

**TOWN OF EATONIA**

**BYLAW NO. 5/24**

**A BYLAW TO PROVIDE FOR CONSOLIDATING THE RULES AND REGULATIONS TO  
RUN A MUNICIPAL ELECTION IN THE TOWN OF EATONIA**

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The Council for the Town of Eatonia in the Province of Saskatchewan enacts as follows:

**SECTION 1 – INTERPRETATION**

- 1) This Bylaw shall be known as “The Elections Bylaw”.
  - a) The Authority for this Bylaw lies with *The Local Government Election Act, 2015, The Local Government Election Regulation, 2015* and amendments.
  - b) This Bylaw is designed to list the common timelines, regulations, and Forms in *The Local Government Election Act, 2015*, and to address matters which Council may decide by bylaw or resolution. This is not designed as a substitute for *The Local Government Election Act, 2015*.
  - c) This Bylaw will not address votes on bylaws, referendums, resolutions, or questions.
- 2) Definitions
  - a) In this Bylaw:
    - i) “Act” shall mean *The Local Government Election Act, 2015*.
    - ii) “Council” shall mean the Council of the Town of Eatonia.
    - iii) “Minister” shall mean the Minister of Government Relations in the Province of Saskatchewan.
    - iv) “Municipality” shall mean the Town of Eatonia.
    - v) “Regulations” shall mean *The Local Government Election Regulations, 2015*;
    - vi) Definitions within *The Local Government Election Act, 2015* shall apply here.
- 3) Schedules
  - a) The Schedules attached to this bylaw shall form part of this bylaw.
- 4) Severability
  - a) In the event of a decision of the court that any part of this bylaw is illegal, void or unenforceable, that decision will affect that portion of the bylaw and not the remainder of the bylaw.

**SECTION 2 – ELECTION PROCEDURES**

- 5) Nomination Paper
  - a) According to Section 67 of the Act, a person may be nominated as a candidate for election by submitting a completed nomination paper in the prescribed Form I (Appendix C) – Nomination (front) and Candidate’s Acceptance (back) of the Regulations.
  - b) The nomination paper shall include the person’s occupation.
  - c) Nominees are required to attach a completed public disclosure statement to the nomination paper. If the public disclosure statement is not attached, the Returning Officer or Nomination Officer will not accept the nomination paper.
- 6) Election Dates
  - a) General election dates are set in Section 10 of the Act.
  - b) In the event a by-election is required, the Council shall pass a resolution as per Section 11 to Section 15 of the Act.
- 7) Nomination Day
  - a) Nomination dates are set in Section 73 of the Act.
  - b) Nominations shall be accepted until 4:00 p.m. as per Section 74 of the Act.
  - c) Candidates have 24 hours after the close of Nomination Day to withdraw their nomination forms as per Section 76 of the Act.

8) Advance Poll

- a) According to Section 83(4) of the Act, the Returning Officer shall set the days and hours during which an advance poll is open, but the poll must be kept open for at least two (2) consecutive hours on any day that it is open.
- b) According to Section 83(5) of the Act, advance polls must take place between three (3) days and fifteen (15) days prior to Election Day.

9) Election Day

- a) The Poll on Election Day shall be open from 9:00 a.m. until 8:00 p.m.

10) Polling Places

- a) The polling place for all elections within the municipality, unless otherwise specified by the Returning Officer, shall be at the Town Office located at 202 Main Street, Eatonia, Saskatchewan.
- b) The advance poll, unless otherwise specified by the Returning Officer, shall be at Eatonia Oasis Living at 205 – 2<sup>nd</sup> Avenue West or the Town Office at 202 Main Street, Eatonia, Saskatchewan.
- c) In each polling place, the Returning Officer is responsible to make sure:
  - i) The following forms are posted in each polling station:
    - (1) Form O (Appendix C) – Directions for Voting Poster of the Regulations; and
    - (2) Form P (Appendix C) – Bribery Poster of the Regulations.
  - ii) A place where the voter can vote behind a screen or other barrier that cannot be seen through.
  - iii) All additional election materials as required by the Act.

11) Ballots and Ballot Boxes

- a) The Ballots:
  - i) Shall be in the prescribed Form N (Appendix C) of the Regulations.
  - ii) In the event of multiple positions being elected on the same day, each position's ballot shall be in a different color.
  - iii) Names on the ballots shall be "LAST NAME, FIRST NAME" in alphabetical order of the last name.
  - iv) A candidate can request to have a name by which he/she is commonly known as added to the ballot (this name must be in brackets).
  - v) Shall include the candidate's occupation on the ballot.
  - vi) Section 90 of the Act allows for voting machines by bylaw. The Municipality will not use voting machines for election purposes.
- b) Ballot Boxes:
  - i) The same ballot box may be used for both the Advance Poll and Regular Poll.
  - ii) The same ballot box may be used for multiple polls in the event of multiple positions being elected on the same day.

