

2005

CHAPTER 19

An Act to amend *The Local Government Election Act*

(Assented to May 27, 2005)

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, 2005*.

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.

Long title amended

3 **The long title is amended by striking out “in Urban Municipalities” and substituting “in Municipalities”.**

Section 2 amended

4(1) Subsection 2(1) is amended:

(a) by repealing clause (k) and substituting the following:

“(k) ‘**election**’ includes a by-election, and means:

(i) an election of members of council;

(ii) an election of board members; or

(iii) a vote of electors or voters, as the case may be, for approval of a bylaw or resolution, or to obtain their opinion on any question or resolution submitted to them, pursuant to *The Cities Act*, *The Municipalities Act*, *The Northern Municipalities Act* or *The Education Act, 1995*, as the case may be”;

(b) by repealing clause (t) and substituting the following:

“(t) ‘**municipality**’ means a municipality other than a rural municipality”;

(c) by repealing clause (bb);

(d) by repealing subclause (ll)(i) and substituting the following:

“(i) a ward described in Division 2 of Part V of *The Cities Act* or Division 2 of Part V of *The Municipalities Act*”; **and**

(e) by repealing clause (mm).

(2) The following subsection is added after subsection 2(2):

“(2.1) Subject to subsection (3), for the purposes of this Act, a school division is wholly or substantially within a municipality if:

- (a) at least 80% of the geographic area of the school division is within the municipality; or
- (b) a majority of the schools operated by the school division are within the municipality”.

Section 8 amended

5 Section 8 is amended by striking out “Minister of Municipal Government or the Minister of Education” and substituting “Minister of Government Relations or the Minister of Learning”.

Section 12 amended

6 Subsection 12(1) is repealed and the following substituted:

“(1) If a city, town, village or resort village has been divided into wards, the electors of each ward shall elect the proper number of councillors as determined pursuant to *The Cities Act* or *The Municipalities Act*, as the case may be”.

Section 17 amended

7(1) Subsection 17(2) is amended in the portion preceding clause (a) by striking out “Where” and substituting “Subject to subsection (2.1), if”.

(2) The following subsection is added after subsection 17(2):

“(2.1) If a school division to which subsection (2) applies includes a city within its boundaries, subsection (1) applies, with any necessary modification, to that portion of the school division located within the city”.

(3) Subsection 17(3) is amended by striking out “subsections (1) and (2)” and substituting “subsections (1), (2) and (2.1)”.

(4) The following subsections are added after subsection 17(3):

“(4) In the case of a school division described in subsection (2.1), the board shall consult with the council of the city to ensure that, if possible, polling areas in the school division are numbered consecutively.

“(5) If a school division is required by an order made pursuant to section 17.1 to conduct a school board election, the school division must establish a polling station in each municipality affected by the order”.

New section 17.1

8 The following section is added after section 17:

“School division to conduct election

17.1 If a municipality is required pursuant to this Act to conduct a school board election, and if the municipality, on written application to the Minister of Learning, satisfies the Minister of Learning that conducting the election would cause undue hardship for the municipality or that it would be more practical for the affected school division to conduct the election, the Minister of Learning, after consulting with the affected school division, may issue an order notwithstanding any other provision of this Act:

- (a) relieving the municipality of the responsibility of conducting the election; and
- (b) requiring the school division to conduct the election”.

Section 18 amended**9 Clause 18(1)(e) is repealed and the following substituted:**

“(e) if practical, a polling place is located in each municipality”.

Section 22 amended**10 Subsection 22(2) is amended in the portion preceding clause (a) by striking out “, by bylaw,”.****Section 28 amended****11(1) Subsection 28(3.1) is amended by striking out “in a city or in a northern school division”.****(2) The following subsection is added after subsection 28(6):**

“(7) Notwithstanding any other provision of this Act, if a school division is required by an order made pursuant to section 17.1 to conduct a school board election, the returning officer is the secretary treasurer of the school division, unless at least 90 days before the election day the board appoints another person as returning officer”.

Section 45 amended**12 Subsection 45(2) is amended by adding “and in the case of a school division described in subsection 17(2.1)” after “within a municipality”.****Section 46 amended****13(1) Clauses 46(1.1)(e) to (h) are repealed and the following substituted:**

“(e) in the case of a school division that is not divided into wards, by at least 10 electors of the school division;

“(f) in the case of a school division that is divided into wards, with respect to nomination for the office of board member for a ward, by at least 10 electors of the ward”.

(2) Subsection 46(1.2) is repealed and the following substituted:

“(1.2) Every nomination paper must include:

(a) the nominee’s street or road address or the legal description of the land located within the municipality on which the nominee’s right to vote is based;

(b) the nominator’s street or road address or the legal description of the land located within the municipality on which the nominator’s right to vote is based;

(c) in the case of a nomination for the office of board member, a statement that each nominator is an elector of the school division for which the person is nominated; and

(d) the nominee’s acceptance, in the prescribed form, of the nomination statement”.

Section 54 amended**14 Subclause 54(1)(b)(ii) is amended by adding “, or as a board member in a city” after “city”.**

Section 97.1 amended

15 Subsection 97.1(6) is amended by striking out “*The Urban Municipality Act, 1984*” and substituting “*The Municipalities Act*”.

Section 110 amended

16 Section 110 is amended by striking out “Minister of Education or the Minister of Municipal Government” and substituting “Minister of Learning or the Minister of Government Relations”.

Section 112 amended

17 Subsection 112(3) is amended:

(a) by adding “section 90 of *The Cities Act*,” after “in accordance with”; and

(b) by striking out “section 82 of *The Urban Municipality Act, 1984*” and substituting “section 116 of *The Municipalities Act*”.

Section 113 amended

18 Section 113 is amended by striking out “*The Urban Municipality Act, 1984*” and substituting “*The Municipalities Act*”.

Section 116 amended

19 Clause 116(3)(b) is amended:

(a) by adding “*The Cities Act*,” after “in accordance with”; and

(b) by striking out “*The Urban Municipality Act, 1984*” and substituting “*The Municipalities Act*”.

Section 117 amended

20 Clause 117(1)(c) is amended in the portion preceding subclause (i) by striking out “section 88.1 of *The Urban Municipality Act, 1984*” and substituting “section 132 of *The Municipalities Act*”.

Section 125 amended

21 Clause 125(a) is amended by striking out “Minister of Education” and substituting “Minister of Learning”.

Section 139 amended

22 Section 139 is amended by striking out “*The Urban Municipality Act, 1984*” and substituting “*The Municipalities Act*”.

