



Bylaw No. 2024-25

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BYLAW NO. 2024-25

THE ELECTION BYLAW, 2024

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

PART I- PURPOSE, STATUTORY AUTHORITY, DEFINITIONS AND APPLICATION

Purpose

1 The purpose of this Bylaw is to:

- (a) set out the general processes and procedures to be used in an election conducted in the City of Regina under *The Local Government Election Act, 2015*;
- (b) set out the nomination period, requirements relating to the listing of occupation on the nomination paper and ballots, the order of candidate’s names on ballots, requirements and return of deposits, the appointment of the returning officer, how tie votes are resolved, and rules and processes around the voter registry, the voters list and voter registrations;
- (c) establish a mail-in ballot voting system for the purposes of receiving ballots in a City of Regina election; and
- (d) provide for the use, at elections, of voting machines or other devices used in an automated vote counting system, to authorize the form of the ballot and to set out the procedures for voting and counting votes, pursuant to section 90 *The Local Government Election Act, 2015*.

Statutory authority

2 The authority for this Bylaw is *The Local Government Election Act, 2015*, in particular sections 9.1, 48, 68, 73, 90, 91 and 92 and *The Cities Act*, in particular section 63.1.

Definitions

3(1) In this Bylaw:

- (a) “**acceptable mark**” means any mark made by a voter on a ballot which the voting machine is able to record;
- (b) “**Act**” means *The Local Government Election Act, 2015* or any other Act that may replace this legislation;

Approved as to form this _____ day of _____, 20_____.

City Solicitor

- (c) **“automated vote counting system”** means a system that counts and records votes and processes and stores election results including:
 - (i) software programs and hardware applications including devices for the storage of electronic information;
 - (ii) an automated voting machine that has:
 - (A) a main ballot box for voted ballots;
 - (B) an emergency ballot box for the temporary storage of voted ballots during such time as the voting machine is not functioning; and
 - (C) portable ballot boxes into which voted ballots are deposited where a voting machine is not being used at the polling place, but where a voting machine is used for counting votes;
- (d) **“ballot”** means a ballot form designed for use in an automated vote counting system;
- (e) **“blank ballot”** means a ballot without any votes in the voting areas as determined by a voting machine;
- (f) **“City”** means the municipal corporation of the City of Regina or where the context requires, the geographical area within the city limits;
- (g) **“City Clerk”** means the person appointed as City Clerk of the City of Regina;
- (h) **“Council”** means the Council of the City of Regina;
- (i) **“declaration of person requesting mail-in ballot”** means the declaration of person requesting mail-in ballot form established by the returning officer that meets the requirements of section 18 of the Regulations;
- (j) **“Deputy City Clerk”** means the person appointed as Deputy City Clerk of the City of Regina;
- (k) **“deputy returning officer”** means a deputy returning officer appointed by the returning officer pursuant to section 48 of the Act and this Bylaw;
- (l) **“election”** means an election as defined in the Act which is conducted in the City of Regina;

- (m) **“election headquarters”** means the municipal election office, as determined by the returning officer;
- (n) **“election official”** includes a returning officer, deputy returning officer, poll clerk, revising officer, associate returning officer, nomination officer, enumerators and any other supervisory officers and assistants appointed pursuant to section 47 or 48 of the Act or pursuant to this Bylaw;
- (o) **“emergency ballot box”** means a separate compartment on the ballot box into which voted ballots are temporarily deposited in the event that a voting machine ceases to function;
- (p) **“host computer”** means the computer at election headquarters containing the election software, which is used for compiling election results;
- (q) **“mail-in ballot”** means a mail-in ballot used pursuant to this Bylaw;
- (r) **“main ballot box”** means the ballot box used with the voting machine for holding counted ballots;
- (s) **“mobile poll”** means a polling place established under section 30 of the Act;
- (t) **“municipal election”** includes:
 - (i) an election held to fill a vacancy in the office of any member of Council;
 - (ii) an election of members of Council;
 - (iii) a vote of voters in the City, 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*;
- (u) **“over voted ballot”** means a ballot on which one or more of the voting areas has more than the allowed number of acceptable marks as determined by the voting machine;
- (v) **“personal care facility”** means a facility designated pursuant to *The Provincial Health Authority Act* that has five or more patient or resident beds and includes any free-standing facility that is a mental health centre within the meaning of *The Mental Health Services Act* and that:

- (i) serves persons who are patients pursuant to that Act; and
- (ii) has five or more patient beds;
- (w) **“portable ballot box”** means a ballot box that is used at a polling place where a voting machine is not being used;
- (x) **“register tape”** means the printed record generated from a voting machine that shows:
 - (i) the total number of ballots received;
 - (ii) the number of blank ballots;
 - (iii) the number of over voted ballots;
 - (iv) the number of votes for each candidate; and
 - (v) if there is a vote on a bylaw, resolution or question, the number of votes for and against each bylaw, resolution or question;
- (y) **“Regulations”** means *The Local Government Election Regulations, 2015*;
- (z) **“returning officer”** means a person specified or appointed as a returning officer pursuant to the Act or this Bylaw;
- (aa) **“secrecy sleeve”** or **“secrecy envelope”** means an open-ended folder or envelope used to cover ballots to conceal the choices made by each voter;
- (bb) **“school board election”** means:
 - (i) an election of board members of a board of education of a school division in the City, including a public school board or separate school board; or
 - (ii) a vote of voters in the City, on a question, for approval of a bylaw or resolution, or to obtain their opinion on any question or resolution submitted to them, pursuant to *The Education Act, 1995*;
- (cc) **“special poll”** means a polling place established under section 29 of the Act;
- (dd) **“USB media”** means a device used to store electronic information which plugs into the voting machine and into which is pre-programmed the

information necessary to conduct the election and record the votes, and a mechanism to record and retain the information set out on the register tape;

- (ee) **“voter”** means a voter as defined in the Act;
 - (ff) **“voter’s registration form”** means the voter’s registration form established by the returning officer;
 - (gg) **“voting machine”** means any device that records how ballots are marked and produces election results by tabulating votes;
 - (hh) **“zero register”** means a printed register tape of all totals on the voting machine’s programmed secured USB media that indicates zero for all candidates.
- (2) Where no definition is provided for in this Bylaw, the words shall be given their ordinary meaning, except as they may be defined in the Act, the Regulations or *The Cities Act*.