12) Election Officials

- a) Prior to starting their position, every Election Official must sign Form E (Appendix C) – Oath of Election Official of the Regulations.
- b) Returning Officer
  - i) The Returning Officer shall be the Administrator of the Municipality unless a resolution is passed by Council at least 90 days prior to the call of the election.
  - ii) In the event that the Administrator, or appointed Returning Officer, cannot fulfill their duties, Council shall appoint a replacement.
  - iii) The Returning Officer shall appoint all other Election Officials by using Form D (Appendix C) – Appointment of Election Official of the Regulations.
  - iv) The Returning Officer shall accept all completed Form I (Appendix C) - Nomination Form and Acceptance and shall give a receipt as Form K (Appendix C) - Receipt of Nomination and Candidate's Acceptance of the Regulations.

- c) Deputy Returning Officer
  - i) As per the Act, a Returning Officer may act as the Deputy Returning Officer in the Municipality when there is only one polling place.
  - ii) A Returning Officer may appoint a Deputy Returning Officer for a polling place by completing Form D (Appendix C) – Appointment of Election Official as set out in the Regulations.
  - iii) Duties are listed in 101 (2) of the Act.
- d) Nomination Officer
  - i) As per the Act, a Returning Officer may appoint one or more persons as Nomination Officers to receive nominations and issue receipts by completing Form D (Appendix C) – Appointment of Election Officials of the Regulations.
- e) Poll Clerk
  - i) As per the Act, a Returning Officer may appoint one Poll Clerk for each of the Polling Places by completing Form D (Appendix C) – Appointment of Election Officials of the Regulations.
- f) Indemnities
  - i) Election Officials who are employees of the municipality shall be paid their regular hourly wage with overtime for hours worked over seven (7) hours for working at the Advance Poll and on Election Day;
  - ii) Election officials who are not employees of the municipality will be paid an indemnity approved by the council.
  - iii) On Election Day, the municipality will buy the Returning Officer, Deputy Returning Officer and Poll Clerk lunch and supper.

### 13) Voters

- a) Section 36(1) of the Act provides the eligibility for voting in the Municipality. As such a person must be:
  - i) A Canadian Citizen;
  - ii) Must be 18 years of age;
  - iii) Has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election;
  - iv) AND EITHER
    - (1) Has resided in the Municipality, or on land now within the Municipality, for at least three consecutive months immediately preceding the day of the election; or
    - (2) Is the owner of assessable land in the Municipality, or land now situated in the Municipality, for at least three consecutive months immediately preceding the day of the election.
  - v) To obtain a ballot, each voter shall provide evidence of identity:
    - (1) One photo piece of government- issued identification; or
    - (2) Two pieces of identification, one with address, from the list provided in Table 1 of Appendix D of the Regulations.
    - (3) If a voter does not have the prescribed identification, another eligible voter can vouch for their identify by using Form B (Appendix A) – Vouching for Identity of the Regulations; and
    - (4) Fill out Form R (Appendix C) – Voter Registration Form of the Regulations.

### 14) Voter's List

- a) The Municipality shall not have a voter's list, nor is there any list available for distribution.

### 15) Candidates

- a) As per section 42 of the Act, to become a Candidate in the municipal election, a person:
  - i) Must be 18 years of age on the day of the election;
  - ii) Must not be disqualified pursuant to section 43 of the Act, or any other Act;
  - iii) Must be a Canadian citizen at the time that he/she submits the nomination paper;
  - iv) Has resided in Saskatchewan for at least six consecutive months immediately preceding the date on which he/she submits the nomination paper; and

- v) Has resided in the Municipality, or on land now in the Municipality, for at least three consecutive months immediately preceding the date on which he/she submitted the nomination paper.
- b) Disclosure of Election Expenses
  - i) Section 34 of the Act allows the Council to establish disclosure requirements respecting contributions and expenses and to establish election campaign limits.
    - (1) There will be no requirements for candidates to disclose contributions or expenses for a Municipal Election at this time.

16) Advertising

- a) Call for Nominations
  - i) Shall be Form H (Appendix C) – Notice of Call for Nomination of the Regulations.
  - ii) Shall be posted in the Town Office;
  - iii) Shall be published in at least one issue of one or more newspapers having general circulation in the Municipality as per the Act; or
  - iv) Shall be distributed by mail to all voters of the Municipality;
  - v) Shall be published in the monthly Eatonia Newsletter;
  - vi) Shall be posted on the Municipal Website and/or other electronic means.
- b) Nomination Papers shall be posted:
  - i) At the Town Office.
- c) Abandonment of Poll
  - i) Shall be the Abandonment of Poll Form, as in Schedule A.
  - ii) Shall be posted in the Town Office;
  - iii) Shall be published in at least one issue of one or more newspapers having general circulation in the Municipality as per the Act; or
  - iv) Shall be distributed by mail to all voters of the Municipality;
  - v) Shall be published in the monthly Eatonia Newsletter;
  - vi) Shall be posted on the Municipal Website and/or other electronic means.
- d) Notice of Vote
  - i) Shall be the Notice of Poll Form, as in Schedule B.
  - ii) Shall be posted in the Town Office;
  - iii) Shall be published in at least one issue of one or more newspapers having general circulation in the Municipality as per the Act; or
  - iv) Shall be distributed by mail to all voters of the Municipality;
  - v) Shall be published in the monthly Eatonia Newsletter;
  - vi) Shall be posted on the Municipal Website and/or other electronic means.
- e) Notice of Advance Poll
  - i) Shall be the Advance Poll Form, as in Schedule C.
  - ii) Shall be posted in the Town Office;
  - iii) Shall be published in at least one issue of one or more newspapers having general circulation in the Municipality as per the Act; or
  - iv) Shall be distributed by mail to all voters of the Municipality;
  - v) Shall be published in the monthly Eatonia Newsletter;
  - vi) Shall be posted on the Municipal Website and/or other electronic means.

