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## 2 ELECTIONS

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The following chapter includes essential information regarding election processes. Several forms will be referenced throughout this section. You can find PDFs of necessary election-related forms on the Saskatchewan Conservation and Development Association Inc.'s (SCDA) website, [www.scdca.ca](http://www.scdca.ca) or by contacting the SCDA.

### 2.1 LEGISLATION – CONSERVATION AND DEVELOPMENT AREA AUTHORITY (CAA)

- *The Conservation and Development Act (C&D Act)*
- *The Conservation and Development Regulations (C&D Regs)*

### 2.2 FORMS LIST

- AC-314 Notice of Nominations for Members of Area Authority
- AC-315 Nomination Paper for Member of Area Authority
- AC-316 Nomination Report
- AC-317 Notice of Poll
- AC-318 Abandonment of Polling
- AC-319 Form of Oath
- AC-320 Poll Book
- AC-321 Voter Form of Oath
- AC-322 Directions for the Guidance of Voters
- AC-323 Form of Declaration of Voter
- AC-324 Offences and Penalties
- AC-325 Statement by Deputy Returning Officer
- AC-326 Result of Election by Deputy Returning Officer
- AC-327 Declaration by Returning Officer
- AC-328 Declaration by Member of Area Authority
- AC-329B Guide for Returning Officer - Procedures to Receive Nominations
- AC-330B Guide for Returning Officers - Triennial Elections - Procedures for a Poll
- AC-412 (A & B) Power of Attorney

### 2.3 FIRST ELECTIONS

The first election occurs after establishing a CAA and adheres to the same principles as the triennial elections. Therefore, the subsequent content will serve as a comprehensive overview of the election protocols, highlighting any necessary procedure variations.

SCDA offers comprehensive, step-by-step guides for the entire first election process. Access to PDF versions of these procedures are available by contacting SCDA or visiting the SCDA website at [www.scdca.ca](http://www.scdca.ca). In the case of any election, whether first or triennial, SCDA/Water Security Agency (WSA) will play an active supporting role in assuring you have all the resources you need for success.

## 2.4 TRIENNIAL ELECTIONS

The Secretary-Treasurer is the Returning Officer (RO) for your CAA's triennial elections (*C&D Regs*, Section 11). It is recommended that an official resolution appoint the Secretary-Treasurer, and meeting minutes of the resolution are available if contested.

SCDA will inform the RO of your upcoming duties and provide step-by-step instructions. The following information is for general reference.

## 2.5 NOMINATIONS

The following summarizes the nomination process detailed in the Guide for Returning Officer, AC 329(b). Please note that the *C&D Regs* have not been amended since 1965. Various section numbers of the *C&D Act* have changed; these section number changes will not be corrected in the *C&D Regs* until the complete *C&D Regs* are amended. The 1984 nominations and election process will be based on the 1965 *C&D Regs*.

### 2.5.1 Nomination Process

1. Triennial elections will be held in the third calendar year (*C&D Regs*, Section 10 (1)).
2. If the number of nominations exceeds the number of vacancies, an election shall occur on the following third Monday of November that year (*C&D Regs*, Sections 10 (2)).
3. The Secretary-Treasurer shall be the RO for triennial elections (*C&D Regs*, Section 11)
4. The RO shall undertake the following at least four weeks before the third Monday of November (*C&D Regs*, Section 12):
  - Publish a notice in Form E (Form AC 314) by inserting such notice in one (1) issue of the newspaper circulating in the Area. In some cases, the Area Authority can request the RO to place the notice in more than one (1) newspaper.
  - Post a copy of the notice in at least three (3) places accessible to the public and, in some cases, additional notices in a city, town, village or hamlet.
    - i. The notice shall state:
      1. The RO will receive nominations for fourteen (14) days after the date specified in the notice.
      2. The number of vacancies.
5. A nomination shall be in Form F (Form AC 315) and signed by at least two (2) persons qualified to vote in the electoral division; if there are electoral divisions. The candidate being proposed can come from anywhere in the Area. The candidate must be eighteen (18) years of age and an owner or occupant of land within the Area. The candidate could thus be a renter. The nominators must come from the applicable electoral division. (\*The nominators must be eighteen (18) years of age and eligible to vote in a CAA election (*C&D Regs*, Section 9)). The candidate is limited to where they vote as described in *C&D Regs*, Section 13.
6. Immediately after the time for nominations has elapsed and where the number of nominations do not exceed the vacancies in an electoral division (*C&D Regs*, Section 14), the RO must:
  - Declare persons nominated as duly elected.
  - Provide the department with the nomination report Form AC 316.
7. When the number of nominations for an electoral division is less than the number of vacancies, the vacancies shall be filled by appointment:

- If a majority Board is elected, the Board may make appointments to fill the vacancies (*C&D Act*, Section 6(1)).
- The Minister shall fill the vacancies if there is less than a majority Board. The elected Board directors usually recommend names to the Minister to fill the electoral vacancies (*C&D Act*, Section 6(2)).
- Every director elected shall, within fifteen (15) days after being elected, make a Declaration of Acceptance of Office-Form AC 328 (*C&D Regs*, Section 53). The CAA is responsible for retaining the completed Declaration in their files.

