

The Conseil scolaire fransaskois Election Regulations

being

Chapter E-0.2 Reg 4 (effective November 12, 1998) as amended by Saskatchewan Regulations [5/2000](#) and [79/2001](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-0.2 REG 4

The Education Act, 1995

PART I

Short Title and Interpretation

Title

1 These regulations may be cited as *The Conseil scolaire francosaskois Election Regulations*.

Interpretation

2 In these regulations:

“**Act**” means *The Education Act, 1995*; («*Loi*»)

“**Appendix**” means the Appendix to the French version of these regulations; («*Appendis*»)

“**by-election**” means an election held to fill a vacancy for a member of the conseil scolaire on a day designated pursuant to section 5; («*élection partielle*»)

“**candidate**” means a person nominated in accordance with these regulations for election to the conseil scolaire; («*candidat*»)

“**court**” means the Court of Queen’s Bench; («*tribunal*»)

“**deputy returning officer**” means a deputy returning officer appointed pursuant to section 13; («*scrutateur*»)

“**election**” means:

- (a) an election of members for the conseil scolaire; or
- (b) a vote of voters for approval of a bylaw pursuant to the Act;

and includes a by-election; («*élection*»)

“**Form**” means the form set out in the Appendix; («*formulaire*»)

“**general election**” means an election held pursuant to section 4; («*élection générale*»)

“**judge**” means a judge of the court sitting at the judicial centre nearest to which the francophone education area is situated; («*juge*»)

“**newspaper**” means a publication or local periodical that:

- (a) contains primarily items of news;
- (b) is distributed at least weekly in the francophone education area that is affected by a matter with respect to which a provision of these regulations requires publication in a newspaper; and
- (c) publishes in French or English and is widely distributed among voters;

but does not include a publication primarily for advertising or an advertising supplement to or contained in a newspaper; (*«journal»*)

“**nomination officer**” means a person appointed pursuant to subsection 13(3); (*«personne en charge des mises en candidature»*)

“**rejected ballot**” means a ballot rejected by a deputy returning officer pursuant to these regulations; (*«bulletin réjeté»*)

“**returning officer**” means the person specified or appointed as the returning officer pursuant to section 12; (*«directeur du scrutin»*)

“**secretary-treasurer**” means the person to whom the duties of the secretary-treasurer of the conseil scolaire are assigned pursuant to the Act; (*«secrétaire-trésorier»*)

“**vacancy**” means an elected office for which there is no duly elected incumbent; (*«poste vacant» ou «vacances»*)

“**voter registration form**” means a voter registration form in the prescribed form. (*«déclaration du droit d'électeur»*)

20 Nov 98 cE-0.2 Reg 4 s2.

Residence

3 For the purposes of elections:

- (a) the residence of a person is the place where his or her habitation is fixed and to which, when he or she is absent from that place, he or she has the intention of returning;
- (b) a person who is temporarily absent from the place where his or her habitation is fixed does not lose his or her residence;
- (c) no person, while he or she remains in Saskatchewan, is deemed to have lost his or her residence until he or she has acquired another residence;
- (d) no person has more than one residence in Saskatchewan and, if he or she has more than one habitation in Saskatchewan, he or she shall elect one as his or her residence.

20 Nov 98 cE-0.2 Reg 4 s3.

PART II Proceedings Preliminary to Election

Date of general election

4 A general election for the conseil scolaire shall be held, every three years, on the fourth Wednesday of October in the same years as general elections conducted pursuant to section 5 of *The Local Government Election Act*.

20 Nov 98 cE-0.2 Reg 4 s4.

By-elections

5(1) Subject to subsection (3), where a vacancy occurs on the conseil scolaire, the conseil scolaire, at the next meeting, shall provide for the holding of a by-election to fill the vacancy.

(2) Where a by-election is held pursuant to subsection (1), that by-election is to be held, as nearly as may be, in accordance with the provisions of these regulations respecting general elections.

(3) Where a vacancy occurs on the conseil scolaire after January 1 in a year in which a general election is to be held, the conseil scolaire may:

- (a) proceed to fill the vacancy by a by-election; or
- (b) decide not to fill the vacancy until the next general election.

20 Nov 98 cE-0.2 Reg 4 s5.

Number less than quorum

6 Where the number of members of the conseil scolaire is reduced below the number required to constitute a quorum, the minister may, by order, do one or both of the following:

- (a) appoint a returning officer and fix a date for an election to fill the vacancies;
- (b) appoint one or more persons to act as members to constitute a quorum and to hold office until the vacancies are filled by an election, and every person appointed has all the powers, rights and obligations of an elected member.

20 Nov 98 cE-0.2 Reg 4 s6.

Term of office

7(1) The term of office of members of the conseil scolaire elected at a general election commences at the first meeting of the conseil scolaire following the general election and, unless their offices are sooner vacated, continues until, but does not include, the first meeting of the conseil scolaire following the next general election.

(2) A member elected in a by-election to fill a vacancy holds office for the unexpired term of the person with respect to whom the vacancy arose.

20 Nov 98 cE-0.2 Reg 4 s7.

Polling areas and places

8(1) Each francophone education area must have at least one polling area located within the francophone education area's boundaries.

(2) Subject to subsection (1), the conseil scolaire shall divide the division scolaire francophone into as many polling areas as it considers necessary for the convenience of voters, and may name the polling place for each polling area established.

(3) Polling areas are to be numbered consecutively by the conseil scolaire.

(4) Polling areas are to be established, and polling places named, so that:

- (a) there is at least one polling place situated within or close to each polling area; and
- (b) a polling place is located, where possible, in a location allowing convenient access to disabled persons.

(5) One polling place may be used as the polling place for two or more polling areas.

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(6) A polling place may be established outside the boundaries of a francophone education area for the convenience of voters described in subclause (d)(iii) in the definition of voter in section 2 of the Act.

(7) Where a polling place becomes unavailable for use during the election after it has been named pursuant to this section, the conseil scolaire shall name another place and shall, by notice posted at the first-named polling place, direct the voters to the alternate polling place.

20 Nov 98 cE-0.2 Reg 4 s8.

Alternate polling places

9(1) The conseil scolaire may establish a polling place in a hospital, special-care home or similar institution situated in a francophone education area at which a voter of that francophone education area, who is receiving care in that institution, may vote.

(2) Subsections (2) to (6) apply to voters who attend at a polling place to vote but are unable to enter the polling place because of physical disability or limited mobility.

(3) A voter mentioned in subsection (2), or a person acting on behalf of the voter, may make an oral or a written request to the returning officer or deputy returning officer to vote at the location to which the voter has access that is nearest to the polling place.

(4) If a request is made pursuant to subsection (3), the returning officer or deputy returning officer shall, unless it is not possible, attend the voter at the location to which the voter has access that is nearest to the polling place during the time when polls are open for voting in order to take the vote of the voter.

(5) The procedures for voting set out in these regulations apply, with any necessary modification, in and to each location where a vote is taken pursuant to this section.

(6) The returning officer or deputy returning officer may, after permitting those voters who have received ballots to vote in the polling place, temporarily suspend voting proceedings in the polling place to allow a voter to vote pursuant to this section.

20 Nov 98 cE-0.2 Reg 4 s9.

Procedure for physically incapacitated voters

10(1) The conseil scolaire may provide for the attendance of the returning officer or a deputy returning officer at the residence of a voter during the time when polls are open for voting in order to take the vote within a francophone education area of a voter at an election who, because of physical incapacity, is unable to attend an established polling place to vote.

(2) Where the conseil scolaire has made provision for the taking of votes of physically incapacitated voters pursuant to subsection (1), the returning officer shall include, in the notice required to be published pursuant to section 28, particulars of the provisions that will be made to enable voters to vote pursuant to this section.

- (3) Where the conseil scolaire has made provision for the taking of votes of physically incapacitated voters, a voter who is physically incapacitated may apply, in writing and within the time prescribed by the conseil scolaire, to the returning officer in Form A indicating the voter's desire to vote at his or her residence and the reason the voter is not able to attend at an established polling place to vote.
- (4) Where the returning officer receives an application pursuant to subsection (3), the returning officer shall include the voter's name and address, arranged alphabetically or geographically, on a list of voters entitled to vote pursuant to this section.
- (5) Where the returning officer has completed the list, he or she shall advise each applicant, in writing, in Form B:
- (a) that the name and address of the applicant has been entered on the list of persons entitled to vote at the election pursuant to this section; and
 - (b) of the approximate time during the advance poll or on election day when the applicant's vote will be taken.
- (6) The returning officer shall, on receipt of a request, in writing, from a candidate or agent of a candidate, provide the candidate or agent with a copy of the list.
- (7) Every residence where a vote is taken pursuant to this section is a polling place and the procedures for voting provided in these regulations apply, with any necessary modification, in and to each residence where a vote is taken pursuant to this section.
- (8) The persons mentioned in clauses 42(b), (c) and (e) and section 43 are not entitled to be present at the residence of a voter voting pursuant to this section.

20 Nov 98 cE-0.2 Reg 4 s10.

Use of ballot boxes

11 Where the returning officer is of the opinion that the number of voters of a francophone education area who are likely to vote at an advance poll, at a polling place established pursuant to section 9, or at their residences pursuant to section 10 will be small and that, as a result, it may be possible to determine for which candidate any of the voters voted, the returning officer may provide for the use of the same ballot box or boxes as will be used at regular polls in the general election within that francophone education area.

20 Nov 98 cE-0.2 Reg 4 s11.

PART III Election Procedures

Returning officer

12(1) Subject to subsection (3), the secretary-treasurer of the conseil scolaire is the returning officer for the conseil scolaire general election, a by-election or a vote pursuant to Part V of these regulations, unless the conseil scolaire, at least 90 days before election day, appoints another person to be the returning officer.

