

**2011**

## **CHAPTER 9**

An Act to amend *The Local Government Election Act* and to make consequential amendments to other Acts

(Assented to May 18, 2011)

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, 2011*.

**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 2 amended**

**3 Subsection 2(1) is amended:**

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

“(b.1) ‘**business day**’ means a day other than a Saturday, Sunday or holiday”; and

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

“(u.01) ‘**nomination paper**’ includes any required attachments”.

**Section 5 amended**

**4 Subsections 5(1) and (2) are repealed and the following substituted:**

“(1) Subject to subsections (2) and (2.1), a general election shall be held on October 24, 2012, and thereafter at intervals of every four years on the fourth Wednesday of October.

“(2) In resort villages, a general election of a council shall be held on July 28, 2012, and thereafter at intervals of every four years on the fifth Saturday following nomination day”.

**Section 5.1 repealed**

**5 Section 5.1 is repealed.**

**Section 6 amended**

**6 The following subsection is added after subsection 6(2):**

“(3) Nomination day for a by-election held pursuant to subsection (1) is:

(a) in the case of municipality other than a resort village, the Wednesday five weeks before the day on which the by-election is to be held; or

(b) in the case of a resort village, the Saturday five weeks before the day on which the by-election is to be held”.

## New section 19

**7 Section 19 is repealed and the following substituted:****“Change of polling place**

**19** If any polling place named pursuant to section 17 becomes unavailable, the returning officer shall name another place as an alternate polling place and shall, by notice posted at the first-named polling place, direct the electors to the alternate polling place”.

## Section 29 amended

**8 Clause 29(2)(d) is repealed and the following substituted:**

“(d) enumerators, if the council or board has provided for a voters’ list pursuant to section 36”.

## Section 39 amended

**9 Subsection 39(1) is amended by striking out “22 days prior to” and substituting “15 business days before”.**

## Section 40 amended

**10 Section 40 is amended in the portion following clause (d) by striking out “22 days prior to” and substituting “15 business days before”.**

## Section 44.1 amended

**11 Clause 44.1(b) is amended by striking out “three” and substituting “four”.**

## Section 45 amended

**12 Subsection 45(1) is amended by striking out “10 days” and substituting “10 business days”.**

## Section 46 amended

**13(1) Subsection 46(2) is amended:**

**(a) in the portion preceding clause (a) by adding “or shall be accepted by the returning officer” after “complete”; and**

**(b) in clause (d) by striking out “or section 89.1 of *The Municipalities Act*” and substituting “, section 89.1 of *The Municipalities Act* or section 104 of *The Northern Municipalities Act, 2010*”.**

**(2) Clause 46(3)(a) is repealed and the following substituted:**

“(a) post in a conspicuous place in the municipal office or the school board office, as the case may be, copies of the nominations received”.

## Section 50 amended

**14 Subsection 50(1) is amended:**

**(a) in clause (b) by striking out “four weeks prior to” and substituting “five weeks before”;**

**(b) in clause (d) by striking out “the last Wednesday in September in an election year” and substituting “the fifth Wednesday before election day”; and**

**(c) in clause (e) by striking out “the last Saturday in June” and substituting “the fifth Saturday before election day”.**

## Section 52 amended

**15 Subsection 52(1) is amended in the portion preceding clause (a) by adding “in accordance with the call for nominations pursuant to section 45” after “nominated”.**

## Section 54 amended

**16 Subsections 54(1) and (1.1) are repealed and the following substituted:**

“(1) On the close of the period for withdrawal of nominations, if the number of persons remaining in nomination is less than the number to be elected to any office, the returning officer shall:

- (a) declare the persons then in nomination to be elected; and
- (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 during normal office hours from the close of the period for withdrawal of nominations until:
  - (i) in the case of a nomination as mayor or councillor of a resort village, 2:00 p.m. on the second Saturday following the date of the close of the period for withdrawal of nominations; and
  - (ii) in the case of a nomination other than one mentioned in subclause (i), 4:00 p.m. on the second Wednesday following the date of the close of the period for withdrawal of nominations”.

