

BYLAW NO. 2016-20

THE ELECTION AMENDMENT BYLAW, 2016

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THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

**Purpose**

- 1 The purpose of this Bylaw is to amend the following bylaws to make housekeeping changes and to make changes to reflect the enactment of *The Local Government Election Act, 2015* and *The Local Government Election Regulations, 2015*:
  - (a) Bylaw 10197, being *The Automated Vote Counting Bylaw*;
  - (b) Bylaw 2007-34, being *The Regina Municipal Election Expenses Bylaw*; and
  - (c) Bylaw 2012-42, being *The Mail-in Ballot Bylaw, 2012*.

**Authority**

- 2 The authority for this Bylaw is clause 29(1)(b) and sections 34, 90, and 92 of *The Local Government Election Act, 2015*, Part III and section 18 of *The Local Government Election Regulations, 2015* and clause 8(1)(a) and sections 81 and 120 of *The Cities Act*.

**Amendments to Bylaw 10197**

- 3 Bylaw 10197 being *The Automated Vote Counting Bylaw*, is amended in the manner set forth in sections 3 to 41 of this Bylaw.
- 4 Bylaw 10197 is amended by striking out “an elector” wherever this phrase appears and in each case substituting “a voter”.
- 5 Bylaw 10197 is amended by striking out “each elector” wherever this phrase appears and in each case substituting “each voter”.
- 6 Bylaw 10197 is amended by striking out “the elector” wherever this phrase appears and in each case substituting “the voter”.
- 7 Bylaw 10197 is amended by striking out “vote tabulator unit” wherever this phrase appears and in each case substituting “voting machine”.
- 8 Bylaw 10197 is amended by striking out “vote tabulator units” wherever this phrase appears and in each case substituting “voting machines”.

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

City Solicitor

- 9 Bylaw 10197 is amended by striking out “memory card” and “memory cards” wherever these phrases appear and in each case substituting “USB media”.
- 10 Bylaw 10197 is amended by striking out “bylaws or questions” wherever this phrase appears and in each case substituting “bylaws, resolutions or questions”.
- 11 The definition of “**Act**” in section 1 of Bylaw 10197 is amended by striking out “*The Local Government Election Act*” and substituting “*The Local Government Election Act, 2015*”.
- 12 The definition of “**automated vote counting system**” in section 1 of Bylaw 10197 is amended by repealing subclause (b)(i) and substituting the following:

“(i) a main ballot box for voted ballots;”
- 13 The definition of “**ballot override procedure**” in section 1 of Bylaw 10197 is repealed.
- 14 The following definition is added after the definition of “clerk” in section 1 of Bylaw 10197:

“**deputy returning officer**’ means a deputy returning officer appointed pursuant to section 48 of the Act;”
- 15 The definition of “**election official**” in section 1 of Bylaw 10197 is amended by striking out “section 29 or 30” and substituting “section 47 or 48”.
- 16 The definition of “**emergency ballot box**” in section 1 of Bylaw 10197 is amended by adding “compartment on the” after “separate”.
- 17 The following definition is added after the definition of “**host computer**” in section 1 of Bylaw 10197:

“**mail-in ballot**’ means a mail-in ballot used pursuant to Bylaw 2012-42 being *The Mail-in Ballot Bylaw 2012*;”
- 18 The definition of “**memory card**” in section 1 of Bylaw 10197 is repealed.
- 19 The definition of “**mobile poll**” in section 1 of Bylaw 10197 is amended by striking out “section 22.1” and substituting “section 30”.
- 20 The definition of “**register tape**” in section 1 of Bylaw 10197 is repealed and the following substituted:

“**register tape**’ means the printed record generated from a voting machine that shows:

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

- 21 The definition of “**returning officer**” in section 1 of Bylaw 10197 is amended by striking out “section 28” and substituting “section 47”.
- 22 The definition of “**special poll**” in section 1 of Bylaw 10197 is amended by striking out “section 22” and substituting “section 29”.
- 23 The following definition is added after the definition of “**special poll**” in section 1 of Bylaw 10197:

“**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;”

- 24 The definition of “**vote tabulator unit**” in section 1 of Bylaw 10197 is repealed and the following substituted:

“**voting machine**’ means any device that records how ballots are marked and produces election results by tabulating votes;

“**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.”

- 25 Section 2 of Bylaw 10197 is amended by striking out “section 59.1” and substituting “section 90” of the Act.
- 26 Section 4 of Bylaw 10197 is repealed and the following substituted:
- “4. The ballot shall be a paper ballot that is substantially the same as the sample ballot attached as Schedule “A” and forming part of this Bylaw.”

