

**1996**

**CHAPTER 16**

An Act to amend *The Local Government Election Act*

(Assented to April 30, 1996)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

**Short title**

**1** This Act may be cited as *The Local Government Election Amendment Act, 1996*.

**S.S. 1982-83, c.L-30.1 amended**

**2** *The Local Government Election Act* is amended in the manner set forth in this Act.

**Section 5 amended**

**3** Subsection 5(2) is amended by striking out "third" and substituting "fourth".

**Section 8 amended**

**4** Section 8 is amended by striking out "Minister of Urban Affairs" and substituting "Minister of Municipal Government".

**Section 12 amended**

**5** Subsection 12(2) is repealed and the following substituted:

"(2) The electors of each ward shall elect one board member in the case of:

(a) a school division that has been divided into wards; or

(b) a portion of a school division that has been divided into wards pursuant to section 18 of *The Education Act* or section 40 of *The Education Act, 1995*".

**Section 13 amended**

**6** Section 13 is amended by adding "or portion of a school division" after "school division" wherever it appears.

**Section 15 repealed**

**7** Section 15 is repealed.

**Section 23 amended**

**8** Clause 23(1)(c) is amended:

(a) in the portion preceding subclause (i) by striking out "immediately preceding" and substituting "on"; and

(b) by striking out the portion following paragraph (iii)(D).

**Section 24.1 amended**

**9 Clause 24.1(1)(b) is amended:**

(a) by striking out "or" after subclause (i); and

(b) by repealing subclause (ii) and substituting the following:

"(ii) is the owner of assessable land in the case of a municipality other than a resort village; or

"(iii) is the owner or lessee of assessable land in the case of a resort village".

**New section 26**

**10 Section 26 is repealed and the following substituted:**

**"Candidates in municipal election**

**26** A person is qualified to be nominated as a candidate in a municipal election and to hold office as mayor or councillor of a municipality if the person:

(a) in the case of a municipality other than a resort village:

(i) on the day of the election, is at least 18 years of age; and

(ii) at the time he or she submits the nomination paper, is a Canadian citizen and has resided in that municipality, or on land now in that municipality, for at least three months, and in Saskatchewan for at least six months;

(b) in the case of a resort village:

(i) on the day of the election, is at least 18 years of age; and

(ii) at the time he or she submits the nomination paper, is a Canadian citizen and:

(A) has resided in that resort village, or on land now in that resort village, for at least three months, and in Saskatchewan for at least six months; or

(B) has been the owner or lessee of assessable land situated in the resort village, or of land now in that resort village, for at least three months, and has resided in Saskatchewan for at least six months; and

(c) is not disqualified pursuant to this or any other Act".

**Section 26.1 amended****11 Section 26.1 is amended:**

- (a) in subsection (2) by striking out "his";
- (b) by repealing subsection (3) and substituting the following:

"(3) The following persons may seek nomination to the council, board or joint board with which the person is employed if the person has first obtained a leave of absence in accordance with subsection 80(1) of *The Labour Standards Act*:

- (a) an employee of a municipality;
- (b) an employee of a board or commission appointed by a council;
- (c) an employee of a board of education;
- (d) an employee of a joint board, as defined in *The Education Act* or *The Education Act, 1995*; and

- (c) in subsection (4):

- (i) by adding "or her" after "his"; and
- (ii) by adding "or she" after "he".

**New section 27****12 Section 27 is repealed and the following substituted:****"Candidates in board election**

**27** A person is qualified to be nominated as a candidate for and hold office as a board member for a school division if the person:

- (a) is an elector of the school division on the day of the election;
- (b) at the time he or she submits the nomination paper is a Canadian citizen, and has resided:
  - (i) in the school division, or on land now in that school division, for at least three months; and
  - (ii) in Saskatchewan for at least six months".

