 20. 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.

### **Late Ballots Deemed Spoiled**

- 21(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.

### **Materials In Packets**

- 22. 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**

- 23. 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

**Effective Date of Bylaw**

24. This bylaw shall come into force and take effect upon on the day of final passing thereof.

CITY OF ESTEVAN




*[Signature]*  
Roy Ludwig, Mayor

*[Signature]*  
Judy Pilloud, City Clerk

Read a first time this 13<sup>th</sup> day of July, 2020;  
Read a second time this 10<sup>th</sup> day of August, 2020;  
Read a third time this 10<sup>th</sup> day of August, 2020, and passed.

Certified a true copy of Bylaw # 2020-2028 as it appears in the Minute Book of the City of Estevan given under my hand and the seal of the City of Estevan this 11<sup>th</sup> day of August, 2020.



*[Signature]*  
Judy Pilloud, 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 Voter: \_\_\_\_\_

Ballot(s) included:

- Office of Mayor;
- Office of Councillor;
- 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