

Bylaw No. 8191

The Election Bylaw, 2012

**Codified to Bylaw No. 9396
(August 18, 2016)**

BYLAW NO. 8191

The Election Bylaw, 2012

The Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as The Election Bylaw, 2012.

Purpose

2. The purpose of this Bylaw is:
 - (a) to repeal The Automated Vote Counting Bylaw, 1997;
 - (b) to provide for the use at elections of voting machines, voting recorders, optical scanning vote tabulators, vote tabulating units or other devices used in an automated vote counting system;
 - (c) to authorize the form of the ballot and the procedures for voting and counting of votes; and
 - (d) to establish a mail-in ballot voting system for the purpose of receiving ballots in an election.

Bylaw No. 7677 Repealed

3. Bylaw No. 7677, being The Automated Vote Counting Bylaw, 1997, is repealed.

Definitions

4. In this Bylaw:
 - (a) “acceptable mark” means any mark made by an elector on a ballot in an election which the vote tabulating unit is able to record;

- (b) “automated vote counting system” means a system that counts and records votes and processes and stores election results, and which is comprised of:
 - (i) optical scanning vote tabulating units which rest on a two-compartment ballot box, one compartment of which is for voted ballots and the other, an emergency ballot compartment; and
 - (ii) a number of portable ballot boxes into which voted ballots are deposited for counting by a vote tabulating unit after the close of voting on election day.
- (c) “ballot” means a ballot paper or form designed for use in an automated vote counting system;
- (d) (Repealed – Bylaw 9396 – August 18, 2016)
- (d.1) “deputy returning officer” means a deputy returning officer appointed pursuant to Section 48 of *The Local Government Election Act, 2015* and includes an issuing deputy returning officer, receiving deputy returning officer and supervising deputy returning officer;
- (d.2) “election” means an election as defined in *The Local Government Election Act, 2015*;
- (d.3) “election official” includes a returning officer, deputy returning officer, poll clerk, and any other supervisory officers and assistants appointed pursuant to Section 48 or 49 of *The Local Government Election Act, 2015*.
- (e) “emergency ballot box” means a ballot box into which voted ballots are temporarily deposited if the vote tabulating unit ceases to function;
- (f) “issuing deputy returning officer” means the deputy returning officer who from time to time, and among other duties, administers the voter registration and declaration process, and provides the voter with a ballot;

- (g) “memory card” means a device used to store electronic information which plugs into the vote tabulating unit and into which is preprogramed the information necessary to conduct the election and record the votes and which serves as a mechanism to record and retain the information set out on the registration tape.
- (g.1) “mobile poll” means the taking of votes by attendance of election officials at a voter’s residence in accordance with the procedures for homebound voting provided for in Section 30 of *The Local Government Election Act, 2015*;
- (g.2) “over-voted ballot” means a ballot indicating acceptable marks for more than the maximum number of selections which the vote tabulating unit is set to record;
- (h) “poll book” means the register of electors who have cast their vote, which book contains the list of electors, information relating to the ballot, and which has the capacity to record information relating to objections and affidavits;
- (i) “receiving deputy returning officer” means the deputy returning officer who from time to time, and among other duties, receives a voted ballot from a voter and inserts the ballot into the vote tabulating unit;
- (j) “register tape” means the printed record generated from a vote tabulating unit at the close of voting on election day, which shows:
 - (i) the total number of ballots received;
 - (ii) the number of blank votes;
 - (iii) the number of over-voted ballots;
 - (iv) the number of votes for each candidate; and
 - (v) if there is a vote on a bylaw, resolution or question, the number of votes for and against each bylaw, resolution or question;
- (k) “returned ballot” means a ballot which was inserted into the vote tabulating unit, but which was not accepted and which was returned to the elector;

- (k.1) “returning officer” means a person specified or appointed as a returning officer pursuant to Section 47 of *The Local Government Election Act, 2015*.
- (l) “secrecy sleeve” means an open-ended folder or envelope used to cover ballots to conceal any marks made by the elector on the ballot;
- (m) “special poll” means a polling place in a hospital, personal care facility or similar institution where an elector who is currently receiving care may vote;
- (n) “supervising deputy returning officer” means the deputy returning officer who from time to time, and among other duties, supervises the issuing deputy returning officer and receiving deputy returning officer and is responsible for the conduct of all matters in the polling place; and
- (o) “vote tabulating unit” means the device into which ballots are inserted, which device scans each ballot and records the number of votes:
 - (i) for each candidate;
 - (ii) for and against any bylaw or resolution; and
 - (iii) in the affirmative or negative respecting any question;as the case may be.