Heading struck out

23 The heading “REGULATIONS” preceding section 160 is struck out.

Section 160 repealed

24 Section 160 is repealed.

New Parts VIII and IX

25 The following Parts are added before section 161:

“PART VIII
Elections in Rural Municipalities

“DIVISION 1
Interpretation

“Interpretation of Part

160.01(1) In this Part:

- (a) **‘division’** means a division of a rural municipality established pursuant to Part IV of *The Municipalities Act*;
- (b) **‘property’** means property as defined in *The Municipalities Act* for the purposes of Parts X and XI of that Act;
- (c) **‘voter’** means a person who:
 - (i) on the day of an election in a rural municipality, is at least 18 years of age and a Canadian citizen; and
 - (ii) immediately preceding the day of the election:
 - (A) has resided in the rural municipality for at least six months;
 - (B) is the registered owner of taxable land in the rural municipality or the purchaser of land in the rural municipality under a bona fide agreement for sale;
 - (C) is assessed as an occupant of any land in the rural municipality that is exempt from taxation;
 - (D) is assessed with respect to an improvement in the rural municipality;
 - (E) is an occupant of property in the rural municipality that is used for business purposes;
 - (F) is the holder of a permit in the rural municipality with respect to a trailer or mobile home;
 - (G) is:
 - (I) a resident of Saskatchewan; and
 - (II) the chief executive officer of a duly incorporated co-operative, corporation or religious association that is assessed on the last revised assessment roll with respect to property in the rural municipality that is not exempt from taxation or that is licensed with respect to a home-based business; or

(H) is the spouse of a person mentioned in paragraph (B), (C), (D), (E) or (F) and resides with that person in Saskatchewan but outside of the rural municipality.

(2) Notwithstanding section 2, any terms that are used in this Part and that are defined in *The Municipalities Act* in relation to rural municipalities have the meanings ascribed to them in that Act.

“Rules of residence

160.02 For the purposes of this Part:

- (a) the residence of a person is the place in which the person’s habitation is fixed and to which, when the person is absent from that place, he or she has the intention of returning;
- (b) a person who is temporarily absent from the place where the person’s habitation is fixed does not lose his or her residence;
- (c) no person, while he or she remains in Saskatchewan, is deemed to have lost his or her residence until he or she has acquired another residence; and
- (d) no person has more than one residence in Saskatchewan and, if the person has more than one home in Saskatchewan, he or she shall elect one home as his or her residence.

“Annual election

160.03(1) An election for members of the council must be held annually in every rural municipality at the time and in the manner provided in this Part.

(2) The election of members of the council:

- (a) in the case of odd-numbered divisions and the election of reeves, is to be held in even-numbered years; and
- (b) in the case of even-numbered divisions, is to be held in odd-numbered years.

(3) Subject to subsections (4) to (6), the reeve and each councillor hold office for a term of two years commencing at the first meeting of the council following his or her election.

(4) If an order is made pursuant to subsection 61(2) of *The Municipalities Act*, in the order, the minister may alter the term of office of the reeve or any councillor.

(5) If, as a result of annexation pursuant to section 61 of *The Municipalities Act*, a new election is required, the minister shall, in the order, fix the terms of the newly elected members of the council.

(6) If the election for reeve and councillors in any rural municipality is not held in accordance with subsection (2), the minister, at any time, by order, may extend the term of the office of the reeve or any councillor in the rural municipality for a time sufficient for the election of a reeve and councillors to be held in accordance with subsection (2).

“Qualification for nomination

160.04(1) Subject to subsection (2), a person is qualified for nomination as reeve or councillor if the person is:

- (a) eligible to vote in the rural municipality; and
- (b) not disqualified by reason of any provision of this Act or any other Act.

(2) No person may be nominated or elected as:

- (a) a member of council for more than one division; or
- (b) a councillor of a division and the reeve of the rural municipality.

(3) Except in the case of the annual election held in the last year of a councillor’s term of office, no councillor or person who has been declared elected to a future term of office as councillor pursuant to section 160.16, 160.23 or 160.24 is eligible for nomination or election as reeve unless he or she has, before filing his or her nomination paper, filed his or her resignation as councillor with the administrator, which resignation:

- (a) in the case of an annual election, takes effect at midnight on December 31 following the nomination period or on an earlier date specified in the resignation; or
- (b) in the case of an election other than an annual election, takes effect immediately.

“Disqualification

160.05 The following persons are not qualified to be nominated or elected as a member of council:

- (a) a paid employee of the rural municipality or a surety of such an employee;
- (b) an auditor of the rural municipality or any person who within the two years preceding the date of the election has been an auditor of the rural municipality;
- (c) any person who has a direct or indirect contract with or on behalf of the rural municipality.

“Exceptions to section 160.05

160.06 No person is disqualified from being nominated or elected as a member of the council of a rural municipality solely by reason of:

- (a) being a shareholder in a corporation that has dealings or contracts with the rural municipality or having a contract for the publication of an advertisement in a newspaper;

- (b) entering into a contract or agreement with the rural municipality on terms common to all voters of the rural municipality; or
- (c) having a special interest in a contract for goods or services or being a director or officer of a corporation that has dealings or contracts with the rural municipality to provide goods or services if:
 - (i) the goods or services are not readily available from a resident of the rural municipality other than the person seeking nomination;
 - (ii) the price of those goods or services is reasonable; and
 - (iii) every member of the council present and eligible to vote voted in favour of the contract.

“Vacancy

160.07(1) Subject to subsections (4) and (5), if a seat on the council of a rural municipality becomes vacant for any reason, the council shall, within 30 days:

- (a) set a day, which is a Monday, for the closing of a nomination period; and
- (b) appoint a returning officer to hold an election to fill the vacancy for the remainder of the term of the person being replaced.

(2) This Part applies, with any necessary modification, to an election held pursuant to this section.

(3) If the council of the rural municipality neglects or refuses to comply with subsection (1), the minister may appoint a returning officer and fix a date for an election to fill the vacancy.

(4) If a vacancy on the council of the rural municipality occurs on or after September 1 in any year, the council may proceed to fill the vacancy.

(5) If the council does not proceed to fill a vacancy mentioned in subsection (4) in any year other than the year in which the term of office expires and if notice of the vacancy is received by the administrator not less than 15 days before the closing of the nomination period, the returning officer shall take the necessary steps to have the vacancy filled at the next annual election.

(6) If a member of the council of a rural municipality whose term of office does not expire at the end of the then current year submits his or her notice of resignation to the administrator not less than 15 days before the closing of the nomination period and specifies a day in the future, but not beyond the end of the current year, on which the resignation is to become effective, the returning officer shall take the steps necessary to elect, at the next annual election, a reeve or councillor, as the case may be, to fill the vacancy for the remainder of the term of the person being replaced.

(7) If a person is elected at the annual election to fill a vacancy of a member of council whose term would have expired at the end of the then current year, the person so elected continues to be a member of the council for the following two years.

(8) If the number of members of the council is reduced by resignation or otherwise below the number required to constitute a quorum, the minister may appoint a returning officer and fix a date for an election to fill the vacancies.

“DIVISION 2 Proceedings Preliminary to Election

“List of voters

160.08(1) Before October 1 in any year, the council of a rural municipality may instruct the administrator to prepare a list of all voters in the rural municipality indicating the division in which each voter is entitled to vote in an election.

(2) The administrator shall state in the assessment notices to be sent pursuant to section 216 of *The Municipalities Act* the division in which the owner or owners are entitled to vote in an election.

(3) If assessable property is owned jointly by two or more persons, the administrator, in the assessment notice, shall state the division in which each owner of that property is entitled to vote in an election.

“Divisions where voters entitled to vote

160.09(1) The division of a rural municipality with respect to which a person is entitled to vote is determined in accordance with this section.