27 Section 5 of Bylaw 10197 is repealed and the following substituted:

**“Programming USB media**

- 5 (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.”

28 The following section is added after section 5 of Bylaw 10197:

**“Security, Storage and Transport of Machines**

- 5.1 (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 have 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. ”

29 Section 6 of Bylaw 10197 is repealed and the following substituted:

**“Pre-poll logic and accuracy testing**

6. (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

logic and accuracy testing required by the Act and *The Local Government Election Regulations, 2015*.

- (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**

6.1 Voters with disabilities are accommodated through the use of special polls, mobile polls, the mail-in ballot system provided for in Bylaw 2012-42 being *The Mail-in Ballot Bylaw, 2012* and through the procedures set out in section 123 of the Act.”

30 Subsection 7(1) of Bylaw 10197 is repealed and the following substituted:

**“Procedure at the Poll**

7. (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.”

31 Subsection 7(10) of Bylaw 10197 is repealed.

32 The following subsections are added after subsection 7(12) of Bylaw 10197:

“(13) 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.

(14) 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.”

33 Subsection 9(1) of Bylaw 10197 is repealed and the following substituted:

**“Mobile and Special Polls**

9. (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.”

34 The following section is added after section 9 of Bylaw 10197:

**“Mail-in Ballots**

9.1 (1) For mail-in ballots, the election official shall follow the procedures outlined in Bylaw 2012-42, *The Mail-in Ballot Bylaw, 2012* including the processes for examining confirmation envelopes and extracting ballots.

(2) After following the procedures outlined in subsection (1), the election official shall insert the ballots into the voting machine used for special poll ballots in accordance with subsection 10(2) of this Bylaw.”

- 35 Subclause 10(2)(g)(iii) of Bylaw 10197 is amended by adding “in the presence of the deputy returning officer,” before “insert”.
- 36 Subsection 10(3) of Bylaw 10197 is repealed.
- 37 The following subsection is added after subsection 10(2) of Bylaw 10197:
- “(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 Local Government Election Regulations, 2015*.”
- 38 Subsection 11(1) of Bylaw 10197 is amended by striking out “Part VI” and substituting “Part X”.
- 39 Subsection 11(3) of Bylaw 10197 is amended by striking out “section 134” and substituting “section 166”.
- 40 Section 12 of Bylaw 10197 is amended by:
- (a) striking out “any records resulting from the testing done under section 6 of this Bylaw,”
  - (b) striking out “60 days” and substituting “three months”; and
  - (c) striking out “section 112” and substituting “section 142”.
- 41 Schedule “A” to Bylaw 10197 is repealed and the attached Schedule “A” substituted.

**Amendments to Bylaw 2007-34**

- 42 Bylaw 2007-34 being *The Regina Municipal Election Expenses Bylaw* is amended in the manner set forth in sections 42 to 46 of this Bylaw.
- 43 Bylaw 2007-34 is amended by striking out “*The Local Government Election Act*” wherever it appears and in each case substituting “*The Local Government Election Act, 2015*”.
- 44 Section 1 of Bylaw 2007-34 is amended by striking out “section 145.1” and substituting “section 34”.
- 45 Subsection 9(1) of Bylaw 2007-34 is amended by adding “and subsection 120(2)” after “clause 120(1)(e)”.

- 46 Subsection 9(3.1) of Bylaw 2007-34 is amended by striking out “subsection 46.1(4.1)” and substituting “section 68”.

