

2002

CHAPTER 34

An Act to amend *The Local Government Election Act*

(Assented to July 3, 2002)

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, 2002*.

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.

New section 22

3 Section 22 is repealed and the following substituted:

“Hospitals and personal care facilities

22(1) In this section, **‘personal care facility’** means a personal care home licensed pursuant to *The Personal Care Homes Act*, a special-care home licensed pursuant to *The Housing and Special-care Homes 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.

(2) A council, by bylaw, or a board, by resolution, may do either or both of the following:

(a) establish a polling place in a hospital, personal care facility or similar institution situated within the municipality or school division at which an elector of the municipality or school division, who is receiving care in that institution, may vote in an election;

(b) permit an elector of the municipality or school division who is receiving care in a hospital, personal care facility or similar institution situated within the municipality or school division to vote in an election by mail-in ballot in accordance with a mail-in ballot voting system established by bylaw or resolution pursuant to subsection 60(7).”

Section 22.1 amended**4(1) Subsection 22.1(1) is repealed and the following substituted:**

“(1) Subject to subsections (2) and 28(3), a council or board may provide for the attendance of a returning officer or deputy returning officer and a poll clerk at an elector’s residence during the time when polls are open for voting at an election to take the vote:

(a) of an elector in the municipality or school division who, because of physical disability or limited mobility, is unable to attend at an established polling place to vote; and

(b) of a resident caregiver of the elector mentioned in clause (a):

(i) if the resident caregiver is also an elector in the municipality or school division; and

(ii) if, because of the care required by the elector mentioned in clause (a), the resident caregiver is not able to attend at an established polling place to vote during the time when polls are open for voting”.

(2) Subsections 22.1(3) to (6) are repealed and the following substituted:

“(3) If a council or board has made provision for the taking of votes of electors pursuant to subsection (1), an elector with a physical disability or limited mobility, or a person acting on behalf of that elector, may apply to the returning officer in accordance with subsection (4):

(a) to have the elector’s vote taken in the manner provided for in subsection (1); and

(b) if applicable, to have the resident caregiver’s vote taken in the manner provided for in subsection (1).

“(4) An application made pursuant to subsection (3) must:

(a) be in writing and in the prescribed form;

(b) be made in the manner and within the time prescribed by the council or board;

(c) set out the elector’s name and address and the reason the elector is not able to attend at an established polling place to vote; and

(d) if applicable, set out the name and address of the elector’s resident caregiver and the reason the resident caregiver, who is also an elector in the municipality or school division, is not able to attend at an established polling place to vote during the time when polls are open for voting.

“(5) If a returning officer receives an application in accordance with this section and is satisfied that the application is proper and complies with this section, the returning officer shall include each elector’s name and address, arranged alphabetically or geographically, on a list in the prescribed form of electors entitled to vote at the election pursuant to this section.

“(6) When the returning officer has completed the list pursuant to subsection (5), the returning officer shall advise each elector in writing in the prescribed form:

- (a) that the name and address of the elector has been entered on the list of electors entitled to vote at the election pursuant to this section; and
- (b) of the approximate time during the advance poll or on election day when the elector’s vote will be taken pursuant to this section”.

Section 46 amended

5 Subsection 46(2) is repealed and the following substituted:

“(2) No nomination is complete unless the candidate’s acceptance of nomination statement is:

- (a) signed by the person nominated;
- (b) witnessed by two people; and
- (c) accompanied by any deposit required pursuant to section 46.1”.

Section 46.1 amended

6 Subsection 46.1(2) is amended by striking out “valid” and substituting “complete”.

Section 54 amended

7(1) Clause 54(1)(b) is repealed and the following substituted:

“(b) give notice in the prescribed form in accordance with subsection 45(3) calling for further nominations for the remaining vacancies in office to be received by the returning officer or nomination officer:

- (i) in the case of a nomination as mayor or councillor of a resort village, between 11:00 a.m. and 2:00 p.m. on the fourteenth day following the date of the close of the period for withdrawal of nominations;
- (ii) in the case of a nomination as mayor or councillor of a city, between 9:00 a.m. and 4:00 p.m. on the sixth day following the date of the close of the period for withdrawal of nominations; and
- (iii) in the case of a nomination other than one mentioned in subclause (i) or (ii), between 9:00 a.m. and 4:00 p.m. on the thirteenth day following the date of the close of the period for withdrawal of nominations”.

(2) Subsection 54(1.1) is repealed and the following substituted:

“(1.1) A 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;
- (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 sixth day following the date of the close of the period for nominations; and
- (c) in the case of nominations mentioned in subclause (1)(b)(iii), 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 60 amended**8 The following subsections are added after subsection 60(6):**

“(7) Notwithstanding any other provision of this Act or *The Controverted Municipal Elections Act* but subject to subsection (8) and any regulations made pursuant to subsection (9), a council, by bylaw, or a board, by resolution, may establish a mail-in ballot voting system for the purpose of receiving ballots in an election from electors mentioned in clause 22(2)(b).

“(8) A bylaw or resolution mentioned in subsection (7):

- (a) must not extend the period for the receipt of mail-in ballots beyond the closing of the polls on election day; and
- (b) must provide that mail-in ballots received after the closing of the polls on election day:
 - (i) are deemed to be spoiled ballots; and
 - (ii) are to be dealt with by the deputy returning officer in the manner set out in subsection 83(2).

“(9) The Lieutenant Governor in Council may make regulations:

- (a) prescribing requirements, limits and conditions in relation to mail-in ballot voting pursuant to subsection (7), including prescribing different requirements, limits and conditions for different municipalities or school divisions or for different classes of municipalities or school divisions;
- (b) prescribing that subsection (7) does not apply to specified municipalities or school divisions or to specified classes of municipalities or school divisions;
- (c) respecting any other matter that the Lieutenant Governor in Council considers necessary for the purpose of conducting elections by mail-in ballot voting pursuant to subsection (7)”.

New section 67**9 Section 67 is repealed and the following substituted:****“Duration of poll**

67(1) Subject to subsection (3), polls must be open for voting between 9:00 a.m. and 8:00 p.m., as a minimum, on election day.

(2) The returning officer may open polls for voting earlier than 9:00 a.m. on election day.

(3) The council or board that, pursuant to section 17, is responsible for naming polling places may determine the times during which the polls in a polling place established pursuant to section 22 are to be kept open, as long as the polls are kept open for at least two consecutive hours.

(4) If, at the hour fixed for the closing of the poll, there are persons in the polling place who are entitled to vote and who have not yet voted, the deputy returning officer shall permit only those persons to vote”.

New section 145.1**10 The following section is added after section 145:****“Disclosure of campaign contributions and expenses**

145.1 At least 60 days before an election, a council, by bylaw, or a board, by resolution, may do either or both of the following:

(a) establish disclosure requirements respecting campaign contributions and expenses;

(b) establish election campaign spending limits”.

Coming into force

11 This Act comes into force on proclamation.

REGINA, SASKATCHEWAN
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