(2) Where the returning officer dies, or is for any reason unable to act or perform his or her duties, the conseil scolaire shall appoint another person to act as the returning officer.

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(3) In the case of the first election of the conseil scolaire, the secretary-treasurer of the conseil général is to be the returning officer unless the conseil général appoints another person to be the returning officer.

20 Nov 98 cE-0.2 Reg 4 s12.

Duties of returning officer

13(1) The returning officer is responsible for all matters relating to an election pursuant to these regulations.

(2) In each francophone education area the returning officer, in writing, shall appoint:

- (a) a deputy returning officer or, if the returning officer considers it desirable, more than one deputy returning officer for a polling area;
- (b) a deputy returning officer for the advance poll;
- (c) a deputy returning officer for a polling place established pursuant to section 9;
- (d) a deputy returning officer for the purpose of taking the vote of voters pursuant to section 10 where provision has been made pursuant to that section for taking the votes of voters;
- (e) poll clerks;
- (f) any other officials that may be necessary for the conduct of an election.

(3) The returning officer may appoint one or more persons to be known as nomination officers to receive nominations.

(4) The returning officer may appoint one or more persons to be known as associate returning officers and may delegate to them any duty or power imposed or conferred on the returning officer.

20 Nov 98 cE-0.2 Reg 4 s13.

Where poll clerk to act in place of returning officer

14 Where the deputy returning officer is unable to act, the poll clerk shall act in place of that person.

20 Nov 98 cE-0.2 Reg 4 s14.

Remuneration

15 The conseil scolaire shall set the remuneration to be paid to election officials acting with respect to an election.

20 Nov 98 cE-0.2 Reg 4 s15.

Prohibition

16 No candidate shall act as an election official.

20 Nov 98 cE-0.2 Reg 4 s16.

Constables

17 The deputy returning officer or, if there is more than one, the deputy returning officer designated by the returning officer in his or her appointment may appoint a constable to maintain order at a polling place.

20 Nov 98 cE-0.2 Reg 4 s17.

Oath of officer

18 Every person appointed pursuant to section 12, 13 or 17 shall take an oath of office in Form C.

20 Nov 98 cE-0.2 Reg 4 s18.

Nominations

19(1) At least 10 days before nomination day, the returning officer shall publish a notice in Form D calling for nominations for the vacancies to be filled by election.

(2) The notice is to be:

- (a) published in at least two issues of a newspaper;
- (b) posted in the office of the returning officer;
- (c) posted in a conspicuous public location in the building that is the headquarters of the conseil scolaire;
- (d) posted in at least five conspicuous public locations within each francophone education area; and
- (e) posted in each school of the conseil scolaire.

20 Nov 98 cE-0.2 Reg 4 s19.

Nomination paper

20(1) A person meeting the requirements of section 65 of the Act may be nominated as a candidate for election by filing personally, or by agent, with the returning officer or nomination officer on the days and during the hours specified in section 23 of these regulations a nomination paper on Form E (front) that is:

- (a) to be signed by at least five voters of the francophone education area for which the nomination is made;
- (b) to state the name and address of the person nominated;
- (c) to state the name and address of each nominator; and
- (d) to contain the candidate's acceptance of nomination statement on Form E (back).

(2) No nomination is valid unless the candidate's acceptance of nomination statement is signed by the person nominated and witnessed by two people.

(3) Nomination papers filed with the returning officer or nomination officer are public documents.

20 Nov 98 cE-0.2 Reg 4 s20.

Procedure re nomination paper

21(1) Only one person is to be nominated for election on each nomination paper.

(2) A voter may sign the nomination papers of more than one person.

(3) No candidate shall nominate himself or herself.

(4) No proceedings taken pursuant to these regulations with respect to the nomination of any candidate are invalid for informality where there has been substantial compliance with these regulations.

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(5) The onus to file a bona fide nomination paper is on the person nominated for election.

(6) Following the election, the secretary-treasurer shall retain all completed nomination papers in accordance with section 82.

(7) Where the secretary-treasurer was not appointed as the returning officer, the returning officer shall deliver all completed nomination forms to the secretary-treasurer of the conseil scolaire.

20 Nov 98 cE-0.2 Reg 4 s21.

Restrictions on nominations

22 A person holding an elected office of the conseil scolaire is eligible, during the last year of his or her current term of office, to be nominated for re-election to that office.

20 Nov 98 cE-0.2 Reg 4 s22.

Nomination day

23(1) Nomination day is:

(a) in the case of the first election of the conseil scolaire, the day fixed as nomination day in the order establishing the conseil scolaire pursuant to section 42.1 of *The Education Amendment Act, 1998*;

(b) in the case of a by-election, the day fixed as nomination day by the conseil scolaire;

(c) in the case of a general election, the last Wednesday in September in an election year.

(2) The returning officer or nomination officer shall receive nominations for candidates between 9:00 a.m. and 4:00 p.m. on nomination day and during normal office hours from the date of posting of the call for nominations until nomination day.

20 Nov 98 cE-0.2 Reg 4 s23.

Receipt of nomination papers

24 Where a nomination paper is filed with the returning officer or nomination officer within the time specified in section 23, the returning officer or the nomination officer shall, where he or she is satisfied that the form is complete, issue a receipt to the candidate in Form F and deliver a copy of the receipt to the candidate or his or her agent.

20 Nov 98 cE-0.2 Reg 4 s24.

Withdrawal of nomination

25(1) A person who has been nominated may withdraw his or her nomination by filing, within 24 hours after the close of nominations, with the returning officer or nomination officer a written statement withdrawing his or her nomination:

(a) that has been signed by the person in nomination and witnessed by two other persons; or

(b) that has been signed by the person in nomination and the returning officer or nomination officer.

(2) The name of a person who withdraws his or her nomination pursuant to subsection (1) is not to appear on the ballot.

20 Nov 98 cE-0.2 Reg 4 s25.

Nominations equal to vacancies

26 Where only one person remains in nomination for a francophone education area on the close of the period for withdrawal of nominations, the returning officer shall declare the person nominated to be elected, and there shall be no polling with respect to that francophone education area.

20 Nov 98 cE-0.2 Reg 4 s26.

Nominations less than vacancies

27(1) Where no person remains in nomination for a francophone education area on the close of the period for withdrawal of nominations, the returning officer shall promptly give notice in Form G calling for further nominations to be received by the returning officer or nomination officer:

- (a) between 9:00 a.m. and 4:00 p.m. on the sixth day following the date of the close of the period for withdrawal of nominations; and
- (b) during normal office hours from the close of the period for the withdrawal of nominations until the close of nominations pursuant to clause (a).

(2) Where no person remains in nomination for a francophone education area after the second call for nominations, the conseil scolaire shall, at its next meeting, provide for the holding of a by-election in accordance with section 5 to fill the vacancy.

20 Nov 98 cE-0.2 Reg 4 s27.

Notice of poll

28 Where more than one person remains in nomination with respect to a francophone education area on the close of the period for withdrawal of nominations or after the second call for nominations, the returning officer shall give notice in accordance with subsection 19(2) in Form H that a poll is to be held:

- (a) in the case of the first election or a by-election, 21 days after the date fixed as nomination day pursuant to subsection 23(1); or
- (b) in the case of a general election, on the fourth Wednesday in October in an election year.

20 Nov 98 cE-0.2 Reg 4 s28.

Abandonment of poll

29 Where a poll is not required pursuant to section 26, 27 or 31, the returning officer shall give notice in accordance with subsection 19(2) of abandonment of the poll in Form I.

20 Nov 98 cE-0.2 Reg 4 s29.

Death of candidate before close of period for withdrawal

30 Where a candidate dies before the close of the period for withdrawal of nominations, the nomination is void.

20 Nov 98 cE-0.2 Reg 4 s30.

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31 Where a candidate dies between the close of the period for withdrawal of nominations and the close of the poll and one or more persons then remain in nomination for the francophone education area:

- (a) the returning officer shall declare an abandonment of the poll and cause a notice of abandonment of poll to be given in accordance with section 29; and
- (b) the conseil scolaire shall, at its next meeting, provide for the holding of a by-election in accordance with section 5 to fill that office.

20 Nov 98 cE-0.2 Reg 4 s31.

Vote by ballot

32(1) Voting shall be by ballot.

(2) Where a poll is required, the returning officer shall cause a sufficient number of ballots for the purpose of the election to be printed in accordance with section 33.

20 Nov 98 cE-0.2 Reg 4 s32.

Form of ballot

33 Every ballot used in the election must be in Form J and:

- (a) must be printed on good quality paper;
- (b) must state the number of persons required to be elected;
- (c) must contain the names and occupations of all duly nominated candidates arranged in alphabetical order of their surnames and, in the case of two or more candidates having the same surname, in alphabetical order of the initial of their given names;
- (d) where two or more candidates have the same surname and given names, may state, at the request of either candidate, his or her address on the ballot;
- (e) where a candidate requests, must show in brackets a name by which he or she is commonly known;
- (f) must not indicate in any manner that a candidate has at any time held office as a member; and
- (g) must bear on the back:
 - (i) the name and address of the printer who printed the ballot; and
 - (ii) a rectangle, at the top of which must be printed "D.R.O. initials".

20 Nov 98 cE-0.2 Reg 4 s33.

Election materials

34 Before polling day, the returning officer shall cause to be delivered to each deputy returning officer:

- (a) a supply of ballots and voter registration forms;
- (b) a supply of printed directions and advice for the information and guidance of voters;
- (c) a sufficient number of ballot boxes; and

(d) any other materials and supplies, including voting compartments, that may be necessary for holding the elections and for carrying out the provisions of these regulations.