**Amendments to Bylaw 2012-42**

- 47 Bylaw 2012-42 being *The Mail-in Ballot Bylaw, 2012* is amended in the manner set forth in sections 47 to 83 of this Bylaw.
- 48 Bylaw 2012-42 is amended by striking out “*The Local Government Election Act*” wherever it appears and in each case substituting “*The Local Government Election Act, 2015*”.
- 49 Bylaw 2012-42 is amended by striking out “*The Local Government Election Regulations, 2006*” wherever it appears and in each case substituting “*The Local Government Election Regulations, 2015*”.
- 50 Bylaw 2012-42 is amended by striking out “an elector” wherever this phrase appears and in each case substituting “a voter”.
- 51 Bylaw 2012-42 is amended by striking out “the elector” wherever this phrase appears and in each case substituting “the voter”.
- 52 Bylaw 2012-42 is amended by striking out “electors” wherever it appears and in each case substituting “voters”.
- 53 Bylaw 2012-42 is amended by striking out “an elector`s” wherever this phrase appears and in each case substituting “a voter`s”.
- 54 Bylaw 2012-42 is amended by striking out “the elector`s” wherever this phrase appears and in each case substituting “the voter`s”.
- 55 Bylaw 2012-42 is amended by striking out “each elector” wherever this phrase appears and in each case substituting “each voter”.
- 56 Bylaw 2012-42 is amended by striking out “each elector`s” wherever this phrase appears and in each case substituting “each voter`s”.
- 57 Bylaw 2012-42 is amended by striking out “every elector” wherever this phrase appears and in each case substituting “every voter”.
- 58 Bylaw 2012-42 is amended by striking out “vote tabulator unit” wherever this phrase appears and in each case substituting “voting machine”.
- 59 Section 2 of Bylaw 2012-42 is amended by:
- (a) striking out “section 22” and substituting “clause 29(1)(b)”;



- (b) striking out “subsection 60(7)” and substituting “section 92”; and
  - (c) striking out “section 67.6” and substituting “section 18”;
- 60 Clause 3(1)(c) of Bylaw 2012-42 is amended by striking out “Appendix C” and substituting “Appendix A”.
- 61 Clause 3(1)(d) of Bylaw 2012-42 is amended by striking out “section 29” and substituting “section 48”.
- 62 Clause 3(1)(e) of Bylaw 2012-42 is repealed.
- 63 Clause 3(1)(f) of Bylaw 2012-42 is amended by striking out “section 29” and substituting “section 48”.
- 64 Subclause 3(1)(g)(iii) of Bylaw 2012-42 is amended by striking out “electors or voters, as the case may be,” and substituting “voters”.
- 65 Clause 3(1)(h) of Bylaw 2012-42 is amended by adding “but only if the home or facility accommodates or cares for at least five individuals” after “*The Mental Health Services Act*”.
- 66 Clause 3(1)(j) of Bylaw 2012-42 is amended by striking out “section 28” and substituting “section 47”.
- 67 The following clause is added after clause 3(1)(k) of Bylaw 2012-42:
- “(k.1) ‘**voter**’ means a voter as defined in the Act;”
- 68 Clause 3(1)(l) of Bylaw 2012-42 is amended by striking out “Form Y, Appendix A” and substituting “Form R, Appendix C”.
- 69 Clause 5(1)(b) of Bylaw 2012-42 is amended by:
- (a) striking out “, no later than 10 business days before the election day,”; and
  - (b) striking out “sections 67.2 and 67.3 of”.
- 70 Clause 5(2)(a) of Bylaw 2012-42 is amended by striking out “no later than 10 business days before the election day”.
- 71 Clause 6(b) of Bylaw 2012-42 is amended by:

- (a) striking out “section 76.2” and substituting “section 110”; and
  - (b) adding “if requested” after “Act”.
- 72 Clause 6(b) of Bylaw 2012-42 is amended by:
- (a) striking out “section 67.2” and substituting “section 14”; and
  - (b) adding “if requested” after “Act”.
- 73 Clause 7(f) of Bylaw 2012-42 is amended by striking out “section 142 of”.
- 74 Clause 13(a) of Bylaw 2012-42 is amended by striking out “section 74” and substituting “section 107”.
- 75 Section 18 of Bylaw 2012-42 is amended by striking out “section 63” and substituting “section 95”.
- 76 Subsection 22(2) is amended by striking out “section 76” and substituting “section 112”.
- 77 The following section is added after subsection 22(2):
- “(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.”
- 78 Section 23 of Bylaw 2012-42 is amended by striking out “section 98” wherever it appears and in each case substituting “section 128”.
- 79 Subsection 24(2) of Bylaw 2012-42 is amended by striking out “sections 99 to 102” and substituting “sections 129 to 132”.
- 80 Clause 25(2)(d) of Bylaw 2012-42 is amended by striking out “subsection 83(2)” and substituting “subsection 118(2)”.
- 81 Clause 25(2)(e) of Bylaw 2012-42 is amended by striking out “sections 107 and 112 of”.
- 82 Section 26 of Bylaw 2012-42 is amended by:
- (a) adding “in” after “ballot”; and
  - (b) striking out “section 106” and substituting “subsection 136”.

- 83 Section 27 of Bylaw 2012-42 is amended by striking out “section 112” and substituting “section 142”.

84 This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS 29th DAY OF March 2016.

READ A SECOND TIME THIS 29th DAY OF March 2016.