## Section 55 amended

**17 Section 55 is amended:**

- (a) in clause (a) by striking out “clauses (b) and (c)” and substituting “clauses (b) to (c)”; and
- (b) by repealing clause (b) and substituting the following:
  - “(b) in the case of a first election or a by-election, five weeks after the day fixed as nomination day;
  - “(b.1) in the case of a general election in a resort village, five weeks after the day fixed as nomination day”.

## Section 60 amended

**18 Subsection 60(7) is amended by striking out “from electors mentioned in clause 22(2)(b)”.**

## Section 61 amended

**19 Subsection 61(1.1) is amended by striking out “The returning” and substituting “If a voters’ list is used in an election, the returning”.**

New sections 76 to 76.2

**20 Sections 76 and 76.1 are repealed and the following substituted:**

**“Rights of candidate and agent re entitlement to vote**

**76(1)** A candidate or his or her agent may object to the entitlement of any person intending to vote and, on that objection, the deputy returning officer shall:

- (a) require the person to complete a voter’s registration form if the person has not already done so;
- (b) enter the objection in the poll book opposite the name of the person;
- (c) note in the poll book the name of the person who made the objection; and
- (d) initial the entry in the poll book.

(2) A candidate or his or her agent may make a request to the deputy returning officer with respect to any person intending to vote to:

- (a) see the evidence required pursuant to clause 76.2(a); or
- (b) verify that the procedures mentioned in clause 76.2(b) have been followed.

(3) On receipt of a request made pursuant to subsection (2), the deputy returning officer shall require the person to:

- (a) provide the evidence required pursuant to clause 76.2(a) to the candidate or agent whether or not the person has already done so; or
- (b) verify with the candidate or agent that the procedures mentioned in clause 76.2(b) have been followed.

**“Refusal or failure to comply with requirements**

**76.1** A person is not entitled to vote if the person fails or refuses:

- (a) to make a declaration required pursuant to section 74, 75, or 76; or
- (b) to prove or establish his or her identity and residence pursuant to section 76.2.

**“Evidence of identity and residence**

**76.2** An elector shall:

- (a) provide to the deputy returning officer and the poll clerk the following evidence to prove his or her identity and residence:
  - (i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and address; or
  - (ii) two pieces of information prescribed in the regulations, each of which establishes the elector’s name and at least one of which establishes the elector’s address; or
- (b) establish his or her identity and residence in accordance with the procedures prescribed in the regulations”.

**New section 77****21 Section 77 is repealed and the following substituted:****“Provision of ballot to elector**

**77** Before providing a ballot to an elector and permitting the elector to vote, a deputy returning officer shall:

- (a) make the entries required pursuant to sections 74, 75 and 76;
- (b) ensure that he or she is satisfied that the elector’s identity and residence have been proven or established in accordance with section 76.2; and
- (c) place his or her initials in the box on the reverse side of the ballot”.

**Section 92 amended****22(1) The following subsection is added after subsection 92(4):**

“(4.1) The council, in the case of an election in a city, or the returning officer, in the case of an election outside a city, may:

- (a) authorize the establishment of one or more advance polls in a personal care facility within the meaning of section 22 for eligible electors mentioned in subsection 93(3) to cast their votes in advance of the day appointed for the holding of an election; and
- (b) subject to subsection (5), fix the days and hours during which eligible electors may cast their votes at an advance poll”.

**(2) Subsection 92(5) is amended by striking out “13 days” and substituting “15 days”.****Section 93 amended****23(1) Subsection 93(1) is amended in the portion preceding clause (a) by striking out “subsection (2)” and substituting “subsections (2) and (3)”.****(2) The following subsection is added after subsection 93(2):**

“(3) An elector is only eligible to vote at an advance poll established in a personal care facility pursuant to subsection 92(4.1) if the elector:

- (a) is an elector of the municipality or school division; and
- (b) is receiving care at that personal care facility”.

