

**CONSOLIDATED COPY**

***August 25, 2020***

**CITY OF MEADOW LAKE**  
**MAIL-IN BALLOT BYLAW**  
**BYLAW NO. 16/2016**

With amendments up to and including Bylaw No. 9/2020 passed August 24, 2020 by City Council.

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**NOTE:**

All persons making use of this consolidation are reminded that this document has no legal status, that the amendments have been embodied for convenience of reference, and that the original bylaws should be consulted for all purposes of interpretation and application of the law. **Red highlighted entries indicate the amendments to the bylaw.**

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**CITY OF MEADOW LAKE  
BYLAW NO. 16/2016  
MAIL-IN BALLOT BYLAW**

A BYLAW OF THE CITY OF MEADOW LAKE TO ESTABLISH A MAIL-IN BALLOT VOTING SYSTEM.

The Council of the City of Meadow Lake, in the Province of Saskatchewan, in open meeting hereby enacts as follows:

1. This bylaw shall be referred to as the “Mail-in Ballot Bylaw”. The purpose of this bylaw is to establish a mail-in ballot voting process for municipal elections. Any elector of the City who **desires to vote by mail-in ballot or** anticipates being unable to vote at an advance poll or on election day may apply to vote using a mail-in ballot.

**DEFINITIONS**

2. In this bylaw:
  - a) “Act” means *The Local Government Election Act, 2015*;
  - b) “City” means the City of Meadow Lake;
  - c) **“Declaration of Person Requesting Mail-in ballot” means the declaration in form C, Appendix A of the Regulations;**
  - d) **“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;**
  - e) “Regulations” means *The Local Government Election Regulations, 2015*;
  - f) “returning officer” means the City Clerk for the City of Meadow Lake or a person appointed by the Council of the City of Meadow Lake pursuant to Section 47 of *The Local Government Election Act, 2015*; and
  - g) “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.

- 2.1 **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*.**

**APPLICATION PROCESS**

3. An application package will consist of:
  - a) a voter’s registration form;
  - b) the Declaration of Person Requesting Mail-in Ballot form; **and**
  - c) **any other information deemed necessary by the returning officer**
4. The voter’s registration form is modified to include areas to record the following information:
  - a) in the voter registration portion, the address to which a mail-in ballot is to be mailed, if different than the regular address of the voter; and
  - b) in the poll book area:
    - the date when the application for a mail-in ballot is accepted;
    - the date when a ballot kit is provided to the voter; and
    - the date when ballot(s) are received by the returning officer.
  - c) any other modifications consistent with the Act deemed necessary or desirable by the returning officer.
5. Subject to section 6, a voter who desires to vote by mail shall apply in person **or in writing** to the office of the City of Meadow Lake. Such application:
  - a) **In the case of an application made in person, must be submitted to the returning officer no later than the last business day before Election Day, or;**
  - b) **In the case of an application made electronically, must be submitted to the returning officer no later than seven clear business days before Election Day; and**

- c) in the case of a general election, may not be submitted prior to **August 10** of the election year; or
- d) in the case of a by-election, may not be submitted prior to the Wednesday **five** weeks before the nomination day.

5.1 Where a voter is unable to apply in person to vote by mail, the following procedure shall apply:

- a) The application shall be made in writing, by email or mail to the attention of the returning officer;
- b) In addition to the completed voter's registration form and declaration of person requesting a mail-in ballot, the voter shall enclose a photocopy of their proof of identification and residence, which must:
  - i) include government issued photo identification;
  - ii) include an image of the voter's signature; and
  - iii) verify the name and address of the voter applying.
- e) If the voter is unable to provide a photocopy of the identification listed in Section 5.1(b), the returning officer shall direct the voter to apply in person;
- f) Upon the request of a voter who is unable to provide the identification listed in Section 5.1(b) and who cannot apply in person due to a health or mobility limitation, the returning officer may make arrangements to attend the voter's residence for the purpose of receiving a mail-in ballot application.

6. Pursuant to clause 29(1)(b) of the Act, a voter who is receiving care in a hospital, personal care facility, or similar institution located within the City shall be permitted to vote in an election by mail-in ballot, and the returning officer may deliver mail-in ballot kits to the facility for this purpose.

7. The following persons are authorized to act pursuant to clause 18(1)(b) of the Regulations for the purpose of establishing the identity and witnessing **the signature** of a voter requesting a mail-in ballot:

- a) the returning officer;
- b) any person appointed **as an election official** by the returning officer;
- c) **a person authorized to administer oaths; and**
- d) **any of the individuals listed in Schedule C, Approved Witnesses**

8. Upon acceptance of the voter's application for a mail-in ballot, the returning officer shall note the date of approval in the appropriate area of the poll book.