(2) A person is entitled to vote at the polling place for the division in which he or she resides if the person:

- (a) is assessed with respect to property that he or she owns or occupies in the division; or
- (b) is a licensee or permit holder in accordance with a bylaw made pursuant to *The Municipalities Act* with respect to a home-based business, trailer or mobile home in the division.

(3) Notwithstanding that he or she resides elsewhere, a person is entitled to vote at the polling place for a division if he or she:

- (a) is assessed with respect to property that he or she owns or occupies in that division and in that division only; or
- (b) is a licensee or permit holder in accordance with a bylaw made pursuant to *The Municipalities Act* with respect to a home-based business, trailer or mobile home in that division and in that division only.

- (4) If a person is assessed with respect to property that he or she owns or occupies in two or more divisions but does not reside in any of those divisions, the person:
- (a) is entitled to vote at the polling place for the division in which his or her total assessment is the highest; and
 - (b) in the case of equality of assessment, is entitled to vote at the polling place for the division bearing the lowest number.
- (5) If one person is assessed with respect to property jointly with another person or persons, the total assessed value of that property is to be used with respect to each voter in determining the division in which he or she votes.
- (6) Notwithstanding subsection (4), by notifying the administrator in writing before September 1 in any year, a person may designate the division in which he or she wishes to vote if the person:
- (a) is assessed with respect to property that he or she owns or occupies in two or more divisions but does not reside in any of those divisions; or
 - (b) is a licensee or permit holder in accordance with a bylaw made pursuant to *The Municipalities Act* with respect to a home-based business, trailer or mobile home in two or more divisions but does not reside in any of those divisions.
- (7) If a person makes a designation pursuant to subsection (6), he or she is:
- (a) entitled to vote at the polling place for the division so designated; and
 - (b) bound by the notice given pursuant to subsection (6) so long as he or she continues to be assessed or continues to be a licensee or permit holder only in the same divisions.
- (8) If a person is assessed with respect to property that he or she owns or occupies in one division, or if he or she is a licensee or permit holder in accordance with a bylaw made pursuant to *The Municipalities Act* with respect to a home-based business, trailer or mobile home in one division, and his or her spouse is so assessed or is such a licensee or permit holder in another division, either person may designate one of those divisions as the division in which they wish to vote by notifying the administrator in writing before September 1 in any year.
- (9) If a person makes a designation pursuant to subsection (8), both spouses are:
- (a) entitled to vote at the polling place for the division so designated; and
 - (b) bound by the notice given pursuant to subsection (8) so long as they continue to be assessed or continue to be licensees or permit holders in the same divisions.

(10) The persons mentioned in subsection (8) may change the designation of the division in which they are entitled to vote pursuant to subsection (9) to another division in which one or the other is assessed or is a licensee or permit holder in the manner mentioned in subsection (8) by notifying the administrator in writing not less than two years before an election is to be held in the division designated in the new notice.

(11) A voter mentioned in paragraph 160.01(1)(c)(ii)(A) is entitled to vote in the division in which the voter resides.

(12) A voter mentioned in paragraph 160.01(1)(c)(ii)(H) is entitled to vote in the division in which the spouse of the voter is entitled to vote.

(13) A chief executive officer mentioned in paragraph 160.01(1)(c)(ii)(G) who does not reside in the rural municipality:

(a) is entitled to vote at the polling place for the division in which the total assessment of the co-operative, corporation or religious association of which he or she is chief executive officer is the highest; and

(b) in the case of equality of assessment, is entitled to vote at the polling place for the division bearing the lowest number.

“Publication of list

160.1(1) The council of a rural municipality may cause copies of the list of voters to be:

(a) printed in any quantity that the council considers advisable; and

(b) offered for sale at a price that the council may determine.

(2) Moneys received from the sale of lists pursuant to subsection (1) form part of the funds of the rural municipality.

“Duties of administrator

160.11 No administrator shall knowingly fail to:

(a) prepare a list of voters when requested to do so by council;

(b) enter on the list of voters the name of any person whom the administrator knows to be entitled to have his or her name placed on the list;

(c) enter on the list of voters any other particulars as provided by this Act;

(d) omit from the list of voters the name of any person who is not a voter; or

(e) note on the tax notice of the assessed voter the division in which the assessed voter is entitled to vote.

**“DIVISION 3
Election procedures**

“Persons entitled to vote

160.12(1) The persons entitled to vote for reeve or councillor are the voters of the rural municipality.

(2) In an election, every voter:

(a) is entitled to vote once only, notwithstanding that he or she qualifies as a voter more than once in accordance with clause 160.01(1)(c) for the purposes of that election;

(b) is entitled to vote once only for reeve and once only for councillor; and

(c) shall vote at the polling place for the division in which the voter is entitled to vote.

“Election officials

160.13(1) Before October 1 in each year, the council of a rural municipality:

(a) shall name one or more polling places within Saskatchewan for each division;

(b) may appoint a deputy returning officer for each polling place; and

(c) shall appoint a returning officer and any other election officials that the council considers expedient to conduct the election.

(2) If the council does not appoint a deputy returning officer pursuant to clause (1)(b), or in the absence of the deputy returning officer, the returning officer may exercise the powers and shall perform the duties of the deputy returning officer pursuant to this Part.

(3) If any place has been designated as a polling place for more than one division, a person may act as deputy returning officer for more than one division at that polling place.

(4) If a returning officer is unable to act, the reeve shall appoint a person to act in the place of the returning officer.

(5) A person appointed pursuant to subsection (4) has all the powers, shall perform all the duties and is subject to the same liabilities as the returning officer in whose place the person is acting.

(6) If a deputy returning officer or any person appointed pursuant to clause (1)(b) other than a returning officer is unable to act, the returning officer shall appoint a person to act in the place of that person.

(7) If any polling place named pursuant to clause (1)(a) becomes unavailable, the returning officer shall name another place.

“Oath

160.14(1) Every returning officer, before entering on the duties of his or her office, shall take and subscribe an oath in the prescribed form.

(2) Every deputy returning officer, poll clerk, constable or other person appointed to act as an official at an election shall, before entering on his or her duties, take and subscribe an oath in the prescribed form before the returning officer or any person authorized to administer oaths in Saskatchewan.

“Nomination of candidates

160.15(1) Within one week following October 1, the returning officer shall cause to be published in one or more newspapers circulating in the rural municipality a notice in the prescribed form stating that nominations for candidates for members of council will be received at the municipal office during regular office hours until the third Monday in October at 3:00 p.m. local time.

(2) During the period mentioned in subsection (1), the returning officer shall:

(a) receive duly completed nominations for candidates for members of council; and

(b) give a receipt in the prescribed form for each nomination received.

(3) For the purposes of receiving nominations pursuant to this section at the municipal office, the council may appoint one or more nomination officers, and those officers are authorized to receive nominations and issue receipts on behalf of the returning officer.

“Procedure if only one candidate

160.16(1) The returning officer shall post, in a conspicuous place in the municipal office, copies of the nominations received pursuant to subsection 160.15(2).

(2) Immediately after the close of the period for the withdrawal of nominations mentioned in section 160.22, if only one candidate is nominated to serve as reeve or as councillor for the division in which an election is being held, the returning officer shall declare the candidate duly elected.