READ A THIRD TIME AND PASSED THIS 29th DAY OF March 2016.

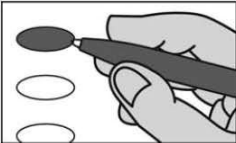
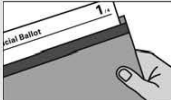
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk (SEAL)

CERTIFIED A TRUE COPY

\_\_\_\_\_  
City Clerk

Schedule "A"  
Front of Ballot

<b>Municipal/School Board Election</b> <b>Regina, Saskatchewan</b> <b>Date of Election</b>	
Instructions	
<b>21 Making Selections</b> 	Fill in the oval to the right of the candidate of your choice. You must blacken the oval completely, and do not make any marks outside the oval. You do not have to vote in every race.  <b>Do not cross out or erase, or your vote may not count. If you make a mistake or stray mark, ask for a new ballot from the poll workers.</b>
<b>Turning in the Ballot</b> 	Insert the completed ballot sleeve. Hand in the ballot to be counted. <b>Do not fold the ballot.</b>
Ballot for the office of:  <div style="text-align: center; padding: 10px;"><b>MAYOR</b></div>	Ballot for the office of:  <div style="text-align: center; padding: 10px;"><b>COUNCILLOR WARD 1</b></div>
You are entitled to vote for a maximum of ONE (1) candidate.	You are entitled to vote for a maximum of ONE (1) candidate.
LAST NAME, First Name <input type="radio"/> Occupation	LAST NAME, First Name <input type="radio"/> Occupation
LAST NAME, First Name <input type="radio"/> Occupation	LAST NAME, First Name <input type="radio"/> Occupation
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BS - 001	

Back of Ballot

WARD 1

Sample

DRO Initials

Name of Printer  
Address  
Province, Postal Code

## ABSTRACT

BYLAW NO. 2016-20

THE ELECTION AMENDMENT BYLAW, 2016

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### PURPOSE:

The purpose of this Bylaw is to amend Bylaw 10197 being *The Automated Vote Counting Bylaw*, Bylaw 2007-34 being *The Regina Municipal Election Expenses Bylaw*, and Bylaw 2012-42 being *The Mail-in Ballot Bylaw* to make some minor housekeeping changes as well as to reflect changes to the provincial legislation occurring as a result of the enactment of *The Local Government Election Act, 2015* and *The Local Government Election Regulations, 2015*.

### ABSTRACT:

This Bylaw makes a number of amendments to the City's election bylaws to ensure compliance with the new *Local Government Election Act, 2015* and *The Local Government Election Regulations, 2015* which came into force on January 1, 2016. These changes include: updating section number references and references to the old legislation; changing terminology such as "elector" to "voter" and "vote tabulator unit" to "voting machine" and "memory card" to "USB media"; adding more detailed procedures for the programming, pre-poll logic and accuracy testing of voting machines and USB media; adding more detailed procedures for the security, monitoring, storage and transport of machines and USB media before, during and after the election; the addition of the requirement that the voting machines and USB media be programmed to accept ballots for which no vote is recorded without requiring an override function; and the addition of the requirement that the counting of all ballots be done by voting machines where voting machines are used in an election. In addition to the changes which were required to ensure compliance with the new legislation, Bylaw 2012-42 was also changed to remove the application deadline for applying for a mail-in ballot. This will provide flexibility to allow people to apply up until the election day as long as their ballot is received by the returning officer prior to the close of polls on election day.

STATUTORY AUTHORITY:	Sections 29(1)(b), 34, 90, and 92 of <i>The Local Government Election Act, 2015</i> , Part III and section 18 of <i>The Local Government Election Regulations, 2015</i> and sections 8(1)(a), 81 and 120 of <i>The Cities Act</i> .
MINISTER'S APPROVAL:	Minister's approval of this Bylaw is not required; however there is a requirement to provide a copy of this Bylaw along with Bylaw 10197, to the Minister of Government Relations (see section 90(5) of <i>The Local Government Election Act, 2015</i> ).
PUBLIC HEARING:	Not applicable
PUBLIC NOTICE:	Not applicable
REFERENCE:	Report EX16-6 from the March 16, 2016 Executive Committee
AMENDS/REPEALS:	Bylaw amends Bylaw 10197, Bylaw 2007-34 and Bylaw 2012-42
CLASSIFICATION:	Administrative
INITIATING DIVISION:	City Manager's Office
INITIATING DEPARTMENT:	City Clerk's Office