Authorization of mail-in ballot and automated voting counting system

- 4(1) Mail-in ballots are authorized to be used in accordance with this Bylaw for any municipal election.
- (2) An automated vote counting system is authorized to be used in accordance with this Bylaw for any municipal election.

Application of municipal election processes to school board elections

- 5(1) Unless a school board provides otherwise, where the City conducts a school board election, the City shall follow and use the City’s election processes and procedures used for the municipal election, including mail-in ballots and an automated vote counting system, in accordance with the Act, Regulations and this Bylaw.
- (2) Except where a separate election procedure bylaw is passed to outline the details relating to a vote on a bylaw, resolution or question that conflicts with this Bylaw, the same processes and procedures outlined in this Bylaw shall be used for a vote of voters in the City, 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*.
- (3) Where this Bylaw does not provide for any matter, an election to which this Bylaw applies shall be conducted as far as practicable in accordance with the Act recognizing that some modifications to the requirements of the Act are necessary where an automated vote counting system is used.

PART II - GENERAL PROVISIONS

Nomination period

- 6 Pursuant to subsection 73(2) of the Act, nomination day is the fifth Wednesday before election day.

Criminal record check

- 7 The nomination paper submitted for a municipal election pursuant to section 67 of the Act is not required to include a criminal record check.

Candidate's occupation on nomination paper and ballots

- 8(1) The nomination paper and ballots for a municipal election will not include a candidate's occupation.
- (2) Unless otherwise required by a school board, the nomination paper and ballots for a school board election will not include a candidate's occupation.

Order of candidate's names on ballots

- 9(1) The ballots for a municipal election shall contain the names of all duly nominated candidates arranged in the order provided for in clause 91(1)(d) of the Act.
- (2) Unless otherwise required by a school board, the ballots for a school board election shall contain the names of all duly nominated candidates arranged in the order provided for in clause 91(1)(d) of the Act.

Deposit

- 10(1) Pursuant to subsection 68(1.1) of the Act, the nomination paper filed for every nominee for the office of councillor or mayor must, when filed with the returning officer or nomination officer, be accompanied by a deposit of \$100 that can be paid by cash, credit, debit or by a certified cheque or money order in that amount payable to the City of Regina.
- (2) The deposit shall be returned in the following circumstances:
- (a) if the nomination is withdrawn prior to the election then the deposit shall be returned when the nomination is withdrawn;
 - (b) after an election the deposit shall be returned to the candidate unless the candidate is in violation of the requirements of Bylaw 2007-34, being *The Regina Municipal Election Expenses Bylaw*;
 - (c) if a candidate dies before the election, then the deposit shall be returned to the candidate's representative after notification of their death.

- (3) The amount of deposit and return of a deposit filed with the nomination for a school board election shall be determined by the applicable school board.

Returning officer

- 11(1) Except in the case of section 23 of the Act, the City Clerk is appointed pursuant to section 47 of the Act as the returning officer for all municipal and school board elections.
- (2) If for any reason the City Clerk is unable to perform the duties of returning officer, the Deputy City Clerk is appointed as returning officer.
- (3) Pursuant to section 48 of the Act, the returning officer is authorized to appoint in writing a deputy returning officer or officers to undertake the duties and responsibilities outlined in section 48, including for the purposes of receiving mail-in ballots.
- (4) Pursuant to section 48 of the Act, the returning officer is authorized to further delegate the returning officer's powers, functions and responsibilities in an election to other election officials as may be required.

Tie vote

- 12 If, on the summing up of votes, two or more candidates for a vacant office have an equal number of votes, the returning officer shall resolve the tie vote using the process outlined in section 141.1 of the Act.

PART III – VOTER REGISTRY AND VOTERS LIST**Voter registry and voters list**

- 13(1) The returning officer is authorized to establish and maintain a voter registry of persons eligible to vote from which a voters list provided for in section 54 of the Act may be prepared for use in the election.
- (2) In accordance with section 54 of the Act, the returning officer is authorized to prepare, revise and use a voters list for every election conducted by the returning officer.
- (3) The information on the voter registry may be gathered using any information obtained or available to the returning officer including information obtained through any information sharing agreements the City has entered into with any other officers or bodies established to conduct a provincial or federal election.
- (4) The voter registry may only include the information outlined in the Act and may only be revised in accordance with the Act.
- (5) Pursuant to subsection 57(2) of the Act, the voters list will be published in an electronic format and the returning officer will provide voters with public access to a computer for the purpose of viewing the voters list.

- (6) Pursuant to subsection 59(3) of the Act an application to correct an error or omission on the voters list may be made by e-mail or any other electronic means.
- (7) Where an application is made to strike a voter from the voters list on the grounds that the voter is deceased, the returning officer may require a death certificate from the applicant to confirm the death.

Online registration

- 14(1) The returning officer is authorized to use an online registration system to allow voters to register to vote, although paper registrations can also be used.
- (2) The returning officer is authorized to establish a voter's registration form and adapt that form to an electronic format in which the voter may fill out the form online and agree to any declarations required for eligibility to vote by clicking a button or an icon to express acceptance.

Deadline for registration

- 15(1) Voters are required to register to vote at least five days prior to the date that the voters list is published in accordance with section 57 of the Act.
- (2) Where a person has not registered to vote at least five days prior to the date that the voters list is published, they are required to register at an advance poll or at the polls on election day or they can submit an application to correct an error on the voters list to add their name to the voters list.