#### PROVIDING BALLOT TO VOTERS

9. All ballots issued to persons voting by mail shall be identical.

10. A ballot kit shall consist of:

- a) the ballots to which the voter is entitled;
- b) a ballot security envelope, bearing the information described in Schedule "A", appended hereto and forming a part of this bylaw;
- c) a voter confirmation envelope, bearing the information described in Schedule "B", appended hereto and forming a part of this bylaw;
- d) an outer envelope, addressed to the returning officer, bearing the words "Mail-in Ballot" on its face; and
- e) appropriate directions to voters.

11. The returning officer shall:

- a) ensure the outer envelope is addressed to the returning officer at the correct postal address; and
- b) on the voter confirmation envelope:
  - i. print the name of the voter; and
  - ii. identify the ballots provided to the voter; and
- c) place his or 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 in person or by regular mail to each voter who has completed the mail-in ballot application process.
- Ballot kits shall be provided as soon as reasonably possible after **the Notice of Poll is issued**.
  - The returning officer shall make the following entries to the poll book upon providing a ballot kit to a voter:
    - those required pursuant to Section 107 of the Act; and
    - the date on which the ballot kit was provided to the voter.
  - 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:
- insert marked ballots into the ballot security envelope;
  - seal the ballot security envelope and insert it into the voter confirmation envelope;
  - date and sign the voter confirmation envelope; and
  - seal the voter confirmation envelope and insert it into the outer envelope.
14. Voters may return ballots in their original form to the returning officer by regular mail, registered mail, courier, in person, or by any other means.
15. 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.
16. 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:
- ensure the voter confirmation envelope is signed by the voter;
  - record in the poll book the date on which the envelope was received; and
  - deposit the voter confirmation envelope in a ballot box.
17. Ballots received after the close of polls on Election Day:
- are deemed to be spoiled;
  - will remain unopened in the voter confirmation envelope; and
  - are retained in the manner proscribed in sections 137 and 142 of the Act.
18. 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.
19. 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 18 of this bylaw:
- the ballot box containing all ballots received by mail;
  - the application kits from all voters who applied for a mail-in ballot; and
  - any ballots received by mail after the above materials have been delivered to the deputy returning officer.

#### OBJECTIONS BY CANDIDATES / AGENTS

20. 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.
21. 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.
22. 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 clause 112(1)(b)(c) and (d) of the Act.

#### COUNTING BALLOTS

23. Mail-in ballots will be counted after the close of polls on Election Day.

24. Where the returning officer is of the opinion that the number of voters who voted by mail are 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.
25. The deputy returning officer 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.
26. The deputy returning officer shall 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.
  - a) The deputy returning officer may reject a voter confirmation envelope if the signature of the voter is missing.
  - b) 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.
  - c) If the ballot security envelope:
    - i. contains any tears or unauthorized markings, the deputy returning officer shall reject the ballot security envelope; or
    - ii. is accepted by the deputy returning officer, he or she shall deposit the ballot security envelope into a container or another ballot box.
  - d) After all ballot security envelopes have been dealt with pursuant to clause (c), 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.
27. 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.
28. 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.
29. The deputy returning officer will place the packets described in Section 28 of this bylaw along with the poll book and any other forms used in conjunction with voting by mail in the ballot box.
30. 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.
31. Upon receipt of a mail-in ballot received after the close of polls on Election Day, the returning officer 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.

Introduced and read a first time this 27<sup>th</sup> day of June, 2016.

Read a second time this 25<sup>th</sup> day of July, 2016.

Read a third time this 25<sup>th</sup> day of July, 2016.

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CITY CLERK

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MAYOR

**SCHEDULE “A”  
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 “B”  
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

☐ Office of Councillor

☐ Office of Board Member, Northwest School Division No. 203

☐ 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 “C”  
APPROVED WITNESSES**

In addition to an election official or person authorized to accept oaths, the following individuals are authorized to witness the Voter’s Registration Form and Declaration of Person Requesting a Mail-in Ballot:

1. An eligible voter within the City of Meadow Lake, including a family member, who has known the applicant for a minimum of two years.
2. A registered member of one of the following professions who is currently practicing in Saskatchewan:
  - a. Judge
  - b. Lawyer
  - c. Police Officer
  - d. Medical Doctor
  - e. Pharmacist
  - f. Dentist
  - g. University or College Professor
  - h. Manager of a Financial Institution
3. Any Saskatchewan Health Authority employee currently employed in a hospital, rehabilitation centre, senior assisted-living facility, long-term care facility, or care home governed by or affiliated with the Saskatchewan Health Authority.