Election Procedure Generally

- 4.1 Except as modified by this Bylaw, all elections in the City of Saskatoon shall be conducted in accordance with the provisions of *The Local Government Election Act, 2015*.

Appointment of Returning Officer

- 4.2 (1) The Council of The City of Saskatoon may appoint a person other than the City Clerk as the returning officer for an election in Saskatoon.

- (2) The returning officer is hereby authorized to further delegate his or her powers, functions and responsibilities in an election to other election officials as may be required.

Authorization

5. (1) The Council of The City of Saskatoon hereby authorizes the use of an automated vote counting system in the conduct of elections.
- (2) *The Local Government Election Act, 2015* shall apply where not inconsistent with this Bylaw, and the words and phrases defined in the *Act* shall, unless inconsistent herewith, have the same meaning in this Bylaw.

Form of Ballot

6. Subject to such modifications and deviations as are permitted by *The Local Government Election Act, 2015*:
 - (a) the ballot for the election of a member shall be in the form set forth in Schedule "A";
 - (b) the ballot for a vote on a bylaw or resolution shall be in the form set forth in Schedule "B"; and
 - (c) the ballot for a vote on a question shall be in the form set forth in Schedule "C".

Creation of Election Database and Programming of Memory Cards

- 6.1 (1) Prior to the election, an election database shall be created on a dedicated elections laptop computer, using proprietary software to design the ballots and program the memory cards.
- (2) The elections laptop computer shall not be connected to The City of Saskatoon's computer network or the internet.
- (3) Data moved from the elections laptop computer, including a backup copy of the election database, shall be stored on new USB media, which has not been used in any other computer.
- (4) The original and backup copy of the election database shall be stored in separate secure locations.

- (5) Information from the election database shall be transferred to memory cards and inserted into vote tabulating units to be used in the election.
- (6) Memory cards shall be programmed to print complete and accurate register tapes.
- (7) The programming of memory cards shall occur no earlier than 24 hours after close of the nomination period and prior to pre-poll logic and accuracy testing of the vote tabulating units to be used in the election.

Security, Storage and Transport of Vote Tabulating Units and Memory Cards

- 6.2
- (1) Vote tabulating units and memory cards shall be locked in a secure location at all times when unattended by an election official.
 - (2) The returning officer or other election official shall record in a register the serial numbers, location and current status of vote tabulating units to be used in the election.
 - (3) An election official receiving a vote tabulating unit shall sign the register to indicate receipt of the unit.
 - (4) After programming and pre-poll logic and accuracy tests have been completed and the memory card status changed to "set for election", all memory cards shall be inserted into vote tabulating units to be used in the election and secured with a seal.
 - (5) After the close of polls on election day, the returning officer shall match the serial number of each vote tabulating unit to the register and verify that the seal for that vote tabulating unit is intact before removing the memory card to be read by the election computer.
 - (6) Read memory cards shall be returned to a secure, locked storage area and the data retained for a period of no less than 90 days after the day on which the election has occurred, unless otherwise ordered by a judge.

Pre-Vote Procedure

7. (1) Diagnostic testing and preventative maintenance on all vote tabulating units to be used in the election shall be carried out no more than six months before the election.

- (2) The vote tabulating units' internal diagnostic mode shall be used to test battery and power indicators, the date and time setting function, the LCD display, the system memory, the printer and the ballot reader.
- (3) Memory cards shall be cleared of all pre-existing data prior to programming for use in the election.
- (4) An election official shall conduct pre-poll logic and accuracy testing on all memory cards and vote tabulating units after the delivery of ballots and prior to the election.
- (5) Sample ballots shall be used for pre-poll logic and accuracy testing in accordance with the following procedure:
 - (a) variations of marked sample ballots, including blank and over-voted ballots to be used in the election shall be created and inserted into all vote tabulating units to be used in the election;
 - (b) an election official shall print a test register tape and compare it to pre-determined results to ensure sample ballots were read and recorded correctly;
 - (c) the test register tape and all other test election material will be retained for no less than 90 days after the test is complete; and
 - (d) after testing of each memory card and vote tabulating unit is complete, the memory card status will be changed to "set for election", the memory card inserted into a vote tabulating unit, the card slot sealed and the vote tabulating unit returned to secure storage.
- (6) Prior to the opening of polls on election day, the supervising deputy returning officer shall cause the vote tabulating unit to print a copy of all totals in its memory card and ensure that those totals equal zero. The supervising deputy returning officer shall then certify on the printout, by signature, that the totals indicate zero.
- (7) The printout of totals indicating zero shall remain in the printing compartment of the vote tabulating unit attached to the roll. The printout shall be returned to the returning officer after close of the polls.

