

Rural Municipality of Blaine Lake #434

Office of the Administrator

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Questions about the upcoming RM's General Election?

NOTE: The information in this document is to be used as a guide only and is not a substitute for legislation. It is important to observe the exact wording of legislative references. Legislation is available online at <https://publications.saskatchewan.ca/#/home>. Questions of a legal nature should be directed to a solicitor. Throughout this guide you will find references to prescribed forms. These forms may be found in The Local Government Election Regulations, 2015, and on the Publications Saskatchewan website.

Please note that Election Officials, including the Returning Officer (whom is also the RM Administrator) may be asked to determine if a person is an eligible candidate or elector. Election Officials are prepared to explain eligibility criteria; however, Election Officials should avoid determining a person's right to vote or seek office. Candidates and electors are personally responsible to determine their own eligibility. With this noted, here are answers to some of the FAQ's received in our office regarding this election:

Am I eligible to vote in this election?

Please see Section 36 of the Local Government Election Act (LGEA) for a complete answer, as parts have been removed here to maintain relevancy to the RM election:

36(1) A person is eligible to vote in a municipality or school division who, on election day:

- (a) is a Canadian citizen;
- (b) is at least 18 years of age;
- (e) in the case of a rural municipality:
 - (i) has resided in the rural municipality, or land now in the rural municipality, for at least three consecutive months immediately preceding the day of the election;
 - (i.1) is the registered owner of property in the rural municipality, or property now situated in the municipality
 - (ii) is the assessed person with respect to property in the rural municipality, or property now situated in the municipality, pursuant to section 207 of The Municipalities Act;
 - (iii) is the occupant of a trailer or mobile home in the municipality, or land now situated in the municipality, that is the object of a permit required pursuant to section 306 of The Municipalities Act;
 - (iv) is the spouse of a person mentioned in subclause (ii) or (iii); or
 - (v) is 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; and
- (4) The Lieutenant Governor in Council may make regulations respecting any other matter necessary for determining a person's eligibility to vote.

How do I know which division I should be voting in?

Section 39 of the Local Government Election Act provides this answer:

39(1) The division of a rural municipality with respect to which a person is eligible to vote is determined in accordance with this section.

- (2) Notwithstanding any other provision of this Act, if a person is otherwise eligible to vote with respect to more than one division of a rural municipality pursuant to this section:
- (a) that person is eligible to vote only with respect to one division in the rural municipality; and
 - (b) the division with respect to which the person is eligible to vote is determined by establishing which is the first subsection of subsections (3) to (15) to apply to that person.
- (3) A person who resides in the rural municipality is eligible to vote at the polling place for the division in which he or she resides.
- (4) Notwithstanding that he or she resides outside the rural municipality, a person is eligible to vote at the polling place for a division if he or she:
- (a) is assessed with respect to property situated in the division and in that division only; or
 - (b) is the occupant of a trailer or a mobile home that is the object of a permit required pursuant to section 306 of The Municipalities Act in the division and in that division only.
- (5) 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 eligible 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 eligible to vote at the polling place for the division bearing the lowest number.
- (6) If one person is assessed with respect to property jointly held 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.
- (7) Notwithstanding subsection (5), by notifying the administrator in writing before September 1 in any year, a person who does not reside within the rural municipality but is assessed with respect to property situated in two or more divisions may designate the division in which he or she wishes to vote.
- (8) If a person makes a designation pursuant to subsection (7), he or she is:
- (a) eligible to vote at the polling place for the division so designated; and
 - (b) bound by the notice given pursuant to subsection (7) as long as he or she continues to be assessed only in the same divisions.
- (9) If a person is assessed with respect to property situated in one division and his or her spouse is assessed 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.
- (10) If a person makes a designation pursuant to subsection (9), both spouses are:
- (a) eligible to vote at the polling place for the division so designated; and
 - (b) bound by the notice given pursuant to subsection (9) as long as they continue to be assessed in the same divisions.
- (11) The persons mentioned in subsection (9) may change the designation of the division in which they are eligible to vote pursuant to subsection (9) to another division in which one or the other is assessed by notifying the administrator in writing not less than four years before an election is to be held in the division designated in the new notice.
- (12) A voter mentioned in subclause 36(1)(e)(i) is eligible to vote in the division in which the voter resides.
- (13) A voter mentioned in subclause 36(1)(e)(iv) is eligible to vote in the division in which the spouse of the voter is eligible to vote.
- (14) A chief executive officer mentioned in subclause 36(1)(e)(v) who does not reside in the rural municipality:
- (a) is eligible 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 eligible to vote at the polling place for the division bearing the lowest number.

