

# 1999

## CHAPTER 6

An Act to amend *The Local Government Election Act*

(Assented to April 21, 1999)

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, 1999*.

**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 repealing clause (t.1) and substituting the following:**

“(t.1) ‘**newspaper**’ means a printed publication or local periodical that is distributed at least weekly in a municipality or area that is affected by a matter with respect to which a provision of this Act requires publication in a newspaper, but does not include:

- (i) a publication exclusively for advertising; or
- (ii) an advertising supplement to or contained in a newspaper”;

**and**

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

“(ii) a sub-division described in section 40 of *The Education Act, 1995*”.

**New section 11.1**

**4 The following section is added after section 11:**

**“Disestablishment of school division**

**11.1** Notwithstanding sections 5 to 11, where a school division is to be disestablished pursuant to section 60 of *The Education Act, 1995*, and where the date of disestablishment is later than the date of the next general election:

- (a) no election is to be held for the board of that school division during the next general election; and
- (b) the term of office of the existing members of the board continues until the school division is disestablished”.

**Section 22.2 amended****5 Subsections 22.2(2) and (3) are repealed and the following substituted:**

“ (2) An elector mentioned in subsection (1), or a person acting on behalf of the elector, may make an oral or a written request to the returning officer or deputy returning officer to have the elector’s vote taken at a polling place:

- (a) that has convenient access for the elector; and
- (b) that, where wards have been established, is within the same ward as the regular polling place.

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

**Section 22.3 amended****6 Subsection 22.3(1) is amended in the portion following clause (c) by adding “ or polling places ” after “ polling place ”.****Section 45 amended****7(1) Subsection 45(3) is amended:**

- (a) by adding “ and ” after clause (d);
- (b) by striking out “ and ” after clause (d.1); and
- (c) by repealing clause (e).

**(2) Subsections 45(3.1) and (3.2) are repealed and the following substituted:**

“ (3.1) In addition to the requirements for publication mentioned in subsection (3), the returning officer may publish the notice mentioned in subsection (1) in the form of an announcement on a radio or television station received in the area.

“ (3.2) Notwithstanding clause (3)(a), if all or part of the contents of the notice mentioned in subsection (1) are, in the discretion of the returning officer, distributed by mail or delivered to all resident electors of the municipality or school division, as the case may be, or if reasonable actions are taken to mail or deliver the notice to all those electors, the contents of the notice that is distributed or delivered need not be published in a newspaper ”.

**Section 50 amended****8 Clause 50(1)(a) is amended by striking out “ section 21 of *The Education Act* ” and substituting “ section 42 of *The Education Act, 1995* ”.****Section 60 amended****9(1) Clause 60(1)(c) is amended by striking out “ subsection (2) ” and substituting “ subsections (1.1) and (2) ”.**

**(2) The following subsection is added after subsection 60(1):**

“(1.1) Where, in the opinion of the returning officer, there may be five or more candidates in a municipality or school division, the council or board may, by bylaw or resolution passed at least 55 days before the day on which a general election is held, provide for the arrangement of the names of the candidates on the ballot:

- (a) by having the returning officer:
  - (i) write the name of each candidate on blank paper, with the papers for all candidates being of the same size, colour and texture;
  - (ii) fold the papers in a uniform manner so that the names are concealed;
  - (iii) deposit the papers prepared in accordance with subclauses (i) and (ii) in a receptacle;
  - (iv) direct a person to draw the papers from the receptacle until all names have been withdrawn; and
  - (v) arrange the names on the ballot in the order that they are withdrawn from the receptacle; or
- (b) by having the returning officer:
  - (i) direct a person to electronically generate the names of the candidates in random order; and
  - (ii) arrange the names on the ballot in the order that they are generated ”.

**(3) Clause 60(2)(b) is repealed and the following substituted:**

“(b) in the first lot, the names of the candidates shall appear, as the case may be:

- (i) in alphabetical order pursuant to clause (1)(c);
- (ii) in the order that the names are withdrawn from the receptacle pursuant to clause (1.1)(a); or
- (iii) in the order that the names are generated pursuant to clause (1.1)(b) ”.