17) Procedure After Close of Poll

- a) At the closure of the poll, the Returning Officer or the Deputy Returning Officer shall certify the last person entered and the total of people voting at the poll by signing the last page.
- b) The ballot box shall be opened in front of the following:
  - i) The Poll Clerk; and
  - ii) The Candidate or one agent, if in attendance.
- c) The Returning Officer or the Deputy Returning Officer shall:
  - i) Verify and count the ballots;
  - ii) Prepare, in duplicate, Form Z (Appendix C) - Deputy Returning Officer's Statement of Results of the Regulations.
    - (1) One Copy shall be placed in the Ballot Box prior to sealing;

- (2) One Copy shall be given to the Returning Officer; and
- (3) Any Candidates, or Agents wishing a copy can obtain one.
- iii) Shall place all ballots, Form Z (Appendix C) – Deputy Returning Officer’s Statement of Results and all the Form R (Appendix C) – Voter’s Registration Forms and Poll Book, along with other necessary Forms into the ballot box and seal it.
- d) The Returning Officer shall:
  - i) Combine Form Z (Appendix C) – Deputy Returning Officer’s Statement of Results - from all the Polling Places and add them on Form CC (Appendix C) – Declaration of Results of the Regulations and declare the elected person for each position.
    - (1) In the event of a tie, Section 141 of the Act states that on the same types of paper, the Returning Officer shall write the name of each tied candidate on separate pieces of paper and directs one person who is not the candidate nor the candidate’s agent to draw one of the sheets. That person is then declared elected.
  - ii) Shall notify the Province of Saskatchewan and any other places as deemed necessary.
  - iii) Shall Post the Results at the Town Office and on the Municipal Website until at least the First Meeting of the new Council.
  - iv) Shall ensure that the election materials are kept safe until destroyed following the Act and retention records bylaw.

**SECTION 3 – REPEAL AND BYLAW IN EFFECT**

19. That Bylaw No. 7/20 is hereby repealed.

20. This Bylaw shall come into force immediately.

21. Given 1<sup>st</sup> reading the 7<sup>th</sup> day of May, 2024

Given 2<sup>nd</sup> reading the 7<sup>th</sup> day of May, 2024

Given 3<sup>rd</sup> reading and adopted the 7<sup>th</sup> day of May, 2024



*Darryl [Signature]*  
 \_\_\_\_\_  
 Mayor

*Cheryl Bailey*  
 \_\_\_\_\_  
 Administrator

Certified a true copy of  
 Bylaw No. 5/24 adopted  
 by resolution of Council  
 on the 7<sup>th</sup> day of  
 May, 2024.

*Cheryl Bailey*  
 \_\_\_\_\_  
 Administrator



Schedule A  
[Section 82 of the Act]

**Notice of Abandonment of Poll**

**Town of Eatonia**

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Whereas a poll is not required pursuant to *The Local Government Election Act, 2015* for the office of:

**Mayor/Councillor**

I hereby give public notice that no voting for the said office will take place and that the following person is elected by acclamation:

[Redacted Name]

Dated at Eatonia, Saskatchewan this [Redacted] day of [Redacted], 20[Redacted].

[Redacted Signature]  
Returning Officer

Schedule B

[Section 81 of the Act]

Notice of Poll

Town of Eatonia

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Public Notice is hereby given that a Poll will be held for the municipal election for the following position:

Mayor/Councillor

Voting will take place on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ between the hours of 9:00 a.m. to 8:00 p.m. at the following polling place:

\_\_\_\_\_

\_\_\_\_\_

Eatonia, Saskatchewan

I will declare the results of the election on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated at Eatonia, Saskatchewan this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Returning Officer

Schedule C

[Section 84(b) of the Act]

Notice of Advance Poll

Town of Eatonia

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Public Notice is hereby given that provision has been made for an Advance Poll for the municipal election of:

Mayor/Councillor

Voting will take place on

[Redacted]

between the hours of [Redacted] to [Redacted]

at [Redacted]

at [Redacted]

Eatonia, Saskatchewan

Dated at Eatonia, Saskatchewan this [Redacted] day of [Redacted], 20[Redacted].

[Redacted]

Returning Officer