(15) A person who is the owner of assessable property in more than one division in a rural municipality in which he or she does not reside:

- (a) may obtain a tax notice from the administrator indicating in which division he or she is eligible to vote; and
- (b) if the person obtained a tax notice pursuant to clause (a), he or she shall present the tax notice to the deputy returning officer when he or she attends the polling place to vote.

(16) The Lieutenant Governor in Council may make regulations respecting any other matter necessary for determining the division in which a person is eligible to vote.

Is there a Voter's List for this Election?

No, the RM is not utilizing a Voter's List for this 2020 General Election. Voter's lists are not commonly used by most Saskatchewan municipalities.

Section 107 of the Local Government Election Act provides the answer for voting without a Voter's List:

107(1) If a voters list has not been prepared, a person who wishes to vote shall:

- (a) complete, or cause to be completed, a voter's registration form obtained from the election official at the polling place; and
- (b) deliver the completed form to the deputy returning officer.

(2) The deputy returning officer shall cause to be recorded in the poll book the name and residence of the person and, if applicable, whether the person is a voter of the public school division or separate school division.

Who is entitled to be present in the Polling Place?

Section 103 of the Local Government Election Act provides this answer:

103 During the hours that the poll is open for the purposes of voting, only the following persons are entitled to be present in the polling place with respect to each polling area:

- (a) any election official who has been duly appointed and assigned duties in conducting the poll;
- (b) each candidate for the office with respect to which the vote is being held;
- (c) not more than two duly authorized agents of a candidate;
- (d) any person who is acting as an escort or assistant to a voter who requires the person's services pursuant to sections 123 and 125;
- (e) any voter waiting to cast his or her ballot.

NOTE: Each person listed above will have to complete the necessary Forms relevant to their purpose for attending the Polls; these forms are found in the Local Government Election Regulations. All forms can be found at Publications Saskatchewan.

What is the process for Candidates and Agents to attend the Polls?

Sections 104 and 105 of the Local Government Election Act provides this answer:

104(1) If a person presents to the deputy returning officer a written notice in the prescribed form and signed by a candidate, the person named in the notice shall:

- (a) be recognized by the deputy returning officer as an agent of the candidate; and
- (b) on making a declaration in the prescribed form, be permitted to exercise his or her duties and functions as an agent.

(2) A candidate may be present at any place at which his or her agent is authorized to attend pursuant to subsection (1) and may:

- (a) undertake the duties that his or her agent might have undertaken; or
- (b) assist his or her agent in the performance of any duties.

(3) The deputy returning officer may designate the location in a polling place from which an agent or candidate may observe the conduct of the election.

105(1) Every candidate and candidate's agent authorized to attend at a polling place or at the counting of the votes shall, before entering the polling place, take an oath, affirmation or declaration of secrecy in the prescribed form.

(2) An oath, affirmation or declaration required pursuant to this section may be taken before the returning officer, deputy returning officer or poll clerk or any other person authorized by law to administer an oath, affirmation or declaration.

Rights of Candidates and Agents

See sections 104, 112, 171-173 and 176 of the Local Government Election Act for complete information.

Candidates and agents must make a declaration in prescribed Form U – Declaration of Candidate or Agent, before exercising their duties or functions at the polling place. Each candidate:

- may appoint up to two agents in writing using prescribed Form T – Appointment of Candidate's Agent:
 - o the appointment form must be presented to the DRO at the polling place.