“Procedure if no candidate

160.17(1) If no candidate is nominated to serve as reeve or to serve as councillor for a division in which an election is being held, at its next meeting following the closing of the nomination period the council shall:

(a) arrange for another nomination period; and

(b) appoint any new returning officer or polling places that it considers advisable to hold an election to fill the position or positions for which no candidate was nominated during the initial nomination period.

(2) An election pursuant to this section is to be held as nearly as may be in the manner provided by this Part.

“Nomination to be in writing

160.18 Every nomination for reeve or councillor must be in writing in the prescribed form and signed:

- (a) in the case of reeve, by at least two voters of the rural municipality other than the person being nominated; and
- (b) in the case of councillors, by at least two voters of the division other than the person being nominated.

“Nomination accompanied by acceptance

160.19(1) No nomination is valid or shall be accepted by the returning officer unless the nomination paper is duly completed and signed and is accompanied by the candidate’s acceptance duly completed and signed.

(2) Any person who, when signing the candidate’s acceptance, makes a false statement in the acceptance is guilty of an offence.

(3) If a person who has been elected a member of the council is convicted for a contravention of subsection (2):

- (a) his or her seat immediately becomes vacant; and
- (b) the council shall declare the seat vacant.

“Place and date of voting

160.2 If more than the required number of persons are nominated for reeve or for councillor for one or more divisions, the returning officer shall:

- (a) declare that a vote will be held;
- (b) name the day mentioned in subsection 160.25(1) on which the votes will be taken and specify the place with respect to each division where the votes will be taken; and
- (c) name the time and place at which the result of the vote will be declared.

“Custody and destruction of nomination papers

160.21(1) Immediately after the close of the nomination period, the returning officer shall deliver all completed nomination papers and candidates’ acceptances in his or her possession to the administrator.

(2) The administrator shall retain the nomination papers in his or her custody for a period of three months from the end of the period mentioned in subsection (1) and shall then destroy them in the presence of two witnesses.

(3) Affidavits of the witnesses mentioned in subsection (2) attesting that they have witnessed the destruction of the nomination papers are to be:

- (a) taken before a presiding justice of the peace, a non-presiding justice of the peace, a notary public or a commissioner for oaths; and
- (b) filed by the administrator among the records of the rural municipality.

“Withdrawal

160.22 A candidate who is nominated may withdraw within 48 hours after the close of the nomination period mentioned in subsection 160.15(1) by filing with the returning officer a written declaration to that effect, signed in the presence of two witnesses or of the returning officer.

“Abandonment of poll

160.23(1) If, by reason of a candidate’s withdrawal, the number of candidates remaining in nomination for an office does not exceed the number required to be elected for that office, the voting for that office shall not take place, and the returning officer shall declare the candidate elected.

(2) If a candidate is declared elected pursuant to subsection (1), the returning officer shall cause a notice in the prescribed form to be:

- (a) posted promptly in the municipal office; and
- (b) published, within 10 days after the close of the nomination period, in a newspaper having wide circulation in the rural municipality.

“Abandonment of poll on death of candidate

160.24(1) If a candidate dies between the close of the nomination period and the close of the poll and the number of persons then remaining in nomination for that office does not exceed the number required to be elected:

- (a) the returning officer shall declare an abandonment of the poll and cause a notice in the prescribed form to be:
 - (i) posted in the municipal office; and
 - (ii) published in a newspaper having wide circulation in the rural municipality; and
- (b) the council, at its next meeting, shall provide for the holding of a by-election in accordance with this Part to fill that office.

(2) If a by-election is held pursuant to subsection (1), persons nominated in the election, other than the deceased candidate and any candidates who have withdrawn, are deemed to have been nominated again without having to be nominated during the new nomination period.

“Hours and place of voting

160.25(1) When voting is required for the election of a reeve or councillor, the voting is to take place on the third Wednesday after the close of the nomination period.

(2) Subject to subsection (3), the polling place is to be open for voting from 9:00 a.m. to 5:00 p.m. local time.

(3) A council may provide, by bylaw, that all the polling places are to remain open for voting for any period past the time set out in subsection (2), but that period is not to exceed three hours.

“Joint elections

160.26(1) Notwithstanding section 160.25, in any year in which a general election is to be held in a school division or municipality pursuant to section 5, the council of a rural municipality may, at least 90 days before an election is to be held pursuant to this Part, enter into an agreement with the other municipality or the school division to set the same day, hours and place of voting for both elections.

(2) An election held pursuant to subsection (1) must be held on or between:

- (a) the fourth Wednesday in October; and
- (b) the third Wednesday following the third Monday in October.

“Notice of vote

160.27 Within 10 days after the close of the nomination period, the returning officer shall cause notice of the vote, in the prescribed form, to be published in a newspaper having a wide circulation within the rural municipality.

“Ballot box

160.28(1) The returning officer shall procure for each division of the rural municipality a suitable ballot box:

- (a) made of durable material;
- (b) provided with two suitable durable seals; and
- (c) constructed so that the ballots:
 - (i) can be deposited in the box; and
 - (ii) cannot, when the box is sealed with one of the seals, be withdrawn unless the seal is broken.

(2) A ballot box may be constructed of cardboard or any other recyclable material if the requirements of subsection (1) are complied with.

(3) If the polling places for two or more divisions are situated in one room, it is not necessary to provide a separate ballot box for each division.

“Ballots

160.29(1) The returning officer shall cause to be printed or prepared a supply of ballots sufficient for the purposes of the election.

(2) Separate ballots of different colours are to be provided for the election of reeve and councillor.

(3) The ballots for the election of reeve must be in the prescribed form and contain the names of the candidates duly nominated, arranged alphabetically in the order of their surnames.

(4) The ballots for the election of councillor must be prepared for each division of the rural municipality in the prescribed form and contain the names of the candidates duly nominated for each division, arranged alphabetically in the order of their surnames.

“Poll book

160.3(1) The returning officer shall supply each deputy returning officer with a poll book, in the prescribed form, in which the deputy returning officer shall enter the record of voting.

(2) Notwithstanding subsection (1), the returning officer may fasten together voter registration forms for use as a poll book, and if the returning officer has done so, the voter registration forms are deemed to be a poll book for the purposes of subsection (1).

“Voting compartment

160.31 The deputy returning officer shall cause every polling place to be furnished with a compartment in which the voters can mark their ballots in secrecy.

“Duties of returning officer before opening of poll

160.32 Before the opening of the polling place for voting, the returning officer shall:

(a) deliver or cause to be delivered to every deputy returning officer the ballots that have been prepared for use in the division for which the deputy returning officer has been appointed to act and any other materials that are necessary to enable the voters to mark their ballots; and

(b) cause to be prepared in the prescribed form any number of printed directions for the guidance of voters that the returning officer considers to be sufficient.

“Duties of deputy returning officer on voting date

160.33(1) On the day fixed for voting, the deputy returning officer shall be present at the polling place at which he or she is to preside at least 15 minutes before the time fixed for opening the polling place for voting.

(2) Every deputy returning officer shall, before the opening of the polling place for voting, cause a copy of the directions mentioned in clause 160.32(b) to be posted:

(a) on the outside of the entrance to the polling place; and

(b) in the compartment provided for voting in the polling place.