**Section 97 amended****24 Clause 97(1)(b) is amended by adding “if a voters’ list is used,” before “prepare”.****Section 98 amended****25 Clause 98(1)(b) is repealed and the following substituted:**

“(b) open the ballot box in the presence of:

- (i) the poll clerk;
- (ii) any candidates or their agents in attendance; and
- (iii) the returning officer if in attendance”.

**Section 112 amended**

**26 Subsection 112(2) is amended by striking out “two months” and substituting “three months”.**

**Section 126 amended**

**27 Section 126 is amended in the portion following clause (b) by striking out “four days” and substituting “four business days”.**

**Section 127 amended**

**28(1) Subsection 127(1) is amended in the portion preceding clause (a) by striking out “four days after he” and substituting “four business days after he or she”.**

**(2) Subsection 127(2) is amended by striking out “10 days” and substituting “10 business days”.**

**(3) Subsection 127(3) is amended by striking out “four days” and substituting “four business days”.**

**Section 128 amended**

**29 Subsection 128(1) is amended by striking out “14 days” and substituting “10 business days”.**

**New section 151**

**30 Section 151 is repealed and the following substituted:**

**“Canvassing at polling place and specimen ballot prohibited**

**151** During the hours a poll is open, no candidate, no agent of any candidate nor any other person shall, in the polling place or within 100 metres of the building in which the poll is held:

- (a) canvass or solicit votes;
- (b) display, distribute or post a campaign sign, a specimen ballot for a person whose name is on the ballot for election, or any other material purporting to explain how to vote, or leave any of the preceding materials in a voting compartment, except as provided by this Act; or
- (c) make any communication to a person intending to vote otherwise than through the deputy returning officer”.

**Section 152 repealed**

**31 Section 152 is repealed.**

**Section 154 amended**

**32 Section 154 is amended by striking out “, 152”.**

**Section 160.01 amended**

**33 Subsection 160.01(1) is amended:**

- (a) by repealing clause (b); and**
- (b) by adding the following clause after clause (k):**

**“(k.1) ‘general election’ means:**

- (i) an election held pursuant to section 160.03; or**
- (ii) a first election held in a newly-established municipality”.**

## Section 160.011 amended

**34 Subclause 160.011(b)(i) is amended by striking out “six” and substituting “three”.**

## Section 160.03 amended

**35 Subsections 160.03(1) to (3) are repealed and the following substituted:**

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

“(2) The election of members of council:

(a) in the case of even-numbered divisions, is to be held:

(i) on October 26, 2011; and

(ii) on October 22, 2014, and thereafter at intervals of every four years on the fourth Wednesday of October; and

(b) in the case of odd-numbered divisions and the election of reeves, is to be held on October 24, 2012, and thereafter at intervals of every four years on the fourth Wednesday of October.

“(3) Subject to subsections (3.1) to (6), the reeve and each councillor hold office for a term of four years commencing at the first meeting of the council following his or her election.

“(3.1) Each councillor elected in accordance with subclause (2)(a)(i) shall hold office for a term of three years commencing at the first meeting of the council following his or her election”.

## Section 160.04 amended

**36(1) Subsection 160.04(3) is amended by striking out “an annual” and substituting “a general”.**

**(2) Subsection 160.04(4) is repealed and the following substituted:**

“(4) A resignation filed pursuant to subsection (3) takes effect:

(a) in the case of a general election, at the first meeting of the council following the general election; or

(b) in the case of an election other than a general election, immediately”.

## Section 160.07 amended

**37(1) Subsection 160.07(1) is amended:**

(a) in clause (a) by striking out “Monday” and substituting “Wednesday”;

(b) in clause (b) by striking out “annual” and substituting “general”; and

(c) by repealing clause (c).