20 Nov 98 cE-0.2 Reg 4 s34.

Voting compartments

35(1) Every polling place is to be furnished with at least one compartment in which the voters can mark their ballots screened from observation.

(2) The deputy returning officer and other election officials at the polling place shall maintain the voting compartments in proper condition.

20 Nov 98 cE-0.2 Reg 4 s35.

Ballot boxes

36(1) The ballot boxes must:

- (a) be constructed of durable material;
- (b) be provided with two durable seals; and
- (c) be constructed in such a way that the ballots can be deposited and cannot, when the box is sealed with one of the seals, be withdrawn unless and until the seal is broken.

(2) A ballot box may be constructed of cardboard or any other recyclable material if the requirements of subsection (1) are complied with.

20 Nov 98 cE-0.2 Reg 4 s36.

Poll book

37(1) The poll book must contain a sufficient number of columns to accommodate the requirements of the election.

(2) Notwithstanding subsection (1), the deputy returning officer shall fasten together voter registration forms for use as a poll book, and when the forms have been fastened together, those forms are deemed to be the poll book.

20 Nov 98 cE-0.2 Reg 4 s37.

Duration of poll

38(1) Subject to subsection (2), polls are to be kept open from 10:00 a.m. to 8:00 p.m. on election day.

(2) Where the conseil scolaire establishes a polling place pursuant to section 9, the conseil scolaire may determine the times during which the polls in that polling place are to be kept open, but the polls must be kept open for at least two consecutive hours.

(3) If, at the hour fixed for the closing of the polls, there are persons in the polling place who are entitled to vote and who have not yet voted, the deputy returning officer shall permit only those persons to vote.

20 Nov 98 cE-0.2 Reg 4 s38.

E-0.2 REG 4 CONSEIL SCOLAIRE FRANSASKOIS ELECTION**Duties prior to opening of poll**

39(1) The deputy returning officer shall attend at the polling place at least 30 minutes before the time fixed for the opening of the polling place for voting.

(2) Prior to the opening of the polling place for voting, the deputy returning officer shall:

(a) on the request and in the presence of the representatives of candidates and voters entitled to be present in the polling place during the hours when voters may vote, count the ballot papers intended to be used at the polling place;

(b) cause the printed directions for voters mentioned in clause 34(b) to be posted at the entrance to, and in every voting compartment of the place;

(c) provide a black lead pencil in each voting compartment of the polling place.

20 Nov 98 cE-0.2 Reg 4 s39.

Oath of office, secrecy

40(1) Every election official appointed to act at an election shall, before entering on the duties of his or her office, take an oath of office in Form C.

(2) Every candidate and agent authorized to attend at a polling place or at the counting of the votes shall, before entering on his or her duties, take an oath of secrecy in Form K.

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

20 Nov 98 cE-0.2 Reg 4 s40.

PART IV
Procedures While Poll is Open

Opening of poll

41(1) Where an advance or mobile poll was held before the opening of the poll on election day and the same ballot box is to be used on election day, the deputy returning officer shall, immediately prior to the opening of the poll, show the persons present that the seals on the ballot box are still intact.

(2) Where subsection (1) does not apply, the deputy returning officer shall, immediately prior to the opening of the poll:

(a) exhibit the ballot box to the persons present in the polling place in a manner that satisfies those persons that it contains no materials of any kind;

(b) close and secure the box with one of the seals mentioned in section 36 so that it is impossible to open the box without breaking the seal; and

(c) place the box in his or her unobstructed view for the receipt of ballots.

(3) During the hours of polling, the deputy returning officer shall ensure that the ballot box is in his or her view and in the full view of persons present in the polling place.

20 Nov 98 cE-0.2 Reg 4 s41.

Persons entitled to be in polling place

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

- (a) any election official who has been duly appointed and assigned duties in conducting the poll;
- (b) each candidate for the conseil scolaire;
- (c) not more than two duly authorized agents of a candidate;
- (d) any person who is acting as an escort to a voter who is blind or has any other disability or is unable to mark his or her ballot or who requires the services of an interpreter; and
- (e) any voter waiting to cast his or her ballot.

20 Nov 98 cE-0.2 Reg 4 s42.

Agents

43(1) Where a person presents to the deputy returning officer, a written notice in Form L that is signed by a candidate, the person named in the notice shall, subject to clause 42(c):

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

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

20 Nov 98 cE-0.2 Reg 4 s43.

Evidence of voting

44 The receipt by a person of a ballot within the polling place is proof in the absence of evidence to the contrary that he or she was at that polling place and voted.

20 Nov 98 cE-0.2 Reg 4 s44.

Voter registration form

45 A person who wishes to vote shall:

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

20 Nov 98 cE-0.2 Reg 4 s45.

Objection re entitlement to vote

46 A candidate, or his or her agent, may object to the entitlement of any person intending to vote and, if an objection is received, the deputy returning officer shall:

- (a) enter the objection in the poll book;
- (b) note the name of the person who made the objection in the poll book; and
- (c) initial the entry in the poll book.

20 Nov 98 cE-0.2 Reg 4 s46.

E-0.2 REG 4 CONSEIL SCOLAIRE FRANSASKOIS ELECTION**Consequences of refusing to declare**

47 A person who fails or refuses to complete a voter registration form required pursuant to section 45 is not entitled to vote.

20 Nov 98 cE-0.2 Reg 4 s47.

Provision of ballot to voter

48(1) After making the required entries and subject to section 56, the deputy returning officer shall provide the person with a ballot and permit him or her to vote.

(2) Before giving a ballot to a voter, the deputy returning officer shall ensure that his or her initials are marked in the box on the reverse side of the ballot.

20 Nov 98 cE-0.2 Reg 4 s48.

Entries in poll book

49 All entries in the poll book are to be numbered consecutively.

20 Nov 98 cE-0.2 Reg 4 s49.

Marking ballot

50 On receiving a ballot, the voter shall:

- (a) proceed to the room or compartment provided for the purpose of voting;
- (b) mark the ballot by placing an "X", or other mark that clearly indicates the voter's choice of candidate, in the circle provided on the ballot opposite the name of the candidate;
- (c) fold the ballot so that the face of the ballot is concealed and the initials of the deputy returning officer on the reverse side are exposed; and
- (d) deliver the folded ballot to the deputy returning officer.

20 Nov 98 cE-0.2 Reg 4 s50.

Deposit of ballot

51 When he or she receives the ballot from the voter, the deputy returning officer shall, without unfolding it, deposit the ballot in the ballot box.

20 Nov 98 cE-0.2 Reg 4 s51.

Voter to leave

52 After voting, a person shall leave the polling place unless otherwise entitled to remain.

20 Nov 98 cE-0.2 Reg 4 s52.

Removal of ballot from polling place prohibited

53(1) No person who has received a ballot from the deputy returning officer shall take it out of the polling place.

(2) A person forfeits the right to vote at the election in progress, and the deputy returning officer shall cause that forfeiture to be recorded in the poll book, if, after receiving a ballot from the deputy returning officer the person:

- (a) leaves or attempts to leave the polling place without first delivering his or her ballot to the deputy returning officer as required by these regulations; or

(b) intentionally deals with the ballot in such a manner that it cannot be used to indicate properly his or her intention to vote.

20 Nov 98 cE-0.2 Reg 4 s53.

Spoiled ballot

54(1) Where a person has received a ballot from the deputy returning officer and unintentionally deals with it so that it cannot be used to indicate properly his or her intention to vote, he or she shall receive, after delivering the spoiled ballot to the deputy returning officer, another ballot in its place.

(2) The deputy returning officer shall write “spoiled” on the ballot delivered to him or her pursuant to subsection (1) and shall preserve it for reference in his or her report of the count of the votes.

20 Nov 98 cE-0.2 Reg 4 s54.

Recording ballots

55 When a voter receives a ballot, the deputy returning officer shall place a check mark in the appropriate column of the poll book to indicate that the person has received a ballot for the election of the conseil scolaire or any other matter on which the person is entitled to vote.

20 Nov 98 cE-0.2 Reg 4 s55.

Attendance at incorrect polling place

56 Where the voter is at the incorrect polling place, the deputy returning officer shall direct the voter to the proper polling place.

20 Nov 98 cE-0.2 Reg 4 s56.

Explanation of voting

57 The deputy returning officer, on the request of a voter, shall explain the proper method of voting.

20 Nov 98 cE-0.2 Reg 4 s57.

Secrecy of voting

58 Subject to section 59, when a voter is voting, no other person is allowed to occupy a position from which he or she can see the way in which the ballot is marked.

20 Nov 98 cE-0.2 Reg 4 s58.

Alternate voting procedure - voters with disability

59(1) A deputy returning officer, on the request of a voter who is unable to read or is unable, for any physical reason, to vote in the manner prescribed by these regulations shall, at the option of the voter, do one of the following:

(a) require the voter making the request to complete the declarations on Form M and shall, either within or outside the compartment provided for voting:

(i) assist the voter by marking his or her ballot in the manner directed by him or her in the presence only of the poll clerk and of the candidates' agents in the polling place; and

(ii) place the ballot in the ballot box;

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- (b) permit a friend to accompany the voter into the compartment provided for voting and to mark the voter's ballot for him or her if the voter has completed the declarations on Form M and is accompanied by the friend; or
 - (c) if the voter has completed the declarations on Form M, provide the voter with a template in Form N if the voter is blind, to enable him or her to mark the ballot in secret.
- (2) The deputy returning officer and the poll clerk, together with the candidates or their agents, may attend on a person who is bedridden or unable to walk for the purpose of receiving his or her ballot and who is a patient of a hospital, special-care home or other institution in which a polling place is established pursuant to section 9.
- (3) A friend who is permitted to mark the ballot of a voter shall, before he or she marks the ballot, make a declaration in Form O that he or she will keep secret the name of the candidate marked by him or her on the ballot of the voter.
- (4) No person shall act as the friend of more than one voter in the same election.
- (5) The poll clerk shall enter in the column for remarks in the poll book:
- (a) the reason that the ballot was marked for the voter;
 - (b) whether the ballot was marked by the deputy returning officer or by a friend and, if by a friend, the name of the friend; and
 - (c) the word "declared" after the name of the voter and the friend.