(3) Immediately after the opening of the polling place for voting, the deputy returning officer shall show the ballot box to the persons present in the polling place so that they may see that the box is empty, and then, in their presence:

(a) close the box and attach to it one of the seals with which the box is provided in a manner that ensures that it is impossible to open the box without breaking the seal; and

(b) place the box in his or her view for the receipt of ballots.

(4) During the hours of voting, the deputy returning officer shall keep the sealed ballot box in his or her view and in full view of all persons present from time to time in the polling place.

“Posting of certain provisions

160.34 Before every election, the administrator shall furnish every deputy returning officer with at least two copies of section 160.86 of this Act and at least two copies of sections 3, 4, 7 and 8 of *The Controverted Municipal Elections Act*, and every deputy returning officer shall post the copies in conspicuous places at his or her polling place and ensure that they are kept so posted during the hours of voting.

“Persons entitled to be in polling place

160.35(1) Subject to section 160.42, during the hours of voting, no person is entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables and agents authorized to attend the polling place and the voters who are actually engaged in voting or waiting their turn to vote.

(2) A person producing to the deputy returning officer a written authority to represent a candidate as his or her agent at the polling place shall be recognized as such by the deputy returning officer, but not more than two agents of any candidate are entitled to be present at the same time in any polling place during the voting or the counting of votes.

(3) A candidate:

(a) may be present at any place at which his or her agent is by this Part authorized to attend; and

(b) may:

(i) undertake the duties that his or her agent might have undertaken; or

(ii) assist his or her agent in the performance of any duties.

“Inaccessible polling place

160.36(1) This section applies to voters who attend at a polling place to vote but who are unable to enter the polling place because of physical disability or limited mobility.

(2) A voter mentioned in subsection (1), or a person acting on behalf of the voter, may make an oral or a written request to the returning officer or deputy returning officer to have the voter’s vote taken at a polling place that has convenient access for the voter.

(3) If a request is made pursuant to subsection (2), the returning officer or deputy returning officer shall attend the voter at the alternate polling place mentioned in subsection (2) during the time when polls are open for voting in order to take the voter’s vote.

(4) The procedures for voting provided by this Part apply, with any necessary modification, in and to each location where a vote is taken pursuant to this section.

(5) The returning officer or deputy returning officer may, after permitting those voters who have received ballots to vote in the polling place, temporarily suspend voting proceedings in the polling place to allow a voter to vote pursuant to this section.

“DIVISION 4 Voting Procedures

“Voter registration form

160.37(1) A person who wishes to vote shall complete, or cause to be completed, the prescribed voter registration form obtained from the deputy returning officer at the polling place and return the completed form to the deputy returning officer.

(2) The deputy returning officer shall cause the name of a person who completes the voter registration form to be recorded in the poll book.

(3) All entries in the poll book are to be numbered in consecutive order.

“Evidence of voting

160.38 The receipt by a person of a ballot within the polling place is proof, in the absence of evidence to the contrary, that the person was at that polling place and voted.

“Consequences of refusing to declare

160.39 A person who fails or refuses to complete a voter registration form required pursuant to subsection 160.37(1) is not entitled to vote.

“Provision of ballot to voter

160.4(1) On receiving the completed voter registration form required pursuant to subsection 160.37(1), the deputy returning officer shall provide the person with a ballot and permit him or her to vote.

(2) Before giving a ballot to a voter, the deputy returning officer shall ensure that his or her initials appear on the reverse side of the ballot.

“Explanation of method of voting

160.41 The deputy returning officer may, or when requested by a voter shall, either personally or through his or her poll clerk, explain to the voter as concisely as possible the proper method of voting.

“Incapacity of voter

160.42 On the request of a voter who is unable to read or who is incapacitated by any physical cause from voting in the manner otherwise required by this Part, at the option of the voter, the deputy returning officer shall:

- (a) assist the voter by marking his or her ballot in the manner directed by him or her in the presence only of the poll clerk and of the candidates' agents in the polling place and place the ballot in the ballot box; or

(b) if the voter is accompanied by a person acting as an escort, permit the escort to accompany the voter into the compartment provided for voting and to mark the voter's ballot paper for him or her.

“Marking ballot

160.43 On receiving a ballot paper, the voter shall:

- (a) proceed into the compartment provided for voting;
- (b) mark the ballot by placing an 'X' on the right side opposite the name of his or her choice of candidate for election;
- (c) fold the ballot in a manner so as to conceal the face of the ballot and to expose the initials of the deputy returning officer on the reverse side; and
- (d) leave the compartment and, without displaying the ballot so as to make known the person for whom he or she has voted, deliver the folded ballot to the deputy returning officer.

“Deposit of ballot

160.44(1) When the deputy returning officer receives the ballot from the voter, the deputy returning officer shall, without unfolding the ballot, verify his or her initials on the ballot and deposit the ballot in the ballot box.

(2) When the ballot has been deposited pursuant to subsection (1), the deputy returning officer or poll clerk shall enter in the poll book in the proper column or columns, after the voter's name, the word 'voted'.

“Voter to leave

160.45 After a voter has voted, the voter shall leave the polling place unless he or she is otherwise entitled to remain.

“Secrecy of voting

160.46 Subject to section 160.42, when a voter is voting, no other person is allowed to occupy a position from which the person can see the way in which the voter marks the ballot.

“Forfeiture of vote

160.47(1) No person who has received a ballot from the deputy returning officer shall take it out of the polling place.

(2) A person forfeits his or her right to vote at the election in progress if, after receiving a ballot from the deputy returning officer, the person:

- (a) leaves or attempts to leave the polling place without first delivering his or her ballot to the deputy returning officer as required by this Part; or
- (b) returns the ballot and declines to vote.

(3) The deputy returning officer shall record in the poll book every forfeiture pursuant to subsection (2) and the reason for the forfeiture.

(4) In the case of a voter returning his or her ballot and declining to vote, the deputy returning officer shall immediately write 'declined' on the returned ballot and preserve it.

“Ballot inadvertently spoiled

160.48(1) A voter who has inadvertently dealt with his or her ballot in any manner so that it cannot be conveniently used as a ballot shall, on delivering to the deputy returning officer the ballot inadvertently dealt with, receive another in its place.

(2) On receipt of a ballot pursuant to subsection (1) that has been inadvertently dealt with, the deputy returning officer shall immediately write ‘cancelled’ on the ballot and preserve it.

**“DIVISION 5
Advance Poll**

“Establishment of advance poll

160.49(1) In the case of voting on a bylaw or question or for members of council, the council may direct the returning officer to establish an advance poll for the convenience of persons who would otherwise be unable to cast their votes on the day fixed for the election.

(2) The council shall direct the returning officer to establish an advance poll:

(a) in the case of an annual election, if requested before October 1 by a petition signed by at least five voters; and

(b) in the case of voting on a bylaw or question or for members of council other than at an annual election, if requested at least 30 days before the day fixed for the election by a petition signed by at least five voters.

“Eligible voters

160.5 A voter who is physically disabled or anticipates being unable to vote on election day is eligible to vote at an advance poll.