PART IV – MAIL-IN BALLOTS

Eligibility to use mail-in ballot system

- 16(1) The mail-in ballot voting system set out in this Bylaw may be used by voters in an election who meet one of the following conditions:
 - (a) voters who are unable to attend an established polling place during the advance poll or on election day; or
 - (b) voters who are unable to attend an established polling place because they are receiving care in a hospital, personal care facility or similar institution.
- (2) The returning officer or other designated election official shall determine a person's eligibility to use a mail-in ballot based on the voter's submission of the documents and proof of identify as set out in this Bylaw.

Application process for mail-in ballot

- 17(1) Every voter who wishes to apply for a mail-in ballot shall apply to the returning officer or other designated election official by:
- (a) submitting a declaration of person requesting mail-in ballot form;
 - (b) submitting a voter's registration form if the person does not appear on the voter registry or voters list or the voter's information appearing in the registry or on the voters list does not match the information provided in their declaration of person requesting a mail-in ballot form; and
 - (c) providing proof of the voter's identity in accordance with this section.
- (2) An application to vote using a mail-in ballot may be made:
- (a) in person;
 - (b) by mail;
 - (c) by e-mail;
 - (d) by facsimile; or
 - (e) online.
- (3) Where a voter applies for a mail-in ballot in person in accordance with subsection 17(1) of this Bylaw, the voter is required to show evidence of their identity by providing the documents or information set out in section 110 of the Act and the Regulations, and the returning officer or other designated election official is required to witness the person's signature on the declaration of person requesting mail-in ballot form.
- (4) Where a voter applies by mail, e-mail, facsimile, or online in accordance with subsection 17(1) of this Bylaw, there is no requirement to witness the voter's signature on the declaration of person requesting mail-in ballot form, but the form must include the voter's signature in either a graphical or electronic form, and the voter is required to provide copies of the front and back of the following forms of identification as evidence of the person's identity:
- (a) one piece of identification issued by the Government of Canada, the Government of Saskatchewan, a municipality or a government agency that contains a photograph of the voter, the voter's name and address; or
 - (b) one piece of identification issued by the Government of Canada, the Government of Saskatchewan, a municipality or a government agency that

contains a photograph of the voter and the voter's name and a second piece of identification prescribed in the Regulations that contains the voter's name and address.

- (5) Where the following conditions are met, the returning officer or other designated election official may attend at a voter's residence or at a hospital, personal care facility or similar institution in order to accept the documents required pursuant to subsection 17(1) of this Bylaw and witness the person's signature and to check the proof of identity in accordance with subsection 17(3) of this Bylaw:
 - (a) the voter makes such a request; and
 - (b) the voter is not able to apply in person because of a physical disability, limited mobility, illness, a compromised immune system or has increased risk factors that could lead to becoming severely ill if exposed to a communicable disease.
- (6) Where a voter applies for a mail-in ballot by mail, e-mail, facsimile or online and does not meet one or more of the following requirements to the satisfaction of the returning officer or other designated election official reviewing the application, the voter will be required to apply in person for a mail-in ballot in accordance with subsection 17(3) of this Bylaw:
 - (a) the voter's declaration of person requesting mail-in ballot form is not signed, is incomplete or the information does not match the information on that voter contained in the voter registry;
 - (b) the voter's name, date of birth or address does not match the information on the identification that has been provided;
 - (c) the voter's name does not appear in the voter registry and they have not submitted a voter registration form or the voter registration form submitted is not signed or is incomplete;
 - (d) the copies of the identification do not comply with the identification requirements in subsection 17(4) of this Bylaw, or the copies of identification are not provided or are not provided in a clear or legible form.
- (7) Where a voter applies online, the declaration of person requesting mail-in ballot form will be filled out by the voter online and the person may agree to the statements in the declaration by clicking a button or an icon to express acceptance and including their electronic signature.
- (8) The returning officer may use a combined form that includes both the voter's registration and the declaration of person requesting mail-in ballot.

Refusal of mail-in ballot application

- 18(1) Where the following occurs, the application for a mail-in ballot will be refused and mail-in ballots will not be provided to the applicant:
- (a) the voter has already applied for a mail-in ballot and has already been provided ballots;
 - (b) the voter has already voted in the election;
 - (c) the voter fails or refuses to establish their identity in accordance with the Act, Regulations or this Bylaw or the copies of identification provided are not provided in a clear or legible form;
 - (d) the voter's declaration of person requesting mail-in ballot does not comply with the Act, Regulations or this Bylaw;
 - (e) where a registration form is required, the voter's registration form does not comply with the Act, Regulations or this Bylaw.
- (2) Where an application for mail-in ballot is refused because the identification provided does not meet the requirements of subsection 17(4) of this Bylaw or the copies of identification provided are not provided in a clear or legible form, the voter may be required to apply in person for a mail-in ballot.

Approval of mail-in ballot

- 19 Where the returning officer or other designated election official reviews the application and documents submitted pursuant to section 17 of this Bylaw and approves of the voter's request to vote by mail, the returning officer or election official shall:
- (a) affix their signature, including the date of approval to the declaration of person requesting mail-in ballot form, where the voter applies in person, or by mail, e-mail or facsimile; or
 - (b) affix their digital approval and the date of approval to the electronic declaration of person requesting mail-in ballot form, where the voter applies online.

Provision of ballot kit to elector

- 20 Where a voter's request to vote by way of mail-in ballot has been approved, the returning officer or other designated election official shall provide the voter with a ballot kit by regular mail, registered mail, courier, in person or by any other means and the ballot kit shall consist of the following:

- (a) the ballots to which the voter is entitled;
- (b) a ballot secrecy envelope, bearing the information set out in Schedule “A” to this Bylaw;
- (c) a voter confirmation form, including instructions, bearing the information set out in Schedule “B” to this Bylaw;
- (d) a return envelope, addressed to the returning officer, bearing the words “Mail-in Ballot” on its face; and
- (e) any other instructions for the voter to follow.