20 Nov 98 cE-0.2 Reg 4 s59.

Interpreters

- 60(1)** Where a person who intends to vote does not understand the French language, the deputy returning officer may permit an interpreter, other than a person who is a candidate or agent of a candidate, to translate any declaration and any lawful question necessarily put to the person and the person's corresponding answers.
- (2) Every interpreter shall complete and sign the declaration of interpreter in Form P.
- (3) Where a person votes in accordance with subsection (1), the deputy returning officer shall cause to be entered in the poll book in the proper column that the vote of the person is marked pursuant to this section.

20 Nov 98 cE-0.2 Reg 4 s60.

Declined ballot

- 61(1)** Where a voter declines to mark his or her ballot, the voter may so indicate to the deputy returning officer.
- (2) Where a voter returns his or her ballot and indicates that it is unmarked, the deputy returning officer shall:
- (a) write "declined" on the ballot;
 - (b) preserve it for reference in his or her report of the count of the votes; and
 - (c) indicate the return of the ballot in the poll book and mark his or her initials.

20 Nov 98 cE-0.2 Reg 4 s61.

PART V
Advance Poll

Advance polls

62(1) The returning officer shall authorize the establishment of one or more advance polls in each francophone education area for the convenience of persons who would otherwise be unable to cast their votes on the day appointed for the holding of the election and, subject to subsection (2), fix the days and hours during which eligible voters may cast their votes.

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

20 Nov 98 cE-0.2 Reg 4 s62.

Eligible voters

63 A voter is eligible to vote at an advance poll if he or she:

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

20 Nov 98 cE-0.2 Reg 4 s63.

Polling place

64 Where an advance poll is established pursuant to section 62, the returning officer shall:

- (a) establish at least one place for the advance poll that is conveniently accessible to voters who are physically disabled;
- (b) give notice of the advance poll in Form Q and in accordance with subsection 19(2); and
- (c) subject to sections 65 to 67, conduct the advance poll in the same manner, as nearly as may be, as a poll at a general election.

20 Nov 98 cE-0.2 Reg 4 s64.

Declaration required

65(1) Every person, before being permitted to vote at an advance poll, is required to complete and sign a declaration in Form M.

(2) The deputy returning officer shall retain the declarations mentioned in subsection (1) with the other records of the poll.

20 Nov 98 cE-0.2 Reg 4 s65.

Sealing, safe-keeping of ballot box

66 At the close of the advance poll on each day on which it is held, the deputy returning officer shall:

- (a) seal the ballot box in a manner so that no ballots can be deposited in the ballot box without breaking the seal and make provision for the safe-keeping of the ballot box;

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- (b) cause all election records, supplies and materials to be enclosed in a sealed or securely locked container other than the ballot box and make provision for the safe-keeping of that container until its contents are required; and
- (c) prevent any person from having access to the ballots and election materials until the close of polls on the day of the election.

20 Nov 98 cE-0.2 Reg 4 s66.

Close of advance poll

67 At the close of the advance poll on the last day it is held, the deputy returning officer shall:

- (a) proceed in accordance with section 66; and
- (b) go to the place designated by the returning officer on the close of the polls on election day.

20 Nov 98 cE-0.2 Reg 4 s67.

PART VI

Procedures After Close of Poll**Procedures after close of poll**

68 At the close of the poll on election day, the deputy returning officer of each polling place shall:

- (a) certify, by his or her signature on the poll book after the name of the last person entered, the total number of persons who have voted in the poll;
- (b) open the ballot box in the presence of the poll clerk and any candidates or their agents then in attendance; and
- (c) examine each ballot and, subject to sections 70 and 71, reject each ballot described in section 69.

20 Nov 98 cE-0.2 Reg 4 s68.

Rejected ballots

69 The deputy returning officer shall reject every ballot:

- (a) subject to section 71, that does not have his or her own initials on its reverse side;
- (b) on which the voter made more votes than he or she is entitled to make;
- (c) on which anything is written or marked so as to identify the voter;
- (d) that has been torn, defaced or otherwise treated by the voter so as to identify the voter;
- (e) subject to section 70, that is marked in a manner other than that specified in clause 50(b); or
- (f) on which no vote is marked.

20 Nov 98 cE-0.2 Reg 4 s69.

Improper marking not rejected

70 Where a mark clearly indicates an intent to vote for the candidate opposite whose name the mark is placed, no ballot is to be rejected because the voter has marked his or her vote out of, or partly out of, its proper space.

20 Nov 98 cE-0.2 Reg 4 s70.

Ballots not initialled

71 Where, on examining the ballots, the deputy returning officer finds a ballot that has not been initialled by him or her, he or she shall initial that ballot and count the ballot as if it had been initialled, if he or she is satisfied that:

- (a) the ballot is one that was delivered by him or her to a voter intending to vote;
- (b) the omission of his or her initials was inadvertent; and
- (c) the ballot is required to enable him or her to account for all ballots supplied to him or her.

20 Nov 98 cE-0.2 Reg 4 s71.

Objection re ballots

72(1) A candidate, or his or her agent, may object to the deputy returning officer's rejection of or refusal to reject any ballot found in the ballot box.

(2) Where there is an objection pursuant to subsection (1), the deputy returning officer shall:

- (a) number the objection by placing a number on the reverse side of the ballot with his or her initials;
- (b) record the objection in full in the poll book together with the number mentioned in clause (a); and
- (c) endorse the ballot that is the subject of the objection "Rejection objected to" or "Counting objected to", as the case may be.

(3) The deputy returning officer shall, after hearing an objection, decide whether to accept or reject the ballot, note his or her decision in the poll book and initial the entry.

20 Nov 98 cE-0.2 Reg 4 s72.

Statement of results

73(1) The deputy returning officer shall count the votes given on the ballots that have not been rejected and shall prepare in duplicate and sign a written statement of results in Form R.

(2) On request, the deputy returning officer shall give to a candidate or his or her agent a copy of the statement of results.

20 Nov 98 cE-0.2 Reg 4 s73.

Presence of candidate at count

74 Each candidate, or one of his or her agents, is entitled to be present during the count of the votes.

20 Nov 98 cE-0.2 Reg 4 s74.

E-0.2 REG 4 CONSEIL SCOLAIRE FRANSAKOIS ELECTION**Declaration of poll**

75 The deputy returning officer shall, on completion of the count of votes, make a declaration of poll in Form S and attach it to the cover of the poll book.

20 Nov 98 cE-0.2 Reg 4 s75.

Materials in packets

76(1) On completion of the count of votes, the deputy returning officer shall, in the presence of the persons authorized to attend, prepare separate packets of:

- (a) the original of the statement of results;
 - (b) all of the counted ballots to which no objection has been made;
 - (c) all of the counted ballots to which objection has been made;
 - (d) all of the rejected ballots;
 - (e) all of the spoiled and declined ballots;
 - (f) all of the unused ballots.
- (2) The deputy returning officer shall mark each packet clearly to:
- (a) identify its contents;
 - (b) indicate the date of the vote;
 - (c) indicate the name of the deputy returning officer; and
 - (d) where applicable, indicate the number of the polling place.
- (3) The deputy returning officer shall seal each packet mentioned in subsection (1).

20 Nov 98 cE-0.2 Reg 4 s76.

Delivery to returning officer

77 The deputy returning officer or, if there is more than one, the deputy returning officer designated by the returning officer in his or her appointment, shall place the poll book, all forms used with respect to the election and the packets prepared pursuant to section 76 in the ballot box, seal the box and deliver it along with a duplicate copy of the statement of results to the returning officer or the associate returning officer, as ordered by the returning officer.

20 Nov 98 cE-0.2 Reg 4 s77.

Addition of votes

78(1) On receipt of the ballot boxes and the duplicate statement of results, the returning officer or associate returning officer shall add up the number of votes given for each of the candidates named on the ballots as reported to him or her on the duplicate statement of results.

(2) Where the duplicate copy, as well as the original of the statement of results, has been placed in error in the ballot box, the returning officer or associate returning officer may open the box and remove the copy of the statement of results in the presence of two witnesses, and he or she shall then reseal the box.

- (3) Where the duplicate copy of the statement of results is or appears to be incomplete, the returning officer or associate returning officer may, in the presence of two witnesses, open the ballot box and remove the original statement for the purpose of verifying the result of the poll, and he or she shall return the original statement to the ballot box and reseal it.
- (4) Nothing in subsection (2) or (3) authorizes the opening of any envelopes appearing to contain ballots cast for the various candidates, but, in the absence of other information, the endorsements on those envelopes may be adopted as indicating the result of the poll at the polling place in question.
- (5) The associate returning officer shall:
- (a) communicate the results of the summing up of the number of votes pursuant to this section in the manner specified by the returning officer; and
 - (b) deliver all statements of results and ballot boxes received by the associate returning officer to the returning officer prior to the time appointed for the declaration of results.
- (6) No associate returning officer nor any assistants of an associate returning officer shall release the information described in clause (5)(a) to any person other than the returning officer.