Voting Procedures

8. (1) If:
 - (a) the elector is qualified to vote in the election;
 - (b) the elector is voting at the correct polling subdivision; and
 - (c) the elector's name is contained in the poll book;

the issuing deputy returning officer shall provide the elector with a ballot bearing the issuing deputy returning officer's initials on the reverse side along with a secrecy sleeve.
- (2) After marking the ballot, the elector shall place the ballot in the secrecy sleeve and deliver it to the receiving deputy returning officer, who shall in the presence of the elector, without removing the ballot from the secrecy sleeve, confirm that the ballot bears the initials of the issuing deputy returning officer. The receiving deputy returning officer shall then insert the ballot directly into the vote tabulating unit.
- (3) If, before delivery of the ballot to the receiving deputy returning officer, the elector determines that an error may have been made in marking the ballot, or if the ballot is returned by the vote tabulating unit, the elector may request a replacement ballot from the issuing deputy returning officer.
- (4) Upon a request under subsection (3), the issuing deputy returning officer shall issue a replacement ballot, mark the returned ballot "spoiled" and retain the spoiled ballot separately from all other ballots. Spoiled ballots shall not be counted in the election.
- (5) (Repealed Bylaw 9396 – August 18, 2016)
- (6) During any period that the vote tabulating unit is not functioning, the receiving deputy returning officer supervising the unit shall insert all ballots presented by electors into the emergency ballot box, and the ballots in that box shall, after the poll closes, be removed by the receiving deputy returning officer and inserted into the vote tabulating unit to be counted.
- (7) (Repealed Bylaw 9396 – August 18, 2016)
- (8) Any ballot which does not bear the initials of the issuing deputy returning officer or which is damaged to the extent that it cannot be inserted into the vote tabulating unit and for which no replacement ballot was provided shall be marked "spoiled" and not counted in the election.

- (9) If a vote tabulating unit is not used at an established poll, the ballots shall be kept in the ballot box provided, and shall be counted in accordance with Section 13 of this Bylaw.

Monitoring of Vote Tabulating Units

- 8.1 (1) The supervising deputy returning officer and the receiving deputy returning officer shall monitor the vote tabulating units at each poll to ensure they are secure and accurately counting each ballot.
- (2) The supervising deputy returning officer shall, during the poll, perform a reconciliation of ballots to ensure that the number of unused ballots, plus the number of ballots inserted into the vote tabulating unit, plus the number of declined and spoiled ballots equal the original number of ballots issued to that polling location.
- (3) After the close of the polls on election day, if the returning officer determines that an administrative or technical error may have caused an error in the count of the votes at a poll, the following procedure shall be engaged:
 - (a) the returning officer shall examine the poll books of that poll to ensure that no numbering error was made;
 - (b) if no numbering error was made, an election official shall make a copy of the memory card from the backup copy of the election database, and in the presence of the returning officer and at least two deputy returning officers, remove the ballots cast at that poll from the ballot box and insert the ballots into a vote tabulating unit for counting;
 - (c) if there is a discrepancy between the number of ballots in the ballot box and the number of ballots shown on the original vote tabulating unit, the poll shall be recounted; and
 - (d) to recount the poll:
 - (i) an election official shall make a “record copy” of the original memory card containing the record of the original count and label it accordingly;
 - (ii) an election official shall then reset the original memory card to “set for election” status and insert it into a vote tabulating unit;

- (iii) the returning officer shall print a copy of all totals stored on the original memory card and ensure that those totals equal zero;
- (iv) the returning officer shall then certify, by signature, on the printout that the totals indicate zero;
- (v) an election official shall, in the presence of the returning officer and at least two deputy returning officers, remove the ballots cast from the ballot box and insert the ballots into the vote tabulating unit;
- (vi) after the vote tabulating unit has recounted all votes, two register tapes, or as many as directed by the returning officer, shall be printed and two deputy returning officers and the returning officer shall then certify the results, by signature; and
- (vii) the returning officer shall cause all election results to be tabulated and displayed.

Advance Polls

- 9. (1) Vote tabulating units shall be used to conduct the vote at all advance voting polls and voting procedures at the advance polls shall be the same as those set forth in Section 8 for voting at regular polls.
- (2) At the close of each day at each advance poll, the supervising deputy returning officer shall ensure:
 - (a) that no additional ballots are inserted into the vote tabulating unit;
 - (b) that the emergency ballot compartment is locked to prevent insertion of ballots;
 - (c) that the register tapes in the vote tabulating unit are not generated; and
 - (d) that the memory card in the vote tabulating unit is secured.
- (3) The supervising deputy returning officer at each advance poll shall at the end of voting on the final day of advance voting:

- (a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit;
- (b) secure the vote tabulating unit so that no more ballots can be inserted; and
- (c) ensure delivery of the vote tabulating unit, together with the memory card and all other materials used in the election to the returning officer.