**(2) Subsection 160.07(4) is amended by striking out “annual” wherever it appears and in each case substituting “general”.**

## Section 160.082 amended

**38 Section 160.082 is amended in the portion preceding clause (a) by striking out “an annual” and substituting “a general”.**

## Section 160.083 amended

**39 Subsection 160.083(1) is amended by striking out “22 days before the day on which an annual” and substituting “15 business days before the day on which a general”.**

## Section 160.084 amended

**40 Subsection 160.084(2) is amended by striking out “22 days before the day on which an annual” and substituting “15 business days before the day on which a general”.**

## Section 160.085 amended

**41 Subsection 160.085(1) is amended in the portion preceding clause (a) by striking out “an annual” and substituting “a general”.**

## Section 160.089 amended

**42 Section 160.089 is amended:**

**(a) in clause (a) by striking out “annual” and substituting “general”; and**

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

**“(b) at any by-election or general election held within four years after the general election described in clause (a)”.**

## Section 160.09 amended

**43(1) The following subsection is added after subsection 160.09(1):**

**“(1.1) Notwithstanding any other provision of this Act, if a person is otherwise entitled to vote with respect to more than one division of a rural municipality pursuant to this section:**

**(a) that person is entitled to vote only with respect to one division in the rural municipality; and**

**(b) the division with respect to which the person is entitled to vote is determined by establishing which is the first subsection of subsections (2) to (13) to apply to that person”.**

**(2) Subsection 160.09(5) is amended by adding “held” after “jointly”.**

**(3) Subsection 160.09(10) is amended by striking out “two” and substituting “four”.**

**(4) Subsection 160.09(11) is amended by striking out “paragraph 160.01(1)(c)(ii)(A)” and substituting “subclause 160.011(b)(ii)”.**

**(5) Subsection 160.09(12) is amended by striking out “paragraph 160.01(1)(c)(ii)(H)” and substituting “subclause 160.011(b)(viii)”.**

**(6) Subsection 160.09(13) is amended in the portion preceding clause (a) by striking out “paragraph 160.01(1)(c)(ii)(G)” and substituting “subclause 160.011(b)(vii)”.**



## Section 160.13 amended

**44(1) Subsection 160.13(1) is amended in the portion preceding clause (a) by striking out “Before August 1 in each year, a council” and substituting “A council”.**

**(2) Subsection 160.13(5) is amended by adding “as an alternate polling place and shall, by notice posted at the first-named polling place, direct the voters to the alternate polling place” after “another place”.**

## Section 160.131 amended

**45 Subsection 160.131(2) is amended:**

- (a) by striking out “and” after clause (b); and**
- (b) by adding the following after clause (b):**  
 “(b.1) poll clerks; and”.

## New section 160.132

**46 The following section is added after section 160.131:**

**“Mail-in ballot**

**160.132(1)** Notwithstanding any other provision of this Act or *The Controverted Municipal Elections Act* but subject to subsection (2) and any regulations made pursuant to subsection (3), a council, by bylaw, may establish a mail-in ballot voting system for the purpose of receiving ballots in an election.

**(2)** A bylaw mentioned in subsection (1):

- (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 section 160.6.

**(3)** The Lieutenant Governor in Council may make regulations:

- (a)** prescribing requirements, limits and conditions in relation to mail-in ballot voting pursuant to subsection (1), including prescribing different requirements, limits and conditions for different municipalities or for different classes of municipalities;
- (b)** prescribing that subsection (1) does not apply to specified municipalities or to specified classes of municipalities;
- (c)** respecting any other matter that the Lieutenant Governor in Council considers necessary for the purpose of operating a mail-in ballot voting system pursuant to subsection (1)”.