Ballot kits

21 The returning officer or other designated election official shall do the following with respect to the ballots and envelopes in the ballot kit:

- (a) ensure that all ballots issued to a voter voting by mail are identical to the ballots used at the polling stations;
- (b) ensure the return envelope is addressed to the returning officer at the correct postal address;
- (c) on the voter confirmation form:
 - (i) print the name of the voter;
 - (ii) include an area for the voter signature and date;
 - (iii) print the voter’s unique barcode number;
 - (iv) include an area to fill in voter’s date of birth;
 - (v) identify the ballots provided to the voter;
- (d) place the deputy returning officer’s initials in the box on the reverse side of the ballot or ballots provided to the voter.

Notice of poll

22 The returning officer or other designated election official shall not provide a ballot kit to a voter who is authorized to vote by mail until after the notice of poll is issued.

Poll book

- 23 Where a ballot kit has been provided or sent to a voter who is authorized to vote by mail the returning officer or other designated election official shall make the following entries to the poll book:
- (a) all entries required pursuant to section 108 of the Act;
 - (b) the date on which the ballot kit was provided or sent to the voter;
 - (c) an indication of which of the following methods was used to provide the ballot kit to the voter:
 - (i) regular mail;
 - (ii) registered mail;
 - (iii) courier;
 - (iv) in person; or
 - (v) other means;
 - (d) record in the poll book that the voter has already been provided a ballot.

Eligibility to vote at a poll once ballot kit provided

- 24(1) Where the returning officer or other designated election official provides a ballot kit to a voter, the voter is deemed to have voted and is not entitled to vote at any other poll.
- (2) Notwithstanding subsection 24(1) of this Bylaw, where the poll book indicates that a voter was provided with a mail-in ballot kit, but the voter attends a poll to vote and makes a declaration indicating that they have not already voted in the election and meets all other requirements in the Act including establishing their identity, the returning officer or other election official shall provide the person with any ballots applicable to the election.

Instructions for mail-in ballots

- 25 Where a voter is authorized to use a mail-in ballot, the voter is required to do the following with respect to the ballots and envelopes in the ballot kit:
- (a) insert the marked ballots into the ballot secrecy envelope;
 - (b) seal the ballot secrecy envelope and insert it into the voter return envelope;

- (c) date and sign the voter confirmation form including filling in the voter's date of birth;
- (d) insert the voter confirmation form into the return envelope; and
- (e) follow any additional instructions provided by the returning officer.

Return of ballots

26 A voter who is authorized to use a mail-in ballot may return the ballot in accordance with the instructions set out in this Bylaw to the returning officer by regular mail, registered mail, courier, in person or by any other means.

Review of returned ballot and confirmation forms

27(1) Upon receipt of the return envelope for a mail-in ballot, the returning officer or other designated election official shall:

- (a) open the return envelope and ensure the voter confirmation form has been included and is signed by the voter;
- (b) reject any return envelopes where there is no confirmation form;
- (c) reject any return envelopes that contain more inner ballot secrecy envelopes than confirmation forms or more confirmation forms than ballot secrecy envelopes;
- (d) reject any return envelopes where the poll book indicates the voter's name has already been struck off as having voted;
- (e) subject to subsection 27(2), reject any return envelopes where the confirmation form is not signed or is not dated or does not include the voter's date of birth or the date of birth is incorrect (based on the identification provided previously);
- (f) without examining the ballot, ensure any ballots returned have been placed in a ballot secrecy envelope and the envelope is sealed if the voter has not done so;
- (g) reject any ballot secrecy envelopes that would identify the voter or are torn or have unauthorized markings;
- (h) scan or enter the barcode details to record on the voter's application, the date on which the envelope was received;

- (i) mark the voter as voted to strike the name from the poll book;
 - (j) deposit the accepted secrecy envelopes in the ballot box provided for in section 28 of this Bylaw;
 - (k) retain all accepted voter confirmation forms in a secure ballot box;
 - (l) for rejected return envelopes and rejected confirmation forms, record the necessary entries in the poll book where able and place all rejected return envelopes and rejected confirmation forms in a secure ballot box.
- (2) Notwithstanding clause 27(1)(e), where the confirmation form is missing information or includes inaccurate information, the voter may appear in person before an election official and remedy any defects with the confirmation form if the voter verifies their identity by providing the identification required in subsection 17(4) of this Bylaw prior to the close of polls on election day.
- (3) The returning officer or other designated official shall notify candidates when mail-in ballot kits have been mailed out and any candidate or candidate's agent may be present to witness the process of reviewing the return envelopes and confirmation forms set out in this section at the election headquarters during regular business hours from the date that the kits are mailed out until the close of polls on election day.

Ballot box for secrecy envelopes

- 28 The returning officer or other designated election official shall ensure there is a secure ballot box that complies with section 95 of the Act which shall be used to contain and store all the mail-in ballots that have been received at the close of polls on election day until dealt with in accordance with section 33 of this Bylaw.

Mail-in ballots received prior to the close of advance poll

- 29(1) Subject to subsection 29(4) of this Bylaw, the deputy returning officer or other designated election official shall set aside voting machines at the election headquarters that will exclusively be used to count mail-in ballots.
- (2) Where 100 or more mail-in ballots are received by the close of the advance poll dates, the deputy returning officer or other designated election official may insert these mail-in ballots into voting machines set up for the mail-in ballots the next business day after the close of the advance poll dates in accordance with the provisions of this Bylaw.
- (3) Where mail-in ballots have been dealt with at the advance poll dates in accordance with subsection 29(2) of this Bylaw, any ballots received after the advance poll dates shall be included with and counted at the election headquarters through the voting

machines used for mail-in ballots that were used in subsection (2) after the close of polls on election day.