Special Polls

10. The returning officer may establish a special poll, and the electors' completed ballots shall be deposited in the ballot box provided, and counted in accordance with Section 13 of this Bylaw.

Mobile Polls

11. (1) If an elector, because of disability or limited mobility, is unable to attend at an established polling place to vote, any two of the returning officer, issuing deputy returning officer or receiving deputy returning officer may attend at the residence of the elector in order to take the vote in the election.
- (2) The elector's completed ballot shall be deposited in the ballot box provided, and counted in accordance with Section 13 of this Bylaw.

Mail-In Ballots

- 11.1 (1) A mail-in ballot voting system for the purpose of receiving ballots in an election is hereby established.
- (2) A person who anticipates being unable to vote at an advance poll or on the day of the election may apply to vote using a mail-in ballot.
- (3) 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 July 1st of the election year;
 - (b) in the case of a by-election, prior to the Wednesday five weeks before the nomination day.

- (4) An application to vote using a mail-in ballot, in the prescribed form, must be made in person and received by the returning officer or other designated election official on or before the day immediately preceding election day.
- (5) 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 his or her identity and residence to the satisfaction of the returning officer or other designated election official.
- (6) If the application is approved, the returning officer or other designated election official shall enter the person in the mail-in ballot register.
- (7) The mail-in ballot register shall include the following information:
 - (a) the name and ordinary residential address of the person;
 - (b) the temporary address of the person (i.e., where the mail-in ballot is to be sent);
 - (c) the telephone number and email address of the temporary address;
 - (d) the date the mail-in ballot is sent to the person;
 - (e) the date the completed mail-in ballot is received by the returning officer or other designated election official;
 - (f) a notation whether the mail-in ballot was accepted, not accepted or spoiled; and
 - (g) any other information considered appropriate by the returning officer.
- (8) As soon as reasonably possible after nomination day, the returning officer or other designated election official shall mail or otherwise deliver to each person whose name appears in the mail-in ballot register:
 - (a) a ballot for the upcoming election;
 - (b) a ballot security envelope;
 - (c) a voter confirmation envelope;

- (d) a self-addressed mailing envelope for the return of the ballot to the returning officer; and
 - (e) instructions for voting by mail-in ballot.
- (8.1) Self-addressed mailing envelopes for the return of the ballot to the returning officer shall be postage paid for destinations within Canada.
- (9) A person who votes:
- (a) shall vote in accordance with the instructions enclosed with the ballot; and
 - (b) may vote for any number of candidates up to the number to be elected in the ward in which he or she is entitled to vote.
- (10) A person who has voted shall:
- (a) place the completed ballot in the ballot security envelope and seal the envelope;
 - (b) place the sealed ballot security envelope in the voter confirmation envelope and seal the envelope;
 - (c) date and sign the certificate on the voter confirmation envelope;
 - (d) place the signed voter confirmation envelope in the mailing envelope and seal the envelope; and
 - (e) return the mailing envelope to the returning officer by mail, courier or in person.
- (11) Upon receipt of the mail-in ballot, the returning officer or other designated election official shall:
- (a) determine and note in the mail-in ballot register the date and time the ballot is received;
 - (b) open the mailing envelope; and
 - (c) remove the voter confirmation envelope from the mailing envelope, and place the envelope in a portable ballot box designated for mail-in ballots.

- (12) After the closing of the polls on election day, the returning officer or other designated election official shall:
 - (a) remove the sealed voter confirmation envelopes from the portable ballot box designated for mail-in ballots, and determine if the certificate on the front of each voter confirmation envelope has been properly completed;
 - (b) if the certificate has not been properly completed, place the unopened voter confirmation envelope in a separate envelope for ballots that are not accepted;
 - (c) if the certificate has been properly completed, remove the sealed ballot security envelope from the voter confirmation envelope;
 - (d) remove the mail-in ballot from the ballot security envelope;
 - (e) insert the mail-in ballot into the vote tabulating machine;
 - (f) complete the vote counting procedures specified in Section 12; and
 - (g) record in the mail-in ballot register whether the mail-in ballot was accepted, not accepted or spoiled.
- (13) In order to be counted, a mail-in ballot must be received by the returning officer or other designated election official by the closing of the polls on election day.
- (14) Mail-in ballots received after the closing of the polls on election day are deemed to be spoiled ballots.
- (15) The voter's registration forms, declarations of persons requesting mail-in ballots, and voter confirmation envelopes and certificates may be inspected by candidates or candidates' agents at the election office at City Hall during normal business hours commencing on the day following nomination day and ending at the close of polls on election day.
- (16) The candidates or their agents shall have the right to object to a person's entitlement to vote pursuant to Section 112 of *The Local Government Election Act, 2015*.
- (17) The mail-in ballots and forms and other election materials shall be retained and destroyed in accordance with Section 142 of *The Local Government Election Act, 2015*.