“Manner of voting

160.51 Except as otherwise provided in this Part, the voting at an advance poll is to be conducted in the same manner as is provided by this Part for the conduct of voting at other polling places in an election.

“Time of voting at advance poll

160.52 An advance poll is to be open for voting during the hours that the council shall fix on any day or days, except Sunday, within the five days preceding the day fixed for the election.

“Notice of advance poll

160.53 If an advance poll has been established pursuant to section 160.49 and a vote is to be held, the returning officer shall cause a notice of the advance voting in the prescribed form or in a similar form to be:

(a) published, immediately after the notice of the vote published pursuant to section 160.27, in a newspaper having wide circulation in the rural municipality; and

(b) posted in the premises that are used as the main office of the administrator for the rural municipality.

“Declaration

160.54(1) The deputy returning officer in charge of an advance polling place shall require every person applying to vote at the advance polling place to sign the prescribed voter registration form before being permitted to vote.

(2) The deputy returning officer shall keep all voter registration forms completed pursuant to subsection (1) with the other records of the vote.

“Dealing with election materials

160.55(1) On the close of an advance poll for voting:

(a) the deputy returning officer shall place the poll books, completed voter registration forms and all unused ballots in a box provided for the purpose; and

(b) the deputy returning officer and each candidate or agent who desires to do so shall affix his or her seal to the box mentioned in clause (a) so that the box cannot be opened, and nothing can be deposited in the box, without breaking the seal.

(2) Every candidate or agent who desires to do so may affix his or her seal to the ballot box containing the ballots from the advance poll.

(3) The deputy returning officer shall:

(a) keep the ballot box and the box described in subsection (1) in a safe place until the closing of the polls on the day of the election; and

(b) at the closing of the polls on the day of the election open both boxes at the place where the advance poll was held and proceed in the manner provided in Division 6.

“Combining ballots

160.56 If the returning officer is of the opinion that the number of voters who are likely to vote at an advance poll will be small and that, as a result, it may be possible to determine for which candidate a voter voted, notwithstanding any other provision of this Part but in accordance with any rules that may be prescribed in the regulations made pursuant to section 160.97, the returning officer may provide for the use of the same ballot box or ballot boxes at the advance poll and for voting on election day.

“DIVISION 6**Proceedings after Close of Poll****“Counting of votes, etc.**

160.57(1) At the close of the polling place for voting on election day, the deputy returning officer shall count the votes and follow all other proceedings provided for by this Part for deputy returning officers to take after the close of the polling place for voting.

(2) The activities mentioned in subsection (1) are to be carried out:

(a) at the place designated by the returning officer; and

(b) in the presence of any of the candidates or their agents.

“Voting after close of poll

160.58 Every voter qualified to vote at the polling place who is in the polling place at the time fixed for closing the polling place for voting is entitled to vote.

“Procedure after poll closes

160.59 At the close of the polling place on election day, the deputy returning officer shall:

- (a) certify, by his or her signature on the poll book after the name of the last person entered, the total number of persons who have voted at the polling place;
- (b) open the ballot box in the presence of the poll clerk and any candidates or their agents; and
- (c) examine each ballot and, subject to sections 160.61 and 160.62, reject each ballot described in section 160.6.

“Rejected ballots

160.6 The deputy returning officer shall reject every ballot:

- (a) subject to subsection 160.62(1), that does not have the deputy returning officer’s initials on the reverse side;
- (b) on which the voter made more votes than he or she is entitled to make;
- (c) on which anything is written or marked so as to identify the voter;
- (d) that has been torn, defaced or otherwise treated by the voter so as to identify the voter;
- (e) subject to section 160.61, that is marked in a manner other than that specified in section 160.43; or
- (f) on which no vote is marked.

“Improper marking not rejected

160.61 If the voter’s mark on his or her ballot clearly indicates an intent to vote for the candidate opposite whose name the mark is placed, the ballot is not to be rejected for the sole reason that the voter marked his or her vote:

- (a) out of, or partly out of, its proper space; or
- (b) with a mark other than an ‘X’.

“Ballots not initialled

160.62(1) If, on examining the ballots, the deputy returning officer finds a ballot that he or she has not initialled, the deputy returning officer shall sign his or her initials on the ballot and shall count the ballot as if he or she had previously initialled it if the deputy returning officer is satisfied that:

- (a) he or she delivered the ballot to a voter intending to vote;
- (b) the omission of his or her initials was inadvertent; and
- (c) the ballot is required to enable the deputy returning officer to account for all ballots supplied to him or her.

(2) Subsection (1) does not relieve the deputy returning officer from any penalty to which he or she may be liable for failure to sign his or her initials on the reverse side of a ballot before delivering it to a voter intending to vote.

“Objections re ballots

160.63(1) A candidate or his or her agent may object to the rejection of a ballot pursuant to section 160.6 or the refusal of the deputy returning officer to reject any ballot found in the ballot box.

(2) If there is an objection pursuant to subsection (1), the deputy returning officer shall:

- (a) number the objection by placing a number on the reverse side of the ballot with the deputy returning officer’s initials;
- (b) record the objection in full in the poll book together with the number; and
- (c) endorse the ballot that is the subject of the objection with ‘rejection objected to’ or ‘counting objected to’, as the case may be.

(3) After hearing an objection pursuant to subsection (1), the deputy returning officer shall:

- (a) decide whether to accept or reject the ballot;
- (b) note his or her decision in the poll book; and
- (c) initial the entry.

“Statement of results

160.64(1) The deputy returning officer shall:

- (a) count the votes given on the ballots that have not been rejected; and
- (b) prepare in duplicate and sign a written statement of results, in the prescribed form, for each office.

(2) On request, the deputy returning officer shall give to each candidate or agent a copy of the statement of results prepared pursuant to subsection (1).

(3) The deputy returning officer shall attach to the poll book a copy of the statement of results prepared pursuant to subsection (1).

“Packets for ballots

160.65 In the presence of any of the candidates or their agents, the deputy returning officer shall:

- (a) make separate packets for the following ballots:
 - (i) counted for reeve;
 - (ii) rejected for reeve;

- (iii) counted for councillors;
 - (iv) rejected for councillors;
 - (v) unused, cancelled and declined; and
- (b) seal each packet of ballots and mark on the outside a short statement of the packet's contents.

“Sealing of ballot box

160.66 The deputy returning officer shall:

- (a) place all the packets made pursuant to section 160.65, together with the poll book and the voter registration forms, in the ballot box; and
- (b) seal the ballot box with:
 - (i) a metal seal provided by the returning officer; and
 - (ii) the seals of any of the candidates or their agents present who desire to affix their seals.

“Duplicate statement and ballot box delivered

160.67 The deputy returning officer of each division shall deliver to the returning officer:

- (a) the duplicate statement of results mentioned in section 160.64, separate from the ballot box; and
- (b) the sealed ballot box.

“Summing of votes declaration of election

160.68(1) The returning officer shall count the number of votes for each candidate from the duplicate statements delivered to the returning officer pursuant to section 160.67.

(2) At the time and place previously appointed by him or her for the purpose, the returning officer shall:

- (a) publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled; and
- (b) post in the municipal office a statement of results showing the number of votes for each candidate.