**Section 45 amended**

**13 Section 45 is amended:**

**(a) in subsection (3):**

**(i) by repealing clause (d) and substituting the following:**

“(d) in the case of an election in a municipality or school division that is not divided into wards, to be posted in one or more conspicuous locations in the municipality or school division;

“(d.1) in the case of an election in a municipality or school division that is divided into wards, to be posted in one or more conspicuous locations in each ward within which an election is to be held and in one or more additional conspicuous locations within the municipality or school division”;

**(ii) by repealing subclauses (e)(i), (i.1) and (i.2); and**

**(iii) in subclause (e)(iv) by striking out “(i) to (iii)” and substituting “(ii) or (iii)”;** and

**(b) by adding the following subsections after subsection (3):**

“(3.1) Notwithstanding clause (3)(a), in the discretion of the returning officer, the notice mentioned in subsection (1) may be published in a publication primarily for advertising or an advertising supplement to or contained in a newspaper that is distributed at least weekly in a municipality, school division or area that is affected by a matter with respect to which a provision of this Act otherwise requires publication in a newspaper.

“(3.2) If all or part of the contents of the notice mentioned in subsection (1) are, in the discretion of the returning officer, distributed by mail or delivered to all resident electors of the municipality, or school division, as the case may be, or if reasonable actions are taken to mail or deliver the notice to all those electors, the contents of the notice so distributed or delivered need not be published in a newspaper, a publication primarily for advertising or an advertising supplement as otherwise required by this section”.

**Section 50 amended**

**14 Section 50 is amended:**

**(a) in subsection (2) by striking out “The” and substituting “Subject to subsection (3), the”;** and

**(b) by adding the following subsection after subsection (2):**

“(3) The returning officer or nomination officer shall receive nominations for candidates, in addition to the times set out in subsection (2), at any time during normal office hours during the period from the posting of the call for nominations until the time set out in subsection (2) for the receipt of nominations on nomination day”.

**Section 52 amended:****15 Section 52 is amended:****(a) by adding “(1)” after “52”;****(b) in subsection (1):**

**(i) by adding “or her” after “his”;**

**(ii) by striking out “himself” and substituting “the person”;**

**(iii) by adding “and” after clause (b); and**

**(iv) by adding the following clause after clause (b):**

“(c) in addition to the times set out in clauses (a) and (b), at any time during normal office hours during the period from the receipt of the person's nomination until the time set out in clause (a) in the case of resort villages and the time set out in clause (b) for withdrawal of nominations”; **and**

**(c) in subsection (2) by adding “or her” after “his”.**

**Section 54 amended****16 Section 54 is amended:**

**(a) in subclause (1)(b)(i) by striking out “seventh day” and substituting “fourteenth day”; and**

**(b) in subclause (1)(b)(ii) by striking out “sixth day” and substituting “thirteenth day”; and**

**(c) by adding the following subsection after subsection (1):**

“(1.1) The returning officer or nomination officer shall also receive nominations:

(a) in the case of nominations mentioned in subclause (1)(b)(i), during normal office hours from the close of the period for the withdrawal of nominations until the close of nominations on the fourteenth day following the date of the close of the period for nominations; and

(b) in the case of nominations mentioned in subclause (1)(b)(ii), during normal office hours from the close of the period for the withdrawal of nominations until the close of nominations on the thirteenth day following the date of the close of the period for nominations”.

**Section 55 amended**

**17 Clause 55(b) is amended by striking out “21” and substituting “28”.**

**New section 59.1**

**18 The following section is added after section 59:**

**“Voting machines**

**59.1(1)** Notwithstanding any other provision of this Act but subject to any regulations made pursuant to subsection (5), the council, or where the board conducts the election, the board, may, by bylaw in the case of a council and by resolution in the case of a board, provide for the use at elections of voting machines, voting recorders, optical scanning vote tabulators, or other devices.

(2) A bylaw or resolution mentioned in subsection (1) must include provisions:

- (a) respecting the form of ballot;
- (b) respecting procedures for voting and for counting votes; and
- (c) respecting any other matter that the council or board considers necessary or advisable.

(3) The municipality or school division shall forward a copy of the bylaw or resolution, as the case may be, to the minister promptly after it is passed.

(4) The failure to forward a copy of a bylaw or resolution pursuant to subsection (3) does not affect the validity of the bylaw or resolution.