Candidates and agents have the right to:

- obtain a copy of the voter's list, if one was prepared;
- be in the polling place to observe proceedings while voters are voting; and
- object to the entitlement of any voter intending to vote; and they may:
 - o examine a voter's evidence of identity; and
 - o request verification of vouching procedure.

Candidates or agents do not have any authority to:

- directly question a voter;
- attempt to influence a voter;
- enter the polling place after the polls close; or
- canvass or solicit votes or persuade a person not to vote within 100 metres of a polling place.

Candidates and agents may enter and leave the polling place at their pleasure during the hours the poll is open. Candidates or one of their agents may arrange to attend the polling place prior to the close of voting in order to observe the ballot count.

Candidates and agents are obliged to maintain the secrecy of the voting at the polling place. Failure to do so is an offence under the LGEA.

How are Objections to a Voter handled?

Section 112 of the Local Government Election Act provides this answer:

112(1) If a candidate or his or her agent objects to the eligibility of any person intending to vote, 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 110(a); or
- (b) verify that the procedures mentioned in clause 110(b) have been followed.

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

- (a) require the person who intends to vote to show the evidence required pursuant to clause 110(a) to the candidate or candidate's agent whether or not the person has already done so; or
- (b) verify with the candidate or agent that the procedures mentioned in clause 110(b) have been followed.

Objection to Voter, process explained:

See section 112 of the Local Government Election Act for complete information.

- Candidates or agents may object to the eligibility of a voter who has not yet voted.
- Objections are directed to the DRO, not to the voter.
- A candidate or agent is not required to provide a reason for the objection.
- An objection does not automatically disqualify the voter.
- After an objection is made, the DRO will:
 - enter the objection in the poll book, including the name of the person raising the objection and initial the note; and
 - ask the voter to complete Form R - Voter's Registration Form if they have not already done so:
 - o if Form R - Voter's Registration Form has already been completed, the DRO may want to review the form with the voter and request verbal confirmation for each item; and
 - o if the voter declines to complete a voter's registration form, or if the voter changes the information on the form in a way that disqualifies the person from voting, the person cannot receive a ballot and would be asked to leave the polling place after the DRO provides information about eligibility criteria to help direct the person to the correct municipal election.
- In addition to objecting to a voter, a candidate or an agent may request to:
 - see the identification provided by the voter to the EOs:
 - o the DRO shall ask the voter to show the offered identification to the candidate or agent; and
 - verify that the vouching procedures were followed:
 - o the DRO would review and verify with the candidate or agent the procedures regarding establishing a voter's identity.

Objections during the counting of ballots, process explained:

See section 132 of the Local Government Election Act for complete information.

A candidate or an agent may object to the decision made by the DRO. When an objection is raised, the DRO will perform the following:

- number the objection starting with "1" on the back of the ballot and initial the entry;
- record the objection in the poll book along with the number placed on the ballot:
 - o if Form R – Voter's Registration Form and Poll Book was used during the election, note the number of the objection on a blank sheet of paper. The DRO will initial the number on this paper, which will then be attached to and form part of the poll book; and
- on the reverse side of the ballot, record the objection either as "Rejection objected to" or "Counting objected to".

The candidate or agent will explain why they object to the decision made by the DRO. The DRO will consider the information provided, and will decide whether to accept or reject the ballot:

- the decision of the DRO is final;
- the decision is noted in the poll book and initialed by the DRO; and
- candidates and other voters may have a right to request a recount, which is conducted by the Court of Queen's Bench. Ballots which are the subject of an objection are set aside. After all ballots are counted, those subject to an objection will be placed in a separate envelope.

For more details regarding these questions or any other questions you may have regarding the 2020 General Election, please visit the Local Government Election Guide For Saskatchewan Municipalities, or any of the other many references available as found at <https://publications.saskatchewan.ca/#/home>.