“Procedure if equality of votes

160.69(1) If it appears on the counting of the votes that two or more candidates for an office have an equal number of votes that is the highest number of votes, the returning officer shall declare that:

- (a) each of the candidates has received an equal number of votes; and
- (b) no candidate is declared elected.

(2) The returning officer shall declare the election void and make provision pursuant to this Part for another election for the office if:

- (a) after a recount of the votes, two or more candidates have an equal number of votes that is the highest number of votes; or
- (b) the time for applying for a recount pursuant to section 160.74 has passed and no application for a recount has been made.

(3) If the returning officer declares an election void and makes provision for the holding of another election, no proceedings shall be taken or continued pursuant to *The Controverted Municipal Elections Act* with respect to:

- (a) any candidate at the election declared void; or
- (b) that election.

“Ballot boxes and duplicate statements to administrator

160.7(1) After the election, the returning officer shall transmit to the administrator the sealed ballot boxes and duplicate statements of results received by the returning officer.

(2) The administrator is responsible for the safekeeping of the sealed ballot boxes and duplicate statements of results and shall deliver them when they are required.

“Retention and destruction of ballot boxes, etc.

160.71(1) Unless otherwise ordered by a judge, the administrator shall:

- (a) retain the ballot boxes with their seals unbroken until the expiration of three months after the close of the nomination period; and
- (b) after the expiration of the three-month period mentioned in clause (a), cause the ballot boxes to be opened and the contents to be destroyed in the presence of two witnesses.

(2) An affidavit of each witness mentioned in clause (1)(b) deposing that he or she witnessed the destruction of the contents of the ballot boxes is to be taken before a presiding justice of the peace, a non-presiding justice of the peace, a notary public or a commissioner for oaths and filed by the administrator among the records of the rural municipality.

“Inspection of contents of ballot box

160.72(1) No person is allowed to inspect the contents of a sealed ballot box except pursuant to an order of a judge to be granted on evidence satisfactory to the judge that the inspection or production of the contents is required for the purpose of:

- (a) the prosecution of an offence in relation to the election;
- (b) a recount pursuant to section 160.74; or
- (c) proceedings pursuant to *The Controverted Municipal Elections Act* to contest an election or return.

(2) The administrator shall comply with the terms of any order granted pursuant to subsection (1).

“Contents of order

160.73 A judge who makes an order pursuant to section 160.72 shall state in the order:

- (a) the time and place for the inspection of the contents of the sealed ballot box;
- (b) the names of the persons to be present at the inspection; and
- (c) any other conditions that the judge considers appropriate.

**“DIVISION 7
Recount of Votes**

“Recounts

160.74(1) Within 14 days after the time of the returning officer’s declaration of the election results pursuant to clause 160.68(2)(a), a voter may apply to the administrator for a recount of the votes given at an election.

- (2) On application for a recount pursuant to subsection (1), the voter must:
 - (a) submit to the administrator an affidavit stating that, in the voter’s opinion, a deputy returning officer improperly counted or rejected ballots; and
 - (b) deposit with the administrator the sum of \$100 as security for the payment of costs and expenses associated with the recount.
- (3) On receipt of the materials mentioned in subsection (2), the administrator shall forward the affidavit and deposit to the local registrar, who, on receiving the affidavit and deposit, shall notify a judge.
- (4) A recount pursuant to this section is only to be undertaken when the returning officer has declared the results of a vote and the difference between the number of votes cast for any elected councillor or reeve and the candidate having the next highest number of votes is less than the sum of:
 - (a) the number of ballots counted but objected to; and
 - (b) all rejected ballots, except those on which no vote was made.
- (5) The judge shall:
 - (a) appoint a time to recount the votes; and
 - (b) cause notice in writing of the time and place of the recount to be given:
 - (i) to the candidate or candidates whose seat may be affected; and
 - (ii) to the administrator.
- (6) The administrator shall be present at the recount with the sealed ballot boxes and duplicate written statements used at the election.
- (7) The deposit made pursuant to clause (2)(b) shall not be paid out by the local registrar except in accordance with an order of the judge.

“Persons entitled to attend at recount

160.75 Only the following persons are entitled to attend and be present at the recount:

- (a) the judge;
- (b) the local registrar;
- (c) the administrator;
- (d) any candidate notified pursuant to subclause 160.74(5)(b)(i) to attend at the recount and his or her agent or solicitor;
- (e) any representative of the press;
- (f) any other person allowed to attend at the recount by the judge.

“Procedure on recount

160.76(1) At the time and place appointed, and in the presence of those notified or entitled to attend and be present as provided by section 160.75, the judge shall proceed in accordance with this section to recount all the ballots received by the deputy returning officer with respect to the election complained of.

(2) The judge shall:

- (a) break the seals on one of the ballot boxes containing the votes to be counted;
- (b) take from the ballot box the packets deposited in it;
- (c) examine individually all ballots counted or rejected by the deputy returning officer for reeve or councillor, as the case may be;
- (d) during the course of examining all ballots in accordance with clause (c), keep a tally or count of the votes cast for each candidate; and
- (e) reject as void and not count any of the following ballots:
 - (i) any ballot that does not have on its back the initials of the deputy returning officer;
 - (ii) any ballot on which two or more votes are given;
 - (iii) any ballot on the back of which anything other than the initials of the deputy returning officer is written or marked by which the voter can be identified;
 - (iv) any ballot that has been torn, defaced or otherwise dealt with by the voter so that the voter can be identified by that ballot;
 - (v) any ballot not contained in one of the packets mentioned in section 160.65.

(3) If any ballot box used in an election has been lost or destroyed, the judge shall use the duplicate statement prepared by the deputy returning officer pursuant to section 160.64 and allow the candidates named in the duplicate statement the number of votes respectively shown in the duplicate statement to have been given to them.

- (4) The judge shall:
 - (a) take notice of any objection made by a candidate or by the candidate's agent or solicitor to any ballot; and
 - (b) decide any question arising out of the objection.
- (5) The decision of the judge pursuant to clause (4)(b) is final.
- (6) On the completion of the examination and count of the ballots contained in the first ballot box opened, the judge shall announce the result of the count and replace the ballots in the ballot box, which the administrator shall lock or seal in the presence of the judge.
- (7) If the recount applied for is of a nature so as to make it necessary, the judge shall then proceed to examine and count in turn in a similar manner the ballots contained in each of the other ballot boxes.
- (8) When the ballots have all been examined and counted, the judge shall:
 - (a) count and announce the number of votes that he or she has allowed for each candidate, including any votes allowed pursuant to subsection (3); and
 - (b) declare elected the candidate having the highest number of votes.
- (9) If the judge has allowed two or more candidates for the same office the same number of votes, the judge shall notify the returning officer of the tied vote.
- (10) The judge shall make and transmit to the administrator a written statement of the result of the recount that shows:
 - (a) the names of the candidates;
 - (b) the number of votes allowed for each candidate;
 - (c) the number of ballots rejected; and
 - (d) the names of the candidates declared elected.
- (11) When the returning officer is notified of a tied vote, the returning officer shall make provision pursuant to this Act for another election for the office.

“Other relief remains

160.77 Nothing in section 160.76 prevents or affects any remedy that a person has pursuant to any Act by proceedings in the nature of *quo warranto* or otherwise.