**(4) Subsection 60(3) is amended by striking out “ under subsection (2) ” and substituting “ pursuant to subsection (1.1) or (2) ”.****Section 61 amended****10(1) Clause 61(1)(h) is repealed and the following substituted:**

“(h) where a voters’ list has been prepared, one copy of the advance poll list mentioned in clause 97(1)(b) ”.

**(2) Subsection 61(1.1) is amended by striking out “ list mentioned in subsection 95(2) ” and substituting “ advance poll list mentioned in clause 97(1)(b) ”.**

**Section 70 amended****11 Subsections 70(1.1) and (1.2) are repealed and the following substituted:**

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

- (a) at an advance poll;
- (b) at a polling place established pursuant to section 22; or
- (c) pursuant to section 22.1.

“ (1.2) If a ballot box is to be used that has been used previously to receive votes in the election at an advance poll, at a polling place established pursuant to section 22, or pursuant to section 22.1, immediately before the opening of the poll the deputy returning officer shall exhibit the ballot box to the persons present in the polling place in a manner so as to satisfy those persons that the seals remain intact ”.

**Section 89 amended****12 Subsection 89(2) is repealed and the following substituted:**

“ (2) For the purpose of taking a person’s vote, the deputy returning officer and the poll clerk, together with the candidates or their agents, may attend on the person where:

- (a) the person is a patient of a hospital, home for the aged or similar institution that is named or established as a polling place; and
- (b) the person is bedridden or is unable to walk for the purpose of receiving a ballot.

“ (2.1) The deputy returning officer, after permitting those electors who have received ballots to vote in the polling place, may temporarily suspend voting proceedings in the polling place to permit a person to vote pursuant to subsection (2) ”.

**New sections 92 and 93****13 Sections 92 and 93 are repealed and the following substituted:****“ Advance polls**

**92(1)** In this section, ‘ **eligible elector** ’ means an elector who, pursuant to section 93, is eligible to vote at an advance poll.

(2) Subject to subsections (3) and (4), the council, in the case of an election in a city, or the returning officer, in the case of an election outside a city, shall:

- (a) authorize the establishment of one or more advance polls within the municipality or school division, as the case may be, for eligible electors 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.

(3) In the case of an election in a resort village, the council of the resort village may:

- (a) authorize the establishment of one or more advance polls within or outside the municipality for eligible electors 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.

(4) 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 outside the municipality or school division, as the case may be, for eligible electors mentioned in subsection 93(2) 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.

(5) An advance poll is to be held at least three days but not more than 13 days before election day.

**“ Eligible electors**

**93(1)** Subject to subsection (2), an elector is eligible to vote at an advance poll if the elector:

- (a) has a disability or limited mobility;
- (b) has been appointed as an election official; or
- (c) anticipates being unable to vote on election day.

(2) An elector is only eligible to vote at an advance poll established outside the municipality or school division pursuant to subsection 92(4) if the elector anticipates:

- (a) being absent from the municipality or school division in which the elector is ordinarily resident:
  - (i) on the day or days for voting at an advance poll established within the municipality or school division pursuant to subsection 92(2); and
  - (ii) on election day; and
- (b) being unable to conveniently return to the municipality or school division in which the elector is ordinarily resident to vote on the days mentioned in clause (a) ”.

**Section 95 amended**

**14 Subsection 95(2) is repealed.**

**Section 95.1 amended****15 Subsection 95.1(1) is amended by striking out the portion preceding clause (a) and substituting the following:**

“ Where a voters’ list is used in an election and the returning officer has received the advance poll list from the deputy returning officer in accordance with clause 97(1)(b), the returning officer shall: ”.

**Section 97 amended****16 Clause 97(1)(b) is repealed and the following substituted:**

“ (b) prepare and deliver to the returning officer an advance poll list in the prescribed form ”.