20 Nov 98 cE-0.2 Reg 4 s78.

Declaration of results

- 79(1)** At the time and place appointed for the purpose, the returning officer shall:
- (a) declare to be elected the person having the highest number of votes for each office to be filled; and
 - (b) post in a conspicuous place at the headquarters of the conseil scolaire and in each francophone education area a declaration of results, in Form T, signed by him or her, showing the number of votes cast for each person whose name appears on the ballot and the names of any persons declared elected pursuant to section 26.
- (2) The returning officer shall provide the conseil scolaire with a copy of the declaration of results.

20 Nov 98 cE-0.2 Reg 4 s79.

Notice to minister

- 80** The returning officer shall give written notice to the minister, as soon as is practicable after the counting of the votes, of the name and address of each person who has been elected as a member of the conseil scolaire in an election.

20 Nov 98 cE-0.2 Reg 4 s80.

Tie vote

- 81(1)** Where, on the addition of the votes, two or more candidates for any vacant office have an equal number of votes, the returning officer or associate returning officer shall:
- (a) write the names of those candidates separately on blank sheets of paper of equal size, colour and texture;

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- (b) fold the sheets in a uniform manner and so the names are concealed;
 - (c) deposit them in a receptacle; and
 - (d) direct a person, other than a candidate or an agent of a candidate, to withdraw one of the sheets.
- (2) The candidate whose name is on the sheet withdrawn pursuant to subsection (1) shall be declared elected.
- (3) Where there is only one polling area in a francophone education area, the deputy returning officer may conduct the procedures set out in subsection (1) and notify the returning officer or associate returning officer of the result.

20 Nov 98 cE-0.2 Reg 4 s81.

Safe-keeping of election materials

- 82(1)** Where the secretary-treasurer was not appointed as the returning officer, when an election is completed, the returning officer shall deliver to the secretary-treasurer the ballot boxes and duplicate statements of results, and the secretary-treasurer shall then be responsible for their safe-keeping in accordance with this section.
- (2) The secretary-treasurer shall retain all ballots pertaining to the election for two months after election day and as soon as possible after that time, unless otherwise ordered by a judge, shall cause them to be destroyed in the presence of two witnesses, who shall swear affidavits, witnessing the destruction, that shall be taken and filed in the records of the conseil scolaire.
- (3) All election documents, other than ballots, are deemed to be public documents of the conseil scolaire and shall be retained in accordance with section 369 of the Act.

20 Nov 98 cE-0.2 Reg 4 s82.

PART VII
Votes on Bylaws

Procedure

- 83** Where a bylaw is submitted to the voters pursuant to subsection 328(5) of the Act, the other Parts of these regulations apply, with any necessary modification, to the vote, except as modified or extended by this Part.

20 Nov 98 cE-0.2 Reg 4 s83.

Election procedure bylaw

- 84(1)** The conseil scolaire shall, by an election procedure bylaw, fix the day and terms for the taking of the vote and proceed in accordance with the provisions of these regulations, as nearly as may be, with respect to the conduct of a general election.
- (2) The day appointed for the taking of a vote shall be not less than three weeks but not more than five weeks after the first publication or posting of the notice pursuant to section 85.

- (3) The election procedure bylaw:
- (a) may provide that a vote pursuant to this Part shall be taken on the same day and at the same time, place or places as the general election or by-election;
 - (b) may apply to the taking of a vote on two or more bylaws on the same day;
 - (c) shall fix a time when and a place where the returning officer shall declare the results of the votes; and
 - (d) shall fix a time when and place where the returning officer shall attend to receive representations and to designate voters to represent supporters and opponents of the bylaw in accordance with section 87.

20 Nov 98 cE-0.2 Reg 4 s84.

Notice of vote

85(1) The conseil scolaire shall give, in accordance with subsection 19(2), a notice setting out:

- (a) a statement of the object of the bylaw;
 - (b) the amount of the debt or liability to be created by the proposed borrowing for capital purposes;
 - (c) how the amount is to be repaid;
 - (d) the amount to be provided annually for payment of the principal and interest on the debt or the amount of annual instalments, as the case may be;
 - (e) the time and place designated pursuant to clause 84(3)(c); and
 - (f) the time for the taking of the vote and the locations of the polling places.
- (2) Each notice pursuant to this section shall be certified by the returning officer:
- (a) with respect to the correctness of the statement of the object of the bylaw; and
 - (b) stating that a proposed bylaw shall be finally passed by the conseil scolaire, if the assent of the voters is given to it in accordance with section 328 of the Act.
- (3) Where two or more bylaws are to be submitted at the same time, a notice required by this section may include summaries of all the proposals.

20 Nov 98 cE-0.2 Reg 4 s85.

Printing of ballot

86(1) The ballot shall be in Form U except that:

- (a) where more than one bylaw is to be submitted to a vote, the ballot is to be modified in the manner that the conseil scolaire may state by resolution so that the ballot serves for the voting on all the bylaws; or
 - (b) in the case of a bylaw to repeal an existing bylaw, the ballot shall be modified in the manner that the conseil scolaire may determine to facilitate the vote.
- (2) The returning officer shall ensure that a sufficient number of ballots in the form set out in subsection (1) are printed.

20 Nov 98 cE-0.2 Reg 4 s86.

E-0.2 REG 4 CONSEIL SCOLAIRE FRANSASKOIS ELECTION**Representatives**

87(1) At the time and place appointed pursuant to clause 84(3)(d), the returning officer shall attend to receive representations requesting the designation of voters to be authorized to attend at the polling place and at the final totalling of the votes and shall, from among those representations, designate in writing, no more than:

- (a) one voter to attend at the final totalling of the votes on behalf of voters in favour of and the same number on behalf of voters against the bylaw; and
 - (b) two voters to attend at each polling place on behalf of voters in favour of and the same number on behalf of voters against the bylaw.
- (2) The returning officer is not required to designate voters pursuant to subsection (1) if he or she receives no representations as described in that subsection.

(3) A voter designated pursuant to clause (1)(a) is eligible to attend at the final totalling of the votes by the returning officer, and the voters designated pursuant to clause (1)(b) are eligible to attend at the polling places during the taking of the vote.

(4) Every voter designated pursuant to subsection (1) shall:

- (a) before he or she is designated, make a declaration in Form V before the returning officer; and
 - (b) before being admitted to the polling place or to the totalling of the votes, produce his or her written appointment to the deputy returning officer or to the returning officer, as the case may require, at the poll.
- (5) In the absence of a voter authorized to attend at the final totalling of the votes, any voter representing the same interest as the absent voter may, on making a declaration in accordance with clause (4)(a), be admitted to attend and act on behalf of the absent voter.

20 Nov 98 cE-0.2 Reg 4 s87.

Count of votes

88 Immediately on the close of the poll, the deputy returning officer in every polling place shall open the ballot box and proceed to count the votes for and the votes against the bylaw from those ballots that are not rejected.

20 Nov 98 cE-0.2 Reg 4 s88.

Statement of results

89(1) When the count of the votes pursuant to section 88 is complete, the deputy returning officer shall prepare and sign a statement of results in duplicate in Form W.

(2) On request, the deputy returning officer shall give a copy of the statement of results prepared pursuant to subsection (1) to a voter authorized to attend pursuant to section 87.

20 Nov 98 cE-0.2 Reg 4 s89.

Declaration of results

90 On receipt of the ballot boxes and duplicate statements of results, the returning officer shall, at the time and place appointed for the purpose, total the number of votes for and the number of votes against the bylaw and, at the time and place fixed by the election procedure bylaw, declare the results of the vote.

20 Nov 98 cE-0.2 Reg 4 s90.

Certificate of results

91 The returning officer shall prepare a statement immediately, certified by him or her to be true, indicating that the majority of persons who voted on the bylaw have given or withheld their assent of the bylaw.

20 Nov 98 cE-0.2 Reg 4 s91.

Determining the majority

92 In determining whether the required majority of the persons who voted have approved or disapproved of the bylaw, the returning officer shall not take into account the ballots that were rejected at the count of the votes pursuant to section 88.

20 Nov 98 cE-0.2 Reg 4 s92.

Tie vote

93 In the case of an equality of votes, the matter is deemed to be resolved against the bylaw.

20 Nov 98 cE-0.2 Reg 4 s93.

Notice of results

94 As soon as possible after the counting of the votes on the bylaw, the returning officer shall give notice of the results in Form X to the minister and the conseil scolaire.

20 Nov 98 cE-0.2 Reg 4 s94.

PART VIII

Recount of Votes

Request to returning officer for recount

95 Where, pursuant to section 79 or 90, the returning officer has declared the results of a vote and the difference between:

- (a) the number of votes cast for any elected member and the candidate having the next highest number of votes; or
- (b) the votes for and the votes against the bylaw;

is less than the number of ballots counted but objected to plus all rejected ballots, except those on which no vote was made, any voter or candidate for the francophone education area may request a recount by delivering to the returning officer, within four days of the declaration of the results of the vote, a notice in Form Y requesting a recount.

20 Nov 98 cE-0.2 Reg 4 s95.

E-0.2 REG 4 CONSEIL SCOLAIRE FRANSASKOIS ELECTION**Duties of returning officer on a recount**

96(1) The returning officer shall, within four days after he or she receives a request pursuant to section 95:

- (a) issue a certificate in Form Z stating that the applicant named in the certificate has requested a recount;
 - (b) immediately present the certificate to a judge and deliver a copy of it to the person who requested the recount; and
 - (c) request the judge to appoint a time and place for a recount of votes cast at the election that is the subject of the request.
- (2) On receiving a request pursuant to subsection (1), the judge shall fix a date that is not later than 10 days after the date the request is made and a place for the recount of the votes.
- (3) The returning officer shall, within four days after the judge decides on a time and place pursuant to subsection (1), serve a true copy of the appointment on the applicant and on any other person that the judge may direct.