- (4) Where less than 100 mail-in ballots are received in total, the mail-in ballots shall be included with and counted with the special poll ballots.

Materials required on advance poll day or election day

- 30 On election day or after the advance poll dates in the case of mail-in ballots dealt with in accordance with subsection 29(2) of this Bylaw, the following materials are required to be provided to the deputy returning officer or other designated election official at the location where the mail-in ballots will be inserted into the voting machines:
- (a) all voter confirmation forms that have been received in compliance with section 27 of this Bylaw;
 - (b) the ballot box provided for in section 28 of this Bylaw which contains the sealed secrecy envelopes; and
 - (c) the declaration of person requesting mail-in ballot for each voter who was approved to vote by mail, accessible in either an electronic or paper report format.

Examination by candidate or agent

- 31 On election day or after the advance poll dates in the case of mail-in ballots dealt with in accordance with subsection 29(2) of this Bylaw, any candidate or candidate's agent may examine the voter's registration (where this has been required because the voter was not on the voter registry or voters list or their information did not match the voter registry or voters list) and declaration of person requesting mail-in ballot for each voter who was approved to vote by mail.

Objection to entitlement to vote

- 32(1) Any candidate or a candidate's agent retains the right to object to a person's entitlement to vote.
- (2) In accordance with section 112 of the Act, where a candidate or a candidate's agent objects to a person's entitlement to vote, the deputy returning officer or other designated election official shall make the necessary entries into the poll book.
 - (3) A candidate or a candidate's agent may request pursuant to clause 112(2)(b) of the Act that the deputy returning officer verify that the procedures in clause 110(b) have been followed.

Process for examining secrecy envelopes and extracting ballots

- 33 On election day or the advance poll dates in the case of mail-in ballots dealt with in accordance with subsection 29(2) of this Bylaw, the deputy returning officer or other designated election official shall take the following steps:

- (a) open the ballot box provided for in section 28 of this Bylaw in the presence of the persons authorized pursuant to section 128 of the Act;
- (b) allow those persons authorized pursuant to section 128 of the Act to review each voter's signature on each voter confirmation form for both the accepted and rejected ballots;
- (c) reject any ballot secrecy envelopes that contain materials other than ballots;
- (d) extract the ballots from the ballot secrecy envelopes and reject any ballots in accordance with section 129 of the Act;
- (e) where the extracted ballots have been accepted, insert the ballots into the voting machines in accordance with this Bylaw.

Results tabulated after close of polls

34 The deputy returning officer or other designated election official shall not tabulate the final results through the voting machines until after the close of polls on election day.

Late ballots deemed spoiled

35(1) Ballots received after the closing of the polls on election day are deemed to be spoiled ballots and shall remain unopened in their respective return envelopes.

- (2) Where a ballot is deemed spoiled pursuant to subsection 35(1) of this Bylaw, the returning officer or other designated election official shall:
 - (a) write "deemed spoiled" on the outer envelope;
 - (b) record the date the spoiled ballot came into his or her possession;
 - (c) initial the entry;
 - (d) deal with the ballot in accordance with subsection 118(2) of the Act;
 - (e) ensure the spoiled ballots are retained in accordance with the Act.

Materials in packets

36 The deputy returning officer or other designated election official shall place all the materials used in conjunction with the mail-in ballot in packets in accordance with section 136 of the Act.

Retention of election materials

- 37 Ballots and other forms used in conjunction with voting by mail shall be retained and destroyed in the same way as other election materials in accordance with section 142 of the Act.

PART V– AUTOMATED VOTE COUNTING

Form of ballot

38 The ballot shall be a paper ballot that is substantially the same as the sample ballot attached as Schedule “C” and forming part of this Bylaw.

Programming USB media

39(1) The USB media that is inserted into the voting machine shall be programmed so that a printed record of the following can be reproduced:

- (a) the number of blank ballots;
- (b) the number of over voted ballots;
- (c) the number of votes for each candidate; and
- (d) if there is a vote on a bylaw, resolution or question, the number of votes for and against each bylaw, resolution or question.

(2) The USB media shall not be programmed until 24 hours after the close of the nomination period.

Security, storage and transport of machines

40(1) All voting machines shall be tracked by serial number and voting machines and USB media shall be locked in a secure location at all times when unattended by an appointed election official.

(2) All voting machines and USB media shall be securely sealed once they have been programmed for an election and the pre-poll logistic and accuracy testing has been completed.

(3) All voting machines and USB media shall be secured with unique passwords that can only be accessed by assigned election officials at each polling station.

(4) When transporting voting machines and USB media, the machines shall be tracked with a delivery pick up and drop off signing document in which a signature shall be required by the individual receiving and the individual releasing the voting machines.

Pre-poll logistic and accuracy testing

41(1) Prior to the advance poll date but no earlier than 24 hours after the close of the nomination period, an election official shall conduct the pre-poll logistic and accuracy testing required by the Act and the Regulations.

- (2) The following sets out the general testing process and procedures:
- (a) a test deck of every ballot style is created and then is marked by the election official so that all combinations of votes for the different candidates or for a bylaw, resolution or question have been included and then each test deck is inserted through each voting machine;
 - (b) the test deck includes blank and over voted ballots which are also inserted into each voting machine;
 - (c) a register tape for each voting machine is printed that identifies the results from the testing;
 - (d) for each register tape, the election official conducting the testing writes the serial number of the voting machine, the date the testing was conducted and the official's initials;
 - (e) the election official conducting the testing compares the register tape for each machine to ensure that the USB media in each voting machine is accurately recording the blank ballots, over voted ballots and votes for candidates or for or against a bylaw, resolution or question as set out in the test deck of ballots;
 - (f) where a voting machine and its USB media is not accurately recording the ballots, the machine is not used in the election;
 - (g) where there is a programming issue with the USB media, the USB media is re-programmed and re-tested until it accurately records the test deck of ballots;
 - (h) the register tape from the testing for each voting machine and USB media and the document that sets out the test deck of ballots that were used is retained until the next general election and may be viewed by the candidates or their agents if requested;
 - (i) after the testing is completed and the voting machines and USB media accurately record the ballots, the voting machines and the USB media inserted into each machine are sealed.