“Payment of costs, etc.

160.78 All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent on a recount are to be defrayed by the parties to the application in any manner and in any proportion that the judge may determine having regard to costs, charges or expenses that, in the judge's opinion, were caused by vexatious conduct, unfounded allegations or unfounded objections on the part of the applicant or the respondent.

“Scale of costs

160.79 The costs are to be on any scale that the judge may specify and, if the judge so orders, may be taxed in the same manner and according to the same principles that costs are taxed between a solicitor and the client of the solicitor.

“Enforcement of costs

160.8 The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued on filing:

- (a) the order of the judge;
- (b) a certificate showing the amount at which costs were taxed; and
- (c) an affidavit showing the amount remaining unpaid.

**“DIVISION 8
General Election Provisions**

“Documents to bear name, etc., of printer

160.81(1) Every printed or other advertisement, handbill, placard, poster, dodger, circular or circular letter having reference to an election or to a vote on a bylaw or question must bear on its face the name and address of its printer or of its printer and publisher.

(2) Any person who prints, publishes, distributes or posts, or who causes to be printed, published, distributed or posted, any document that does not bear the information required by subsection (1) is guilty of an offence.

“Survey of vote

160.82 No person who has voted at an election shall, in any legal proceedings to question the election or returns or otherwise relating to the election, be required to state for whom he or she has voted.

“Errors not affecting results

160.83 If it appears to the judge or court having jurisdiction that an election was conducted in accordance with the principles laid down in this Part and that any non-compliance, mistake or irregularity did not affect the result of the election, the election shall not be declared invalid by reason of:

- (a) non-compliance with the provisions of this Part providing for the holding of the vote or the counting of the votes;
- (b) any mistake in the use of any of the forms prescribed pursuant to this Part; or
- (c) any other irregularity.

“Expenses of election

160.84 All necessary expenses incurred for an election pursuant to this Part are to be paid out of the funds of the rural municipality on the production of proper accounts verified in any manner that the council of the rural municipality may direct.

“Contesting vote

160.85 All proceedings for contesting an election or the voting on a bylaw or question pursuant to this Part are to be taken pursuant to *The Controverted Municipal Elections Act*.

“Offences

160.86(1) No person shall:

- (a) without authority, supply a ballot to any person;
- (b) fraudulently put into a ballot box any paper other than a ballot that he or she is authorized by law to put in;
- (c) without authority, destroy, open or otherwise interfere with a ballot box or packet of ballots then in use for the purpose of an election;
- (d) apply for a ballot in the name of another person, whether the name is that of a person living or dead or a fictitious person, or advise, abet, counsel or procure any other person to do so;
- (e) vote more often than he or she is entitled to vote;
- (f) having voted once and not being entitled to vote again at the same election, apply for a ballot in his or her own name or advise, abet, counsel or procure any other person to do so; or
- (g) vote when he or she is not entitled to vote, whether or not his or her name is on the list of voters.

(2) Every person who contravenes subsection (1) or section 160.87 or 160.88 is guilty of an offence and liable on summary conviction to:

- (a) a fine not exceeding \$500;
- (b) a term of imprisonment not exceeding six months; or
- (c) both the fine mentioned in clause (a) and the imprisonment mentioned in clause (b).

“Duty to maintain secrecy

160.87(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, agent or other person shall interfere with or attempt to interfere with a voter when marking his or her ballot or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom a voter at the polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom a voter at the polling place is about to vote or has voted.

“Survey

160.88(1) Every officer, clerk and agent in attendance at the counting of the votes:

- (a) shall maintain and aid in maintaining the secrecy of the voting; and
- (b) shall not communicate or attempt to communicate any information obtained at the counting as to the candidate or candidates for whom any vote is given.

(2) No person shall, directly or indirectly, induce a voter to display his or her ballot after the voter has marked it so as to make known to any person the name of any candidate or candidates for whom he or she has or has not marked his or her ballot.

**“DIVISION 9
Voting on Bylaws and Questions**

“Submission of bylaws, etc.

160.89(1) The council of a rural municipality may submit to a vote of the voters any municipal bylaw or question.

(2) If a bylaw or question is submitted for the assent of the voters, the vote on the bylaw or question is to be held before the bylaw submitted is passed or a resolution is introduced as a result of the question in the manner provided in this Division.

“Appointment of officials, etc.

160.9(1) The council of a rural municipality shall, by resolution:

- (a) fix a time for holding the vote on a bylaw or question;
- (b) appoint a person as the returning officer;
- (c) name a polling place for each division;
- (d) appoint a deputy returning officer and any other election officials the council considers necessary to conduct the vote for each polling place; and
- (e) appoint a time and place at which the returning officer shall count the votes given for and against the bylaw or question.

(2) If the council considers it advisable, the poll may be held on the day fixed pursuant to this Part for the annual election of reeve and councillors.

“Notice of vote

160.91 Notice of the vote on a bylaw or question must:

- (a) be in the prescribed form, unless otherwise prescribed by the Saskatchewan Municipal Board; and
- (b) be published in the manner required by section 160.27 at least eight days before the day of voting.

“Form of ballots

160.92 The ballots for voting on a bylaw or question must be in the prescribed form.

“Attendance of persons

160.93 On the application of any person interested in promoting or opposing the bylaw or question being voted on, the reeve of the rural municipality shall authorize, in writing, the attendance of two persons on the applicant’s behalf:

- (a) at each polling place;
- (b) at the final counting of the votes; and
- (c) at any recount conducted pursuant to section 160.96.

“One vote only

160.94(1) Every voter is entitled to vote once only on a bylaw or question.

(2) Every voter shall vote at the polling place at which he or she is entitled to vote for reeve or a councillor.

(3) Every voter shall complete a statement of registration in the prescribed form and return it to the deputy returning officer who shall then provide a ballot to the person.

“Declaration of result

160.95 After the returning officer, at the time and place appointed by the council and in the presence of those authorized to attend or any of them as may be present, has counted the number of votes for and against the bylaw or question in the manner described in subsection 160.68(1), the returning officer shall at that time declare the result and certify to the council under his or her hand whether a majority of voters entitled to vote, who voted on the bylaw or question and whose ballots were not rejected, approved of the bylaw or question.

“Recount

160.96 Any recount of votes with respect to the voting on a bylaw or question is to be conducted, as nearly as may be, in the same manner as at an election for a reeve or for councillors.

**“PART IX
Regulations**

“Regulations

160.97 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing forms for the purposes of this Act;
- (c) governing the use of one or more ballot boxes in the circumstances described in section 22.3 or 160.56;

(d) prescribing any matter or thing required or authorized by this Act to be prescribed by regulations;

(e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act”.

New heading - Part X

26 The heading “REPEAL, COMING INTO FORCE” preceding section 161 is struck out and the following heading substituted:

**“PART X
Repeal and Coming into Force”.**

Coming into force

27(1) Subject to subsection (2), the Act comes into force on assent.

(2) Section 3, clauses 4(1)(a) to (d), sections 6 and 15, clause 17(b), section 18, clause 19(b), section 20, and sections 22 to 26 of this Act come into force on the day on which section 1 of *The Municipalities Act* comes into force.