20 Nov 98 cE-0.2 Reg 4 s96.

Application to judge for recount

97(1) In a case other than those set out in section 95 or where a voter or a candidate has made a request for a recount and the returning officer fails to comply with subsection 96(1), the voter or candidate may apply by affidavit to a judge for a recount within 14 days after the day on which the returning officer has declared the results of the election.

(2) A judge shall appoint a time and place to recount the votes cast at the election, and shall cause a written notice of the time and place at which the judge will recount the votes to be served on the applicant and on any other person that the judge may direct where it appears to the judge that:

- (a) a deputy returning officer, in his or her count of the votes, has:
 - (i) counted or rejected any ballots improperly; or
 - (ii) made an incorrect statement of the number of ballots cast for a candidate or for or against a bylaw;
- (b) the returning officer has improperly totalled the votes; or
- (c) the returning officer has failed to comply with subsection 96(1).

20 Nov 98 cE-0.2 Reg 4 s97.

Attendance at recount

98(1) At the time and place selected for the recount, the returning officer shall attend the recount with the ballot boxes and all documents in his or her possession relating to the election.

(2) The judge, the returning officer, each candidate and his or her agent and, where the recount relates to a bylaw, any supporters or opponents of the bylaw as the judge may direct are entitled to be present at the recount.

20 Nov 98 cE-0.2 Reg 4 s98.

Opening packets

99 At the time and place selected, the judge shall receive the ballot boxes from the returning officer and proceed with the recount of the ballots with respect to the election or vote on the bylaw in question and, in the presence of the persons authorized to attend and who are then in attendance, the judge shall open the sealed packets containing:

- (a) all of the ballots to which no objection has been made and which have been counted;
- (b) all of the ballots to which objection has been made but which have been counted;
- (c) all of the rejected ballots;
- (d) all of the spoiled and declined ballots; and
- (e) all of the unused ballots.

20 Nov 98 cE-0.2 Reg 4 s99.

Continuation of recount

100 As far as is practicable, a recount shall proceed continuously, except during the hours that the judge may determine.

20 Nov 98 cE-0.2 Reg 4 s100.

Security of documents

101 During any period that the recount is suspended, the judge shall take any precautions that he or she considers necessary for the security of the ballots and documents until the recount is resumed.

20 Nov 98 cE-0.2 Reg 4 s101.

Secrecy

102 In conducting the recount of votes, every reasonable precaution shall be taken to ensure that the manner in which any person has voted is not disclosed.

20 Nov 98 cE-0.2 Reg 4 s102.

Procedure for recount

103(1) A judicial recount shall be conducted in accordance with this section.

(2) The judge shall examine the ballots and subject to subsection (3), exclude from the recount any ballot:

- (a) that does not have on its reverse side in the box marked "D.R.O. initials", the initials of the deputy returning officer;
- (b) on which votes are given for more than one candidate or in the case of a vote on a bylaw, that has been marked both for and against;
- (c) on which anything, except the initials of the deputy returning officer, is written or marked in any manner so as to identify the voter;
- (d) that has been torn, defaced or otherwise treated by the voter in any manner sufficient to obscure his or her intent in the vote or reveal his or her identity;
- (e) on which no vote is marked.

E-0.2 REG 4 CONSEIL SCOLAIRE FRANSASKOIS ELECTION

- (3) Subject to clause (2)(a), no word or mark written or made or omitted to be written or made by the deputy returning officer on a ballot affects the validity of the vote.
- (4) The judge shall take note of any objection to a ballot made by any person entitled to attend the recount and shall decide any question arising out of that objection, and the judge's decision is final.
- (5) On the completion of the judge's examination of the ballots pursuant to subsection (2), the judge shall count the votes given on all the ballots that have not been rejected, and shall prepare a written statement setting out:
- (a) the names of the candidates;
 - (b) the number of votes given for each candidate or given for or against a bylaw;
 - (c) the number of ballots on which the initials of the deputy returning officer have not been inscribed in the box marked "D.R.O. initials";
 - (d) the number of ballots rejected by reason of having been marked for more than one candidate or, in the case of a vote on a bylaw, by reason of having been marked both for and against; and
 - (e) the number of ballots rejected by reason of being unmarked or marked in a manner so as to obscure the intent of the voter or reveal his or her identity.
- (6) When the judge has ascertained the result of the voting on the recount, the judge shall seal the ballots in separate packets in the manner in which they were received by the judge, return them to the custody of the returning officer and immediately certify the result of the recount to the returning officer.
- (7) The returning officer shall post the results of the election or vote on a bylaw in his or her office.
- (8) Subject to subsection (9), where two or more candidates with respect to the same office have been allowed the same number of votes as a result of the recount, the judge shall proceed, as nearly as may be, in accordance with section 81 and shall declare the candidate whose name is withdrawn to be elected.
- (9) Where the same candidates have an equal number of votes at the recount as at the totalling of the ballots by the returning officer and one of those candidates had been declared elected pursuant to section 81, the judge shall confirm the election of the candidate who had been declared elected by the returning officer.
- (10) In the case of an equality of votes with respect to a recount on a bylaw, section 93 applies.
- (11) Nothing in this section prevents or affects any legal remedies or entitlements that any person may have pursuant to these regulations with respect to controverted elections by proceedings in the nature of *quo warranto*.

Costs

104(1) All costs, charges and expenses of and incidental to a recount shall be paid for by the parties to the application in any manner and proportions that the judge may determine, having regard for any of the costs, charges and expenses that, in the opinion of the judge, have been caused by unfounded allegations and objections or vexatious conduct on the part of the applicant or the respondent.

(2) Where the judge orders, the costs shall be taxed on the tariff of costs of the court.

(3) The payment of any costs ordered by the judge may be enforced by execution to be issued on the filing in court of the order and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of those costs.

20 Nov 98 cE-0.2 Reg 4 s104.

Divulgence of vote in certain proceedings prohibited

105 No person who has voted in an election shall be required, in any legal proceedings involving an examination of that election, the results or any associated matter, to divulge how he or she voted in an election.

20 Nov 98 cE-0.2 Reg 4 s105.

PART IX Prohibitions

Ballots and ballot boxes

106(1) No person shall:

- (a) unless authorized to do so, supply a ballot to any person;
 - (b) fraudulently put a ballot into a ballot box;
 - (c) fraudulently remove a ballot from a ballot box;
 - (d) fraudulently remove a ballot from a polling place;
 - (e) without due authority, destroy, take, open or otherwise interfere with a ballot box or packet of ballots in use for the purpose of an election;
 - (f) apply for a ballot in the name of another person whether living, dead or fictitious or advise, abet, counsel or procure any other person to do so;
 - (g) having voted once, apply at the same election for another ballot in his or her own name or advise, abet, counsel or procure any other person to do so; or
 - (h) knowingly or wilfully make a false statement when completing a form required pursuant to this Act.
- (2) No person shall attempt to do any of the acts listed in subsection (1).

20 Nov 98 cE-0.2 Reg 4 s106.

Secrecy of vote

107 Every election official, clerk and agent of a candidate in attendance at a polling place shall adhere strictly to the principle of secrecy of the vote and shall not communicate or attempt in any way whatsoever at any time to communicate information known to him or her as to the person for whom any vote is given.

20 Nov 98 cE-0.2 Reg 4 s107.

E-0.2 REG 4 CONSEIL SCOLAIRE FRANSAKOIS ELECTION**Interference with voter prohibited**

108 No election official, clerk, agent of a candidate or other person shall interfere or attempt to interfere with a person who is voting or attempt to obtain information at the polling place as to how he or she has voted or is about to vote.

20 Nov 98 cE-0.2 Reg 4 s108.

Prejudice of election by official prohibited

109 No election official shall knowingly or wilfully prejudice the result of any voting by preventing votes from being taken, by taking unlawful votes or by altering votes, returns or books in any way.

20 Nov 98 cE-0.2 Reg 4 s109.

Canvassing at polling place prohibited

110 No candidate, his or her agent or any other person shall:

- (a) canvass or solicit votes in the polling place or within 50 metres of the building where the poll is held; or
- (b) communicate with a person intending to vote otherwise than through the deputy returning officer.

20 Nov 98 cE-0.2 Reg 4 s110.

Specimen ballot prohibited

111 No person shall display, distribute or post in the polling place or within 50 metres of the building in which the poll is held a specimen ballot marked for a person whose name is on the ballot for election, or any other material purporting to explain how to vote, or leave any such material in a voting compartment, except as provided by these regulations.

20 Nov 98 cE-0.2 Reg 4 s111.

Disclosure of ballot prohibited

112 No person shall directly or indirectly induce a person to display his or her ballot in a manner that reveals how he or she has voted.

20 Nov 98 cE-0.2 Reg 4 s112.

False statement by candidate

113(1) No person shall sign a candidate's acceptance form that contains a false statement.

(2) Where a person convicted of an offence resulting from a contravention of subsection (1) has been elected, his or her election is void, and the conseil scolaire shall forthwith declare the office to which he or she was elected vacant and provide for the holding of a by-election in accordance with section 5.

20 Nov 98 cE-0.2 Reg 4 s113.

Acceptance of vote in certain case

114 No deputy returning officer shall take or receive, or cause to be taken or received, the vote of a person who has refused to complete a voter registration form.