**New section 97.1****17 The following section is added after section 97:****“ TEMPORARILY DISPLACED ELECTORS****“ Temporarily displaced electors**

**97.1(1)** For the purposes of this section, an elector is temporarily displaced if the elector:

- (a) is absent on election day from the municipality, school division or ward in which the elector is ordinarily resident;
- (b) has not voted before election day at an advance poll established pursuant to section 92; and
- (c) due to special or unusual circumstances, cannot conveniently return to the municipality, school division or ward in which the elector is ordinarily resident to vote on election day.

(2) Where the returning officer determines that a majority of the electors in a municipality, school division or ward, as the case may be, are temporarily displaced on election day, the returning officer may postpone the poll.

(3) On postponing a poll pursuant to subsection (2), the returning officer, if possible, shall post a notice at the established polling place advising:

- (a) that the poll has been postponed; and
- (b) that the date, time and place of the new poll will be established and published within 14 days after the date of the postponement.

(4) Within 14 days after the date of the postponement pursuant to subsection (2), the returning officer shall:

- (a) establish a new poll, to be held within 60 days after the date of the postponement; and
- (b) in accordance with subsections 45(3) to (3.2), publish a notice respecting the date, time and place of the new poll.

(5) Where a poll is postponed pursuant to subsection (2) and a new poll established:

- (a) the provisions of this Act apply, with any necessary modification, to votes taken at the new poll and to the procedures to be followed after the poll closes;
- (b) the term of office of the existing elected members continues until:
  - (i) in the case of a municipality, the date of the first meeting of the council after the date of the new poll; and
  - (ii) in the case of a board, the date of the organizational meeting of the board;
- (c) in the case of a municipality, the first meeting of council is to be held within 14 days after the date of the new poll; and
- (d) in the case of a board, notwithstanding section 72 of *The Education Act, 1995*, the organizational meeting of the board is to be held within 30 days after the date of the new poll.

(6) Subject to subsection (5), all provisions of this Act, *The Education Act, 1995*, *The Urban Municipality Act, 1984* and *The Northern Municipalities Act* apply, with any necessary modification, to the terms of office of members elected at a poll established pursuant to this section ”.

**Section 98 amended**

**18(1) Section 98 is amended by renumbering it as subsection 98(1).**

**(2) The following subsection is added after subsection 98(1):**

“ (2) Where a ballot box has been used at an advance poll, at a polling place established pursuant to section 22, or pursuant to section 22.1, at the close of polls on election day, the deputy returning officer shall deliver the ballot box to the regular polling place, or to a place designated by the returning officer, before the deputy returning officer carries out his or her duties pursuant to subsection (1) ”.

**Section 112 amended**

**19(1) Subsection 112(2) is amended by striking out “ ballots pertaining to the election ” and substituting “ election documents sealed or resealed in the ballot boxes pursuant to sections 107 and 108 ”.**

**(2) Subsection 112(3) is amended:**

- (a) by striking out “ ballots ” and substituting “ those sealed or resealed in the ballot boxes pursuant to sections 107 and 108 ”; and**
- (b) by striking out “ section 371 of *The Education Act* ” and substituting “ section 369 of *The Education Act, 1995* ”.**

**Schedule 1**

**20** The provisions listed in Schedule 1 are amended by striking out “ *The Education Act* ” wherever it appears and in each case substituting “ *The Education Act, 1995* ”.

**Schedule 2**

**21** The provisions listed in Schedule 2 are amended by striking out “ subsection 45(3) ” wherever it appears and in each case substituting “ subsections 45(3) to (3.2) ”.

**Coming into force**

**22** This Act comes into force on assent.

**Schedule 1**

[Section 20]

- clause 2(1)(a.1)
- subclause 2(1)(k)(iii)
- subclause 2(1)(k)(iv)
- clause 2(1)(z)
- clause 2(1)(dd)
- clause 2(1)(ee)
- clause 2(1)(gg)
- subsection 109(2)
- section 113
- clause 116(3)(b)
- section 139

**Schedule 2**

[Section 21]

- section 55
- section 56
- clause 58(1)(d)
- clause 94(b)
- subsection 116(1)