Accommodating voters with disabilities

- 42 Voters with disabilities are accommodated through the use of special polls, mobile polls, the mail-in ballot system provided for in this Bylaw and through the procedures set out in section 123 of the Act.

Procedure at the poll

- 43(1) All polling places where a voting machine is being used shall be supplied with at least one ballot box that contains two separate secure compartments: one compartment to be used as the main ballot box and the other compartment to be used as an emergency ballot box.
- (2) The election official shall, in the presence of another election official and any candidates or candidates' agents present, cause the voting machine to print a register tape prior to the opening of the poll and display to all those present a zero total for all candidates, bylaws, resolutions or questions.
- (3) The zero total printout shall remain attached to the voting machine printer until a register tape is printed by the voting machine after the close of the poll.
- (4) The zero total printout and the register tape shall be retained for the purposes of documenting the election results at the polling place.
- (5) Pursuant to subsection 43(2) of this Bylaw, if the totals are not zero for all candidates, bylaws, resolutions or questions, the election official shall immediately notify the returning officer and shall conduct the poll using the emergency ballot box until the voting machine is repaired or replaced.
- (6) When it has been confirmed that a voter is at the correct polling place and he or she has been registered as a voter or is on the voters list, the election official shall provide the voter with a secrecy sleeve and the ballot, which includes all of the offices, bylaws, resolutions or questions on which he or she is entitled to vote.
- (7) The reverse side of the ballot issued to the voter shall display in a designated area the initials of the election official who issued the ballot.
- (8) If, before delivery of a voted ballot to the designated election official, the voter determines that an error may have been made in marking the ballot, or if the ballot is damaged for any reason, the voter may request a replacement ballot from the election official who issued the original ballot.
- (9) After marking the ballot, the voter shall place the ballot in the secrecy sleeve and deliver it to a designated election official who shall, in the presence of the voter and without removing the ballot from the secrecy sleeve, verify that the ballot bears the

initials of one of the election officials at the polling place who is responsible for issuing ballots.

- (10) Where the ballot is provided to the election official and the initials are verified pursuant to subsection 43(9) of this Bylaw, the election official shall:
 - (a) if a voting machine is available at the polling place, insert the secrecy sleeve containing the ballot, with the initials of the election official face up, into the feed area of the voting machine until the voting machine draws the ballot from the secrecy sleeve;
 - (b) if a voting machine fails to operate, insert the ballot, with the initials of the election official face up, directly into the emergency ballot box from the secrecy sleeve;
 - (c) if a voting machine is not available at the polling place, insert the ballot, with the initials of the election official face up, directly into the portable ballot box from the secrecy sleeve.
- (11) In situations where it is noted that the ballot does not have the required initials of an election official, the voter shall be asked to return to the election official who issued the ballot to have the ballot initialed before the ballot is inserted into the voting machine.
- (12) On receiving a request pursuant to subsection 43(8) of this Bylaw, the election official shall issue a replacement ballot, mark the returned ballot "spoiled" and retain the spoiled ballot separately from all other ballots as spoiled ballots shall not be counted in the election.
- (13) If a voting machine has been used to tabulate the votes cast at a polling place, the election official shall follow the procedures for closing the poll in accordance with subsection 47(1) of this Bylaw.
- (14) If a voting machine is not used at a polling place, the ballots shall be held in a portable ballot box and the poll shall be closed in accordance with subsection 47(2) of this Bylaw.
- (15) The supervisory officials at each poll shall perform a balancing check at the polling location throughout the day during the advance poll and election day to ensure that the unused ballots and ballots that have been inserted into the voting machines along with the declined and spoiled ballots equal the original number of ballots that were provided to that polling location.

- (16) The supervisor and receiving deputy returning officer at each poll shall monitor the voting machines to ensure that they are secure and not tampered with.

Advance Poll

- 44(1) Voting machines shall be used at the advance poll, and the voting procedures at the poll shall be the same as set out in section 43 of this Bylaw.
- (2) The election official shall:
 - (a) ensure that the voting machine, the main and emergency ballot boxes and all ballots and other election material are secured when not in use; and
 - (b) on the final day of advance voting, follow the procedures for closing the poll in accordance with clauses 47(1)(a), (f) and (h) to (j) of this Bylaw.
- (3) The register tape for the advance poll shall not be printed and the results for the poll shall not be reported until after 8:00 p.m. on election day.

Mobile and special polls

- 45(1) Voting machines shall not be used at a mobile or special poll but ballots received at these polls shall be placed in a portable ballot box and then later inserted into a voting machine in accordance with this Bylaw.
- (2) Where 100 or more special poll ballots or mobile poll ballots are received prior to the close of the advance poll dates, the deputy returning officer or other designated election official may insert these ballots into voting machines set up for that purpose the next business day after the close of the advance poll dates in accordance with the provisions of this Bylaw.
- (3) Where special poll ballots and mobile poll ballots have been dealt with at the advance poll dates, any ballots received after the advance poll dates shall be included with and counted at the election headquarters through the voting machines used for special polls at the close of polls on election day.
- (4) Where less than 100 special poll ballots and mobile poll ballots are received prior to the close of the advance poll dates, the ballots shall be counted together after the close of polls on election day.
- (5) Procedures at the mobile or special poll shall be conducted in accordance with subsections 43(6) to (12) and (14) of this Bylaw.
- (6) The election official shall:

- (a) ensure that the portable ballot box and all ballots and other election material are secured when not in use;
 - (b) after the mobile poll or special poll has closed:
 - (i) follow the procedures for closing the poll under clauses 47(2)(a) to (e) of this Bylaw; and
 - (ii) deliver the sealed ballot boxes and other election material to election headquarters;
 - (c) after the close of the advance poll, follow the procedure in subclauses 47(2)(h)(i) and (iii) of this Bylaw for counting the special and mobile poll ballots.
- (7) Where the special poll or mobile poll ballots are inserted into the voting machines the next business day after the advance poll dates, the register tape shall not be printed and the results for the poll shall not be reported until the close of polls on election day.