Procedures for Counting Votes

12. After the close of polls on election day, the supervising deputy returning officer shall:
 - (a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote tabulating unit;
 - (b) secure the vote tabulating unit so that no more ballots can be inserted;
 - (c) generate two copies, or such other number as is directed by the returning officer, of the register tape from the vote tabulating unit;
 - (d) forward election data to the returning officer;
 - (e) complete a ballot statement accounting for the unused, spoiled and voted ballots; and
 - (f) ensure delivery of the ballot statement, register tape, poll book and all other election materials to the returning officer.

13. After the close of the polls on election day, the returning officer shall:
 - (a) input ballots from:
 - (i) any established poll at which a vote tabulating unit was not used;
 - (ii) any special poll; and
 - (iii) any mobile poll;
 - (b) generate copies of the register tape from the vote tabulating unit for the advance polls and the polls referred to in paragraph (a); and
 - (c) cause all election results to be tabulated and displayed at City Hall, 222 Third Avenue North, Saskatoon, Saskatchewan.

Procedures for Recounting Votes After Declaration of Results

- 13.1 The recount of votes after the returning officer has declared the election results shall be conducted in accordance with Part X of *The Local Government Election Act, 2015*.

Effective Date

14. This Bylaw comes into effect on the day of final passage.

Read a first time this 24th day of February, 2003.

Read a second time this 24th day of February, 2003.

Read a third time and passed this 24th day of February, 2003.

"James Maddin"
Mayor

"Janice Mann"
City Clerk

"SEAL"

Schedule "A"
Form of Ballot
Election of a Member

Instructions to Voters: Vote by completely filling in the OVAL to the LEFT of the candidate(s) of your choice. If you tear or wrongly mark your ballot, return it and another will be provided.
VOTE LIKE THIS ● .

FOR:

MAYOR

YOU ARE ENTITLED TO VOTE FOR ONE CANDIDATE

CHRISTIE, Gayle
Nurse

TONKS, Alan
Retired

FOR:

COUNCILLOR

YOU ARE ENTITLED TO VOTE FOR ONE CANDIDATE

HERGERT, Edgar
Mechanic

HOWELLS, Dan
Farmer

PAGE, Joan
Lawyer

RAGNO, Enzo
Trainman

FOR:

**TRUSTEES
SEPARATE SCHOOL BOARD**

YOU ARE ENTITLED TO VOTE FOR SEVEN CANDIDATES

BELL, Jay
Lawyer

COLLE, Michael
Union Representative

GOLDBERG, Dan
Store Clerk

NOBLEMAN, Ben
Teacher

PETERS, Cathy
Musician

REID, James
Salesperson

SCOTT, Jack
Contractor

THOMPSON, Robert
Electrician

WILSON, Pat
Teacher

FOR:

**TRUSTEE
PUBLIC SCHOOL BOARD**

YOU ARE ENTITLED TO VOTE FOR ONE CANDIDATE

POLLOCK, Evelyn
Insurance Agent

SIMPSON, Doris
Physician

Schedule "B"
Form Of Ballot

Vote on a Bylaw or Resolution

Instructions to Voters: Vote for or against the bylaw (or resolution) by completely filling in the OVAL to the LEFT of the words which express your intention. If you tear or wrongly mark your ballot, return it and another will be provided. VOTE LIKE THIS .

Vote on bylaw (or resolution) to *(here state object of the bylaw or resolution)*

For the Bylaw (or Resolution)

Against the Bylaw (or Resolution)

Submitted by The City of Saskatoon (or school division) this _____ day of _____
20____.

Schedule "C"
Form of Ballot

Vote on a Question

Instructions to Voters: Vote by completely filling in the OVAL to the LEFT of the word which expresses your opinion on the question. If you tear or wrongly mark your ballot, return it and another will be provided.
VOTE LIKE THIS .

Vote on the Question:

(here state question)

Yes

No

Submitted by The City of Saskatoon (or school division) this _____ day of _____,
20____.