If an election is to be held, contact the SCDA or the WSA regional office as soon as possible.

### **2.5.2 Procedure When Duly Called First or Triennial Elections Do Not Fill Board Vacancies**

*When the number of nominations received is less than the required number of members to form an Area Authority:*

- 1) If the total number of nominated Board directors is sufficient to constitute a quorum (more than 50% of required directors), they shall, at a regular or special Board meeting, appoint an eligible person(s) to fill the vacancy(s). The appointments shall take effect after January 1<sup>st</sup> (*C&D Regs*, Section 14(1)).
- 2) When the total number of nominated Board directors is less than 50% of the required directors, they shall request the Minister of Agriculture to fill the vacancy(s) by appointment. Nominated Board directors can make suggestions to the Minister (*C&D Regs* Section 14(2) and Section 6(2)).
- 3) The appointed Board director(s) shall complete the “Declaration by Member,” Form AC 328, before a Commissioner for Oaths. The completed Declaration is to be retained in the CAA’s file.

### **2.5.3 Resignations (Existing Board Members)**

*The CAA may replace a Board director because of death, resignation, or otherwise.*

- 1) In the case of a resignation, it will be necessary for the CAA to pass a resolution accepting the written resignation of the departing Board director.
- 2) At a regular or special meeting, the CAA shall appoint a person qualified to fill the vacancy for the remainder of the term (*C&D Regs*, Section 6(1) and *C&D Act*, Section 17).
- 3) The appointed Board director shall complete the “Declaration by Member” Form AC 328 before a Commissioner for Oaths. The completed Declaration is to be retained in the CAA’s file.

## **2.6 POLL PROCESS**

*Refer to the C&D Regs for the official description of responsibilities.*

### **2.6.1 Persons Entitled to Vote**

Eligible voters for the election must be at least eighteen (18) years old and fall into one of the following categories: landowners in the Area, guardians of landowners under eighteen (18) years old, executors or administrators of an owner's estate, or agents with general or specific powers of attorney for dealing with the land. These eligible voters can participate in the election only once, except for voting in a representative capacity as described in clauses (b), (c), or (d) of the *C&D Regs*, Section 9(1).

In cases where an area is divided into electoral divisions, voters owning land in multiple divisions have specific rules to follow. The voter should vote in the division they reside in. If they don't reside in any of these divisions, they should vote in the division with the most quarter sections of land they own. If there's no such division, they should vote in the division that comes first in numerical or alphabetical order.

If a representative casts a voter's vote, that representative is restricted to voting in the electoral division, where the voter can vote based on the provided criteria.

The regulations do not allow a spouse to vote unless the spouse is a landowner on the land title.

Hamlet, village, town, and other urban residents are excluded from voting. The *C&D Act* was established for the conservation and development of agricultural lands. Hamlets, villages, towns, and other urban areas are residential and not considered agricultural land. The *CAA* should not levy lands within urban areas.

### **2.6.2 Returning Officer (RO) Not to Refuse Anyone to Vote**

The RO should not refuse anyone to vote. It is up to the person challenging that voter to prove they are not eligible to vote. The RO can inform voter eligibility.

For example, a person coming to vote asks, "Can my spouse vote?" The RO replies, "The *C&D Act* says that an owner does not include the spouse." If the person then says, "Well, my spouse will vote anyway." The RO could reply, "Well, that is up to you."

It is then up to the person challenging that voter to prove they should not have voted. A RO should not refuse to let anyone vote. According to the *C&D Act*, the description covers lessee and crown lessees.

### **2.6.3 Items Required for Poll**

- Ballots, ballot boxes, and two seals per ballot box
- Copies of Declaration of Voter - AC 323
- Poll book
- Copies of direction for voters – AC 322
- Copies of offences and penalties – AC 324
- Bible
- Oath AC 321

For poll closure:

- AC 325, 326, 327
- Envelopes for ballots

#### **2.6.4 Proceedings at the Poll**

*Make special note of the following:*

1. A no-voters list is required.
2. Poll open 9 a.m. to 5 p.m. MST (10:00 a.m. to 6:00 p.m. Saskatchewan time).
3. Voters must sign Declaration *Form J (AC-323)*.
4. Voters may be required to swear the prescribed oath.
5. Presentation of the ballot to voters.
6. Recovery of the ballot from voters.
7. Ballots presented but not used.
8. Mutilated Ballots.

##### **2.6.4.1 RO Duties at the Poll**

The RO must (*C&D Regs*, Section 19):

1. Procure an adequate supply of ballots for the election, which can be printed, written, or a combination.
2. Provide suitable ballot boxes for each polling place. These ballot boxes should be made of durable material, equipped with two appropriate metal seals, and designed to prevent the removal of ballots without breaking the seal.
3. Supply printed directions for voters in conspicuous locations and in legible characters, following Form I.
4. Acquire forms for the Declaration of