Mail-in ballots

- 46(1) For mail-in ballots, the election official shall follow the procedures outlined in Part IV of this Bylaw including the processes for examining confirmation forms and extracting ballots.
- (2) After following the procedures outlined in subsection 46(1) of this Bylaw, the election official shall insert the ballots into the voting machine used for:
- (a) special poll ballots where there are less than 100 mail-in ballots in total; or
 - (b) mail-in ballots where there are 100 or more mail-in ballots.
- (3) The mail-in ballots shall be inserted into the voting machines in accordance with subsection 47(2) of this Bylaw.
- (4) Where mail-in ballots are inserted into the voting machines the next business day after the advance poll dates, the register tape shall not be printed and the results for the poll shall not be reported until the close of polls on election day.

Procedures for closing the poll on election day

- 47(1) After the poll is closed on election day, if a voting machine has been used, the election official shall ensure that all ballots, including any ballots in the emergency ballot box, are inserted into the voting machine to be counted and shall:

- (a) secure the voting machine against receiving any more ballots;
- (b) obtain a printed register tape of the votes given for each candidate and, if applicable, the votes given for and against a bylaw or question;
- (c) sign the certificate portion of the register tape;
- (d) remove the register tape from the voting machine to be placed in a packet in accordance with clauses 41(2)(h) and (i) of this Bylaw;
- (e) on request from any candidate or candidate's agent present, provide a printout of the election results from the voting machine;
- (f) complete a statement of ballot account containing the number of ballots:
 - (i) supplied;
 - (ii) spoiled or declined;
 - (iii) unused; and
 - (iv) issued;
- (g) transmit the election results data via modem to the host computer at election headquarters;
- (h) in the presence of another elected official and any candidates or candidates' agents present, prepare separate packets for each of the following items:
 - (i) unused ballots;
 - (ii) spoiled or declined ballots;
 - (iii) register tape, statement of ballot account and poll book report; and
 - (iv) counted ballots.
- (i) mark each packet with the following information:
 - (i) contents;
 - (ii) polling place number;

- (iii) date of the vote; and
 - (iv) election official name;
 - (j) seal each packet and place the packets into empty ballot box(s), then seal the ballot box(s) and store the sealed ballot box(s), voting machines, USB media and other election material at a secure storage site;
 - (k) seal the ballot box with signed seals; and
 - (l) if unable to transmit the election results data via modem, complete the poll closing in accordance with clauses 47(1)(a) to (k) of this Bylaw and immediately deliver the sealed ballot box(s), voting machine, and USB media to election headquarters.
- (2) If a voting machine has not been used at a polling place, the election official shall:
- (a) complete a statement of ballot account in accordance with clause 47(1)(f) of this Bylaw;
 - (b) in the presence of another elected official and any candidates or candidates' agents present, prepare separate packets for each of the following items:
 - (i) unused ballots;
 - (ii) spoiled or declined ballots;
 - (iii) statement of ballot account and poll book report or copy of the paper poll book; and
 - (iv) voted ballots;
 - (c) mark each packet in accordance with clause 47(1)(i) of this Bylaw;
 - (d) seal each packet and place the packets into empty ballot boxes which are then sealed;
 - (e) seal the ballot box with the signed seals;
 - (f) advise any candidates or candidates' agents present of the instructions provided by the returning officer on where to take the voted ballots to be counted using a voting machine and ensure all candidates and candidates'

agents be allowed to attend at the place designated by the returning officer to observe the ballots being inserted into a voting machine to be counted;

- (g) deliver the sealed ballot box(s) to the location specified by the returning officer where the voted ballots shall be counted using a voting machine;
- (h) at the election headquarters where the voted ballots will be counted using a voting machine:
 - (i) break the seal on the boxes containing the packets with the voted ballots and the statement of ballot account and then open the packet containing the voted ballots to access the ballots to be counted;
 - (ii) prior to inserting the ballots into the voting machine, print a register tape to confirm that the totals in the USB media for each candidate, bylaw or question is zero and if any of the totals are not zero, the ballots should not be inserted into the voting machine until the unit is repaired or replaced;
 - (iii) in the presence of the deputy returning officer, insert the ballots into the voting machine to be counted;
 - (iv) after all of the ballots for the poll have been counted, a register tape of the votes for each candidate and, if applicable, the votes for and against a bylaw or question will be produced from the voting machine;
 - (v) sign the certificate portion of the register tape;
 - (vi) remove the register tape from the voting machine and place it in a new packet with the statement of ballot account for the poll;
 - (vii) on request from any candidate or candidate's agent present, provide a printout of the election results from the voting machine;
 - (viii) transmit the election results in accordance with clause 47(1)(g) of this Bylaw;
 - (ix) reseal the counted ballots in the ballot box and place the packets with the counted ballots, the register tape and the statement of ballot account for the poll into a ballot box and seal the box; and

(x) turn in the sealed ballot boxes and other election material to the returning officer.

(2.1) At the close of poll, the register tape must be printed and both the register tape and zero tape for each voting machine must be attached to the Deputy Returning Officer’s Statement of Results found in Form AA of Appendix C of the Regulations.