(5) The Lieutenant Governor in Council may make regulations:

- (a) prescribing requirements, limits and conditions in relation to voting pursuant to this section, including prescribing different requirements, limits and conditions for different municipalities or school divisions or classes of municipalities or school divisions;
- (b) prescribing that this section does not apply to specified municipalities or school divisions or classes of municipalities or school divisions;
- (c) respecting any matter that the Lieutenant Governor in Council considers necessary for the purpose of conducting elections with the devices mentioned in subsection (1).

(6) Subject to any regulation made pursuant to subsection (5), a judge who determines pursuant to this Act that a recount of ballots counted by a device mentioned in subsection (1) is required shall determine whether the recount or any part of it is to be conducted manually, by using the device, or both”.

**Section 61 amended**

**19 Section 61 is amended:**

- (a) **in clause (1)(h) by adding “where a voters' list has been prepared,” before “one copy”; and**
- (b) **by adding the following subsection after subsection (1):**

“(1.1) The returning officer shall provide, free of charge, one copy of the list mentioned in subsection 95(2) to each candidate who requests one”.

**New section 65.1**

**20 The following section is added after section 65:**

**“Transfer certificate for disabled electors**

**65.1** Subject to section 66, on the application of a disabled elector, the returning officer or deputy returning officer shall supply the disabled elector with a certificate in the prescribed form entitling the disabled elector to vote at a polling place allowing convenient access to disabled persons instead of at a polling place where the disabled elector would otherwise be required to vote”.

**Section 66 amended**

**21 Section 66 is amended:**

- (a) **by adding “or her” after “his”; and**
- (b) **by striking out “at which he is an election official”.**

**Section 68 amended**

**22 Subsection 68(2) is amended:**

- (a) **by striking out “and” after clause (b);**
- (b) **by adding “and” after clause (c); and**
- (c) **by adding the following clause after clause (c):**

“(d) if a voters' list is being used in the election, and if a certificate has been supplied pursuant to clause 95.1(1)(b), make entries in the voters' list in accordance with clause 95.1(1)(b)”.

**Section 70 amended****23 The following subsections are added after subsection 70(1):**

“(1.1) Clauses (1)(a) and (b) do not apply to a ballot box that has been used previously to receive votes at an advance poll in the election.

“(1.2) If a ballot box that has been used previously to receive votes at an advance poll in the election is to be used, immediately prior to the opening of the poll, the deputy returning officer shall exhibit the ballot box to the persons present in the polling place in a manner so as to satisfy those persons that the seals remain intact”.

**Section 79 amended****24 Clause 79(b) is repealed and the following substituted:**

“(b) place an `X', or other mark that clearly indicates the elector's choice, in the circle provided on the ballot opposite the name of the candidate”.

**Section 85 amended****25 Section 85 is amended by striking out “Where” and substituting “Subject to section 65.1, where”.****New section 95.1****26 The following section is added after section 95:****“Where voters' list used**

**95.1(1)** Where a voters' list is used in an election and the returning officer has received a list of voters mentioned in subsection 95(2) who have voted at an advance poll, the returning officer shall:

(a) make an entry in the voters' list opposite the name of each elector whose name appears on the list and whose vote has been received at an advance poll, showing that the elector has voted; or

(b) make a certificate in the prescribed form for each polling area, showing the name and address of each elector listed on the voters' list for that polling area who has voted at an advance poll, and shall furnish the certificate before the opening of the poll on election day to the deputy returning officer of the polling area.

(2) Before opening the poll on election day, the deputy returning officer of the polling area shall make an entry in the voters' list supplied to him or her opposite the name of each elector whose name appears on the certificate showing that the elector has voted”.

**Section 97 amended****27 Subsection 97(2) is amended by striking out “the form delivered to him pursuant to clause (1)(b)” and substituting “the list marked in accordance with clause 95.1(1)(a) or the certificate pursuant to clause 95.1(1)(b)”.****Section 110 amended****28 Section 110 is amended by striking out “Minister of Urban Affairs” and substituting “Minister of Municipal Government”.****Coming into force****29 This Act comes into force on proclamation.**