New sections 160.15 to 160.17

**47 Sections 160.15 to 160.17 are repealed and the following substituted:**

**“Nomination of candidates**

**160.15(1)** Nomination day is the fifth Wednesday before election day.

(2) At least 10 business days before nomination day, 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 normal office hours until 4:00 p.m. on nomination day.

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

(4) During the period mentioned in subsection (2), the returning officer or nomination officer shall:

- (a) receive duly completed nominations for candidates for members of council;
- (b) give a receipt in the prescribed form for each nomination received;
- (c) post, in a conspicuous place in the municipal office, copies of the nominations received; and
- (d) provide any information on any nomination paper received, or a copy of the nomination paper, to any person on request.

**“Procedure if only one candidate**

**160.16** 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:

- (a) declare the candidate duly elected; and
- (b) cause a notice in the prescribed form to be:
  - (i) posted promptly in the municipal office; and
  - (ii) published, within 10 days after the close of the nomination period, in a newspaper having wide circulation in the rural municipality.

**“Procedure if nominations less than vacancies**

**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, the returning officer shall give notice in the prescribed form in accordance with section 160.15, calling for further nominations for the remaining vacancies in office to be received by the returning officer or nomination officer during normal office hours from the close of the period for withdrawal of nominations until 4:00 p.m. on the second Wednesday following the date of the close of the period for the withdrawal of nominations.

(2) If the number of persons remaining in nomination after the second call for nominations is fewer than the number required to be elected to any office, the council shall, at its next meeting, provide for the holding of a by-election in accordance with section 160.07 to fill the vacancies”.

**Section 160.19 amended**

**48 Subsection 160.19(1) is repealed and the following substituted:**

“(1) No nomination is complete or shall be accepted by the returning officer unless the candidate’s acceptance of nomination statement is:

- (a) signed by the person nominated;
- (b) witnessed by two people; and
- (c) with respect to a candidate in a rural municipal election, accompanied by any criminal record check required pursuant to a bylaw passed pursuant to section 89.1 of *The Municipalities Act*”.

**New section 160.22**

**49 Section 160.22 is repealed and the following substituted:**

**“Withdrawal of nomination**

**160.22(1)** A person who has been nominated in accordance with the call for nominations pursuant to section 160.15 may withdraw his or her nomination by filing with the returning officer or nomination officer a written statement to that effect signed by the person and two witnesses or by the returning officer or nomination officer at any time during normal office hours during the period from the receipt of the person’s nomination until 24 hours after the close of nominations.

(2) The name of a person who withdraws his or her nomination pursuant to subsection (1) is not to appear on the ballot”.

**Section 160.25 amended**

**50 Subsection 160.25(1) is amended by striking out “third Wednesday after the close of the nomination period” and substituting “fifth Wednesday after nomination day”.**

**Section 160.26 repealed**

**51 Section 160.26 is repealed.**

**Section 160.35 amended**

**52 Subsection 160.35(4) is repealed.**

**New sections 160.381 to 160.391**

**53 Sections 160.381 and 160.39 are repealed and the following substituted:**

**“Rights of candidate and agent re entitlement to vote**

**160.381(1)** A candidate or his or her agent may object to the entitlement of any person intending to vote and, on that objection, the deputy returning officer shall:

- (a) require the person to complete a voter’s registration form if the person has not already done so;
- (b) enter the objection in the poll book opposite the name of the person;

- (c) note in the poll book the name of the person who made the objection; and
  - (d) initial the entry in the poll book.
- (2) A candidate or his or her agent may make a request to the deputy returning officer with respect to any person intending to vote to:
- (a) see the evidence required pursuant to clause 160.391(a); or
  - (b) verify that the procedures mentioned in clause 160.391(b) have been followed.
- (3) On receipt of a request made pursuant to subsection (2), the deputy returning officer shall require the person to:
- (a) provide the evidence required pursuant to clause 160.391(a) to the candidate or agent whether or not the person has already done so; or
  - (b) verify with the candidate or agent that the procedures mentioned in clause 160.391(b) have been followed.

**“Refusal or failure to comply with requirements**

**160.39** A person is not entitled to vote if the person fails or refuses:

- (a) to complete a voter’s registration form required pursuant to section 160.37 or 160.371; or
- (b) to prove or establish his or her identity and residence pursuant to section 160.391.

**“Evidence of identity and residence**

**160.391** A voter shall:

- (a) provide to the deputy returning officer and the poll clerk the following evidence to prove his or her identity and residence:
  - (i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the voter and his or her name and address; or
  - (ii) two pieces of information prescribed in the regulations, each of which establishes the voter’s name and at least one of which establishes the voter’s address; or
- (b) establish his or her identity and residence in accordance with the procedures prescribed in the regulations”.

**New section 160.4****54 Section 160.4 is repealed and the following substituted:****“Provision of ballot to voter**

**160.4** Before providing a ballot to a voter and permitting the voter to vote, a deputy returning officer shall:

- (a) make any entries in the poll book required pursuant to section 160.37, 160.371 or 160.381;
- (b) ensure that the voter has complied with any requirement to make a declaration pursuant to section 160.372;
- (c) ensure that he or she is satisfied that the voter’s identity and residence have been proven or established in accordance with section 160.391; and
- (d) place his or her initials in the box on the reverse side of the ballot”.

**New section 160.49****55 Section 160.49 is repealed and the following substituted:****“Establishment of advance poll**

**160.49(1)** 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 of members of council or voting on a bylaw or question.

(2) The council shall direct the returning officer to establish an advance poll if requested at least 30 days before the day fixed for the election or voting on a bylaw or question by a petition signed by at least five voters”.

**Section 160.551 amended**

**56 Clause 160.551(1)(b) is amended by adding “if a voters’ list is used,” before “prepare”.**

**Section 160.57 amended****57 Subsection 160.57(2) is repealed and the following substituted:**

“(2) The activities mentioned in subsection (1) are to be carried out at the place designated by the returning officer.

“(3) Each candidate or one of his or her agents is entitled to be present during the count of the votes”.

**Section 160.59 amended****58 Clause 160.59(b) is repealed and the following substituted:**

“(b) open the ballot box in the presence of:

- (i) the poll clerk;
- (ii) any candidates or their agents in attendance; and
- (iii) the returning officer if in attendance”.

## Section 160.74 amended

**59 Subsection 160.74(1) is amended by striking out “14 days” and substituting “10 business days”.**

## New section 160.861

**60 Section 160.861 is repealed and the following substituted:**

**“Canvassing at polling place and specimen ballot prohibited**

**160.861** During the hours a poll is open, no candidate, no agent of any candidate nor any other person shall, in the polling place or within 100 metres of the building in which the poll is held:

- (a) canvass or solicit votes;
- (b) display, distribute or post a campaign sign, a specimen ballot for a person whose name is on the ballot for election, or any other material purporting to explain how to vote, or leave any of the preceding materials in a voting compartment, except as provided by this Act; or
- (c) make any communication to a person intending to vote otherwise than through the deputy returning officer”.

## Section 160.862 repealed

**61 Section 160.862 is repealed.**

## Section 160.863 amended

**62 Section 160.863 is amended by striking out “160.862,”.**

## New section 160.9

**63 Section 160.9 is repealed and the following substituted:**

**“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; and
- (c) name a polling place for each division.

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

(3) The returning officer shall appoint in writing, in the prescribed form:

- (a) a deputy returning officer, or, if he or she considers it desirable, more than one deputy returning officer for a polling place;
- (b) a deputy returning officer, or, if he or she considers it desirable, more than one deputy returning officer for an advance poll established pursuant to section 160.49; and
- (c) any other official the returning officer may consider necessary for the conduct of the election.

(4) Notwithstanding subsection (3), the returning officer may act as deputy returning officer in a rural municipality with a population of less than 200 or in which there is only one polling place.

(5) The returning officer shall name the time and place at which the result of the vote will be declared”.

**New section 160.95****64 Section 160.95 is repealed and the following substituted:****“Declaration of result**

**160.95(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 procedures provided for by this Part for deputy returning officers to follow 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 those persons authorized to attend pursuant to section 160.93 or any of them as may be present.

(3) Sections 160.58 to 160.67 apply, with any necessary modification, to a vote on a bylaw or question conducted pursuant to this Division.

(4) The returning officer shall, at the time and place named pursuant to subsection 160.9(5):

(a) declare the result; and

(b) 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”.

**Section 160.97 amended****65 The following clauses are added after clause 160.97(c):**

“(c.1) for the purposes of sections 76.2 and 160.391, prescribing pieces of information to establish identity and residence, including the following:

(i) prescribing the circumstances in which the pieces of information may be used, prescribing classes of circumstances in which pieces of information may be used and prescribing different pieces of information to be used in different classes of circumstances;

(ii) prescribing the content to be provided in the pieces of information;

(iii) prescribing the form of the pieces of information;

(iv) prescribing the manner in which pieces of information may be completed and used;

“(c.2) for the purposes of sections 76.2 and 160.391, prescribing alternative procedures to establish a person’s identity and residence”.

**S.S. 2002, c.C-11.1 amended**

**66(1)** *The Cities Act* is amended in the manner set forth in this section.

**(2) Clause 2(1)(o) is repealed and the following substituted:**

“(o) **‘general election’** means a general election as defined in section 2 of *The Local Government Election Act*”.

**(3) Clause 60(b) is amended by striking out “nine years” and substituting “three election cycles”.**

S.S. 2005, c.M-36.1 amended

67(1) *The Municipalities Act* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended:

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

“(g) ‘by-election’ means:

(i) with respect to a municipality other than a rural municipality, a by-election as defined in section 2 of *The Local Government Election Act*; and

(ii) with respect to a rural municipality, a by-election as defined in section 160.01 of *The Local Government Election Act*”; and

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

“(n) ‘general election’ means:

(i) with respect to a municipality other than a rural municipality, a general election as defined in section 2 of *The Local Government Election Act*; and

(ii) with respect to a rural municipality, a general election as defined in section 160.01 of *The Local Government Election Act*”.

(3) Clause 86(4)(b) is amended by striking out “nine years” and substituting “three election cycles”.

(4) Section 89.1 is amended:

(a) in subsection (1) by adding “or 160.15” after “section 46”; and

(b) by repealing subsection (2) and substituting the following:

“(2) Any bylaw made pursuant to subsection (1) must be made at least 90 days before the day of a general election”.

(5) Section 91 is amended:

(a) by repealing subsections (1) and (2) and substituting the following:

“(1) A council of a municipality may appoint a councillor as deputy mayor or deputy reeve”; and

(b) in subsection (3) by striking out “subsection (2)” and substituting “subsection (1)”.

(6) Subsection 121(1) is amended in the portion preceding clause (a) by striking out “, or following an annual election in the case of a rural municipality,”.



**(7) Subsections 136(2) and (3) are repealed and the following substituted:**

“(2) The council shall submit the bylaw or resolution to the voters:

(a) before the end of the year in which the petition is filed, if the petition is filed with the administrator:

(i) on or before July 1 in the year in which a general election is held pursuant to section 5 or 160.03 of *The Local Government Election Act*; or

(ii) in the case of a resort village, on or before March 1 in the year in which a general election is held pursuant to section 5 of *The Local Government Election Act*; or

(b) within nine months after the petition is filed, if the petition is filed with the administrator at any time other than the time mentioned in clause (a)”.

**Coming into force**

**68(1)** Subject to subsection (2), this Act comes into force on assent.

(2) Sections 20, 21, 53, 54 and 65 come into force on proclamation.