Recount of votes

48(1) The recount of ballots pursuant to Part X of the Act shall be conducted in the same manner as the votes were counted.

(2) A voting machine shall be programmed and tested before the recount in the manner described in this Bylaw and shall be programmed to recount only the race that is in question.

Election record retention

49 The returning officer shall follow the processes and rules regarding retention and safekeeping of election materials outlined in section 142 of the Act.

Repeal

50 Bylaw 10197, being *The Automated Vote Counting Bylaw* and Bylaw 2012-42, being *The Mail-in Ballot Bylaw* are repealed.

Coming into force

51 This Bylaw comes into force on passage.

READ A FIRST TIME THIS 24th DAY OF April 2024.

READ A SECOND TIME THIS 24th DAY OF April 2024.

READ A THIRD TIME AND PASSED THIS 24th DAY OF April 2024.

Mayor

City Clerk

(SEAL)

CERTIFIED A TRUE COPY

City Clerk

Schedule “A”
Required Wording for Ballot Secrecy Envelope

The following wording shall be printed on each ballot security envelope for mail-in ballots:

BALLOT(S) ONLY

The ballot(s) contained within this envelope will be rejected if this envelope:

- (a) is torn;
- (b) bears any unauthorized markings, including anything that identifies the voter;
- (c) contains material other than ballots.

Schedule “B”

**Required Wording for Voter Confirmation Form
(Front)**

The following wording shall be printed on each voter confirmation form for mail-in ballots:

Name and Address of Voter

Ballot Card Style: _____

To be completed by the Voter:

I certify that enclosed in this envelope is a ballot envelope that contains the ballot(s) received by me and marked by me.

I, the undersigned, declare that I am eligible to vote in this election. See Eligibility to Vote on the back.

Signature of Voter

Voter’s Date of Birth: _____
DD/MM/YYYY

Date: _____
DD/MM/YYYY

(Back)

The following information will be included on the back of the Voter Confirmation Form:

Ensure you have signed the CONFIRMATION FORM on the reverse.
Your Vote will NOT be counted if you do not SIGN & DATE the CONFIRMATION FORM.



The following eligibility requirements are included on the back of the voting instructions attached to this confirmation form:

- You are eligible to vote if you meet the following criteria as of the election day:
- You are a Canadian citizen and at least 18 years of age on the day of the election
 - You have not already voted in this election

- You have resided in Saskatchewan for at least six consecutive months
- You are a resident of Regina, or you have owned assessable land within the municipality for at least three consecutive months

A voter must vote in the city ward and public school board subdivision in which they reside; or must be the owner of assessable land situated in the municipality. Separate school board voters must be of the religious faith of the minority that established the Roman Catholic separate school board.

Schedule "C" Front of Ballot

Municipal/School Board Election Regina, Saskatchewan Date of Election	
Instructions	
21 Making Selections 	Turning in the Ballot  Insert the completed ballot sleeve. Hand in the ballot to be counted. Do not fold the ballot.
Ballot for the office of: <div style="text-align: center;">MAYOR</div> <p>You are entitled to vote for a maximum of ONE (1) candidate.</p>	Ballot for the office of: <div style="text-align: center;">COUNCILLOR WARD 1</div> <p>You are entitled to vote for a maximum of ONE (1) candidate.</p>
LAST NAME, First Name <input type="radio"/>	LAST NAME, First Name <input type="radio"/>
LAST NAME, First Name <input type="radio"/>	LAST NAME, First Name <input type="radio"/>
LAST NAME, First Name <input type="radio"/>	LAST NAME, First Name <input type="radio"/>
LAST NAME, First Name <input type="radio"/>	LAST NAME, First Name <input type="radio"/>
LAST NAME, First Name <input type="radio"/>	LAST NAME, First Name <input type="radio"/>
LAST NAME, First Name <input type="radio"/>	LAST NAME, First Name <input type="radio"/>
LAST NAME, First Name <input type="radio"/>	
LAST NAME, First Name <input type="radio"/>	
BS - 001	

WARD 1

Sample

DRO Initials

Name of Printer
Address
Province, Postal Code

ABSTRACT

BYLAW NO. 2024-25

THE ELECTION BYLAW, 2024

PURPOSE:	This Bylaw sets out the rules and processes to be used as well as authorizations required for all elections conducted in the City of Regina pursuant to <i>The Local Government Election Act, 2015</i> .
ABSTRACT:	This Bylaw sets out the general processes and procedures to be used in an election conducted in the City of Regina under <i>The Local Government Election Act, 2015</i> . In particular, this Bylaw sets out the nomination period, requirements relating to the listing of occupation on the nomination paper and ballots, the order of candidate's names on ballots, requirements and return of deposits, the appointment of the returning officer, how tie votes are resolved, and rules and processes around the voter registry, the voters list and voter registrations. Further, this Bylaw establishes a mail-in ballot voting system for the purposes of receiving ballots in a City of Regina election and provides for the use, at elections, of voting machines or other devices used in an automated vote counting system, to authorize the form of the ballot and the procedures for voting and counting votes, pursuant to section 90 <i>The Local Government Election Act, 2015</i> .
STATUTORY AUTHORITY:	<i>The Local Government Election Act, 2015</i> , in particular sections 9.1, 48, 68, 73, 90, 91 and 92 and <i>The Cities Act</i> , in particular section 63.1.
MINISTER'S APPROVAL:	N/A
PUBLIC HEARING:	N/A
PUBLIC NOTICE:	N/A
REFERENCE:	Executive Committee, April 18, 2024, EX24-26 and City Council, April 24, 2024, CR24-38
AMENDS/REPEALS:	Repeals Bylaw 10197 and Bylaw 2012-42

CLASSIFICATION: Regulatory and Administrative

INITIATING DIVISION: City Manager's Office

INITIATING DEPARTMENT: City Clerk's Office