20 Nov 98 cE-0.2 Reg 4 s114.

Contravention of section 120

115 No person shall cause the printing, display and distribution of printed advertising in a manner that is not in accordance with section 120.

20 Nov 98 cE-0.2 Reg 4 s115.

Interference with notices prohibited

116 No person shall unlawfully take down, cover up, mutilate, deface or alter any notice or other document required to be posted by these regulations.

20 Nov 98 cE-0.2 Reg 4 s116.

PART X
Miscellaneous

Extension of time

117(1) Except with respect to nomination day or election day, where a certain date is fixed in these regulations on or by which certain things are to be done or proceedings to be taken and it appears that the date was fixed having regard to an earlier date on or by which certain other things are to be done or proceedings taken, then, notwithstanding any other provision of these regulations, where a default is made with respect to the earlier date, a like delay is allowed with respect to the later date.

(2) If a thing required by or pursuant to these regulations to be done at or within a certain fixed time cannot be or is not done, the minister may, by order, appoint a further or other time for doing the thing, whether the time within which it ought to have been done has or has not expired, and a thing done within the time fixed by the minister is deemed to have been done within the time fixed by or pursuant to these regulations.

20 Nov 98 cE-0.2 Reg 4 s117.

Results not invalidated

118 Where it appears that an election was conducted in accordance with the intent of these regulations and that any non-compliance, error or irregularity did not affect the result of the election, the election shall not be deemed or declared to be invalid by reason of:

- (a) non-compliance with the provisions of these regulations with respect to the holding of the poll or the counting of the votes;
- (b) mistakes in the use of forms; or
- (c) other inadvertent errors or irregularities.

20 Nov 98 cE-0.2 Reg 4 s118.

E-0.2 REG 4 CONSEIL SCOLAIRE FRANSASKOIS ELECTION**Inspection of ballots**

119(1) Subject to the provisions of these regulations and respecting the counting of ballots or a recount, no person shall inspect the contents of a sealed ballot box, except under the order of a judge granted on evidence satisfactory to him or her and given on oath that the inspection of those contents is required:

- (a) for the purposes of maintaining a prosecution for an offence; or
- (b) for the purposes of proceedings to be taken to contest the result of an election.

(2) An order pursuant to subsection (1) shall state the time and place for the inspection, the names of persons to be present at the inspection and any other conditions that the judge may specify.

20 Nov 98 cE-0.2 Reg 4 s119.

Advertising

120 Every printed advertisement, other than those provided for pursuant to these regulations, having reference to an election is to bear on its face the name and address of the person who has authorized its printing, display and distribution.

20 Nov 98 cE-0.2 Reg 4 s120.

Expenses of election

121 All reasonable expenses incurred in providing for the holding of an election pursuant to these regulations shall be paid by the conseil scolaire.

20 Nov 98 cE-0.2 Reg 4 s121.

Agreement with Chief Electoral Officer

122 For the purposes of carrying out these regulations, the conseil scolaire may enter into agreements with the Chief Electoral Officer of Saskatchewan with respect to supplies, equipment, services or any other assistance that the conseil scolaire may require.

20 Nov 98 cE-0.2 Reg 4 s122.

Forms to be in French

123 The forms are to be in French.

20 Nov 98 cE-0.2 Reg 4 s123.

“Électeur”

124 The term “électeur” in the forms is deemed to mean “voter” within the meaning of *The Education Act, 1995*.

20 Nov 98 cE-0.2 Reg 4 s124.

PART X.1
Elections – conseils d'écoles

DIVISION 1
Application and Interpretation

Application – general

124.1(1) Unless otherwise indicated in this Part, Parts I to VI and VIII to X and the forms apply, with any necessary modification, to this Part.

(2) Sections 4, 80 and 122 and Part VII do not apply to this Part.

11 Feb 2000 SR 5/2000 s3; 2 Nov 2001
SR 79/2001 s2.

Interpretation of Part

124.11 In this Part:

“**annual election**” means an election held pursuant to section 124.12 for the purposes of electing parent representatives and community representatives for conseils d'écoles; (*«élection annuelle»*)

“**by-election**” means an election held to fill a vacancy for a member of the conseil d'école on a day designated pursuant to section 124.2; (*«élection partielle»*)

“**candidate**” means a person nominated in accordance with this Part for election as a member of a conseil d'école; (*«candidat»*)

“**community representative**” means a person who is a minority language adult who is elected to serve on a conseil d'école pursuant to clause 134.2(1)(b) of the Act as that conseil d'école's community representative; (*«représentant communautaire»*)

“**deputy returning officer**” means a deputy returning officer appointed pursuant to section 124.31; (*«scrutateur»*)

“**election**” means an election of members for a conseil d'école and includes a by-election; (*«élection»*)

“**parent representative**” means a person who is a parent of a child, enrolled in the fransaskois school for which the election is being held, and who is elected to serve on a conseil d'école pursuant to clause 134.2(1)(a) of the Act as a parent representative; (*«représentant des parents»*)

“**returning officer**” means the person specified or appointed as the returning officer pursuant to section 124.3; (*«directeur du scrutin»*)

“**voter registration form**” means a voter registration form in Form M.1 for the purposes of conseils d'écoles elections. (*«déclaration du droit d'électeur»*)

11 Feb 2000 SR 5/2000 s3.

DIVISION 2
Proceedings Preliminary to Election

Date of annual election

124.12 Annual elections for conseils d'écoles must be held each year, on the fourth Wednesday of October.

11 Feb 2000 SR 5/2000 s3.

By-elections

124.2(1) Subject to subsection (3), where a vacancy occurs on a conseil d'école, the conseil scolaire, at the next meeting, shall provide for the holding of a by-election to fill the vacancy.

(2) Where a by-election is held pursuant to subsection (1), that by-election is to be held, as nearly as may be, in accordance with the provisions of this Part.

(3) Where a vacancy occurs on a conseil d'école, a by-election for that vacancy must be held no later than the date of the next annual election.

11 Feb 2000 SR 5/2000 s3.

Terms of office

124.21(1) Subject to subsections (2) to (7), the term of office of a member of a conseil d'école is two years.

(2) In the case of the first election of a conseil d'école, the term of office of parent representatives is two years for those candidates who have the greatest number of votes up to a maximum of one-half of the number of parent representatives necessary for that conseil d'école.

(3) In the case of the first election of a conseil d'école, candidates for a position as parent representative who are not described in subsection (2) are to be parent representatives of the conseil d'école for a term of one year.

(4) In the case of a conseil d'école whose parent members are elected by acclamation, the parent representatives of the conseil d'école shall decide amongst themselves which parent representatives are to serve for terms of two years and which are to serve for terms of one year.

(5) Where the parent representatives are unable to agree amongst themselves, the names of the parent representatives of the conseil d'école shall be written on individual and identical pieces of paper and those papers placed in a box, and section 81 applies, with any necessary modification, to decide which parent representatives are to serve for terms of two years and which parent representatives are to serve for terms of one year.

(6) The term of office of a member of the conseil d'école commences at the first meeting of the conseil d'école following the election and, unless his or her office is sooner vacated, continues until, but does not include, the first meeting of the conseil d'école following the next election in which that member's position is open.

(7) A member of the conseil d'école elected in a by-election to fill a vacancy holds office for the unexpired term of the person with respect to whom the vacancy arose.

11 Feb 2000 SR 5/2000 s3.

Polling and places

124.22 There must be at least one polling place located within each attendance area.

11 Feb 2000 SR 5/2000 s3.

**DIVISION 3
Election Procedures**

Returning officer

124.3(1) The secretary-treasurer of the conseil scolaire is the returning officer for conseils d'écoles elections or a by-election, unless the conseil scolaire, at least 90 days before election day, appoints another person to be the returning officer.

(2) Where the returning officer dies, or is for any reason unable to act or perform his or her duties, the conseil scolaire shall appoint another person to act as the returning officer.

(3) The returning officer may appoint one or more persons to be known as associate returning officers and may delegate to them any duty or power imposed or conferred on the returning officer.

11 Feb 2000 SR 5/2000 s3.

Duties of returning officer

124.31(1) The returning officer is responsible for all matters relating to an election pursuant to this Part.

(2) In each attendance area, the returning officer, in writing, shall appoint:

- (a) a deputy returning officer;
- (b) a poll clerk; and
- (c) any other officials that may be necessary for the conduct of the election.

(3) The returning officer may appoint one person, to be known as the nomination officer, for each conseil d'école election to receive nominations.

11 Feb 2000 SR 5/2000 s3.

Poll clerk to act in place of deputy returning officer

124.32 Where the deputy returning officer is unable to act, the poll clerk shall act in place of that person.

11 Feb 2000 SR 5/2000 s3.

Remuneration

124.4 The conseil scolaire shall set the remuneration to be paid to election officials acting with respect to elections.

11 Feb 2000 SR 5/2000 s3.

E-0.2 REG 4 CONSEIL SCOLAIRE FRANSASKOIS ELECTION**Prohibition**

124.41 No candidate shall act as an election official.

11 Feb 2000 SR 5/2000 s3.

Oath of officer

124.42 Every person appointed pursuant to section 17, 124.3 or 124.31 shall take an oath of office in Form C.

11 Feb 2000 SR 5/2000 s3.

Nominations

124.5(1) At least 10 days before nomination day, the returning officer shall publish a notice in Form D calling for nominations for the vacancies to be filled by election.

(2) With respect to a conseil d'école, a notice is to be:

- (a) published in at least one issue of a newspaper that has a local circulation within the attendance area;
- (b) posted in the office of the returning officer;
- (c) posted in a conspicuous public location in the building that is the headquarters of the conseil scolaire;
- (d) posted in at least five conspicuous public locations within each attendance area; and
- (e) posted in the fransaskois school for which the election is being held.

11 Feb 2000 SR 5/2000 s3.

Nomination paper

124.51(1) A person meeting the requirements of section 134.2 of the Act may be nominated as a candidate for election by filing personally, or by agent, with the returning officer or nomination officer on the days and during the hours specified in section 124.6 of these regulations a nomination paper on Form E.1 (front) that is:

- (a) to be signed by at least three voters who are parents of children enrolled at the fransaskois school for which the nomination for the conseil d'école is made;
 - (b) to state the name and address of the person nominated;
 - (c) to state the name and address of each nominator; and
 - (d) to contain the candidate's acceptance of nomination statement on Form E.1 (back).
- (2) No nomination is valid unless the candidate's acceptance of nomination statement is signed by the person nominated and witnessed by two people.
- (3) Nomination papers filed with the returning officer or nomination officer are public documents.

11 Feb 2000 SR 5/2000 s3.

Procedure re nomination paper

124.52(1) Only one person is to be nominated for election on each nomination paper.

(2) A voter who is the parent of a child enrolled at the fransaskois school for which the election is being held may sign the nomination paper of more than one person.

(3) No candidate shall nominate himself or herself.

(4) No proceedings taken pursuant to these regulations with respect to the nomination of any candidate are invalid for informality where there has been substantial compliance with these regulations.

(5) The onus to file a bona fide nomination paper is on the person nominated for election.

(6) Following the election, the secretary-treasurer of the conseil scolaire shall retain all completed nomination papers in accordance with section 82.

(7) Where the secretary-treasurer of the conseil scolaire was not appointed as the returning officer, the returning officer shall deliver all completed nomination forms to the secretary-treasurer of the conseil scolaire.

11 Feb 2000 SR 5/2000 s3.

Nomination day

124.6(1) Subject to subsection (3), nomination day is the first Wednesday in October in each year.

(2) The returning officer or nomination officer shall receive nominations for candidates between 9:00 a.m. and 4:00 p.m. on nomination day and during normal office hours from the date of posting of the call for nominations until nomination day.

(3) In the case of the first election of a conseil d'école or of a by-election, nomination day is the day fixed as nomination day by the conseil scolaire.

11 Feb 2000 SR 5/2000 s3.

Receipt of nomination papers

124.61 Where a nomination paper is filed with the returning officer or nomination officer within the time specified in section 124.6, the returning officer or the nomination officer shall, where, he or she is satisfied that the form is complete, issue a receipt to the candidate in Form F.1 and deliver a copy of the receipt to the candidate or his or her agent.

11 Feb 2000 SR 5/2000 s3.

Nominations equal to vacancies

124.62(1) Where the number of candidates in nomination for a position of parent representative for a conseil d'école on the close of the period for withdrawal of nominations equals the number of positions to be filled for parent representatives, the returning officer shall declare the persons nominated to be elected, and there shall be no election with respect to that conseil d'école for parent representative positions.

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(2) Where there is only one candidate in nomination for the position of community representative for a conseil d'école on the close of the period for withdrawal of nominations, the returning officer shall declare the person nominated to be elected and there shall be no election with respect to that conseil d'école for a community representative.

11 Feb 2000 SR 5/2000 s3.

Nominations less than vacancies

124.7(1) Where the number of candidates remaining in nomination for either category of membership for a conseil d'école on the close of the period for withdrawal of nominations is insufficient, the returning officer shall declare the candidates in nomination to be elected and promptly give notice in Form G calling for further nominations for the remaining vacancies for the category, as the case may be, to be received by the returning officer or nomination officer:

- (a) between 9:00 a.m. and 4:00 p.m. on the 6th day following the date of the close of the period for withdrawal of nominations; and
- (b) during normal office hours from the close of the period for the withdrawal of nominations until the close of nominations pursuant to clause (a).

(2) Where an insufficient number of candidates remain in nomination in either category of membership for a conseil d'école after the second call for nominations, the conseil scolaire shall, at its next meeting, provide for the holding of a by-election to fill any vacancy in either or both categories.

11 Feb 2000 SR 5/2000 s3.

Notice of poll

124.71(1) Subject to subsection (2), where more than the number of persons required for either or both categories of members of a conseil d'école remain in nomination at the close of the period for withdrawal of nominations or after the second call for nominations, the returning officer shall give notice in accordance with subsection 124.5(2) in Form H that a poll is to be held on the fourth Wednesday in October in that year.

(2) In the case of the first election of a conseil d'école or of a by-election, the poll is to be held 21 days after the date fixed as nomination day pursuant to section 124.6.

11 Feb 2000 SR 5/2000 s3.

Death of candidate after close of period for withdrawal

124.72(1) Where a candidate for a position of parent representative dies between the close of the period for withdrawal of nominations and the close of the poll and the number of persons then remaining in nomination for the positions of parent representative is:

- (a) less than the number of persons to be elected:
 - (i) the returning officer shall declare the remaining candidates to be elected; and
 - (ii) the conseil scolaire shall, at its next meeting, provide for the holding of a by-election to fill the remaining vacancies;

- (b) equal to the number of persons to be elected, the returning officer shall declare the remaining candidates to be elected; or
 - (c) greater than the number to be elected, the name of the deceased candidate must be removed from the ballot, or, if the ballots have already been printed, the returning officer shall cause notice of the death of the candidate to be posted in a conspicuous place in every polling place affected, and the election shall proceed as if the deceased candidate had not been nominated.
- (2) Where a candidate for the position of community representative dies between the close of the period for withdrawal of nominations and the close of the poll and one or more persons then remain in nomination for the position of community representative:
- (a) the returning officer shall declare an abandonment of the poll and cause a notice of abandonment of poll to be given in accordance with section 29; and
 - (b) the conseil scolaire shall, at its next meeting, provide for the holding of a by-election to fill that office.
- (3) Where a candidate in a by-election dies between the close of the period for withdrawal of nominations and the close of the poll and one or more persons then remain in nomination:
- (a) the returning officer shall declare an abandonment of the poll and cause a notice of abandonment of poll to be given in accordance with section 29; and
 - (b) the conseil scolaire shall, at its next meeting, provide for the holding of another by-election to fill that office.

11 Feb 2000 SR 5/2000 s3.

Form of ballot

124.8(1) Every ballot used in an election must be in Form J.1 and:

- (a) must be printed on good quality paper;
- (b) must state the number of persons required to be elected;
- (c) must contain the names and occupations of all duly nominated candidates arranged in alphabetical order of their surnames and, in the case of two or more candidates having the same surname, in alphabetical order of the initial of their given names;
- (d) where two or more candidates have the same surname and given names, may state, at the request of either candidate, his or her address;
- (e) where a candidate requests, must show in brackets a name by which he or she is commonly known;
- (f) must not indicate in any manner that a candidate has at any time held office as a member in either category; and

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- (g) must bear on the back:
 - (i) the name and address of the printer who printed the ballot; and
 - (ii) a rectangle, at the top of which must be printed 'D.R.O. initials'.
- (2) Different types of ballots must be used for the voting for each of parent representatives and community representative and each type of ballot may be of a different size or colour.

11 Feb 2000 SR 5/2000 s3.

Poll book

- 124.81(1)** The poll book must contain a sufficient number of columns to accommodate the requirements of the election.
- (2) Notwithstanding subsection (1), the deputy returning officer shall fasten together voter registration forms for use as a poll book, and when the forms have been fastened together, those forms are deemed to be the poll book.

11 Feb 2000 SR 5/2000 s3.

Duration of poll

- 124.82(1)** Subject to subsections (2) and (3), polls are to be kept open from 10:00 a.m. to 8:00 p.m. on election day.
- (2) Where the conseil scolaire establishes a poll pursuant to section 9, the conseil scolaire may determine the times during which the poll is to be kept open, but the poll must be kept open for at least two consecutive hours.
- (3) If, at the hour fixed for the closing of the polls, there are persons in the polling place who are entitled to vote and who have not yet voted, the deputy returning officer shall permit only those persons to vote.

11 Feb 2000 SR 5/2000 s3.

Duties prior to opening of poll

- 124.9(1)** The deputy returning officer shall attend at the polling place at least 30 minutes before the time fixed for the opening of the polling place for voting.
- (2) Prior to the opening of the polling place for voting, the deputy returning officer shall:
 - (a) on the request and in the presence of the representatives of candidates and voters entitled to be present in the polling place during the hours when voters may vote, count the ballot papers intended to be used at the polling place;
 - (b) cause the printed directions for voters mentioned in clause 34(b) to be posted at the entrance to, and in every voting compartment of, the polling place; and
 - (c) provide a black lead pencil in each voting compartment of the polling place.

11 Feb 2000 SR 5/2000 s3.

Oath of office, secrecy

124.91(1) Every election official appointed to act at an election shall, before entering on the duties of his or her office, take an oath of office in Form C.

(2) Every candidate and agent authorized to attend at a polling place or at the counting of the votes shall, before entering on his or her duties, take an oath of secrecy in Form K.

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

11 Feb 2000 SR 5/2000 s3.

DIVISION 4
Procedures While Poll is Open

Voter registration form – conseil d'école

124.92 A person who wishes to vote shall:

- (a) complete, or cause to be completed, a voter registration form in Form M.1 obtained from the deputy returning officer at the polling place; and
- (b) deliver the completed form to the deputy returning officer.

11 Feb 2000 SR 5/2000 s3.

PART XI
Repeal and Coming into Force

R.R.S. c.E-0.1 Reg 16 repealed

125 *The Conseils Scolaires Election Regulations* are repealed.

20 Nov 98 cE-0.2 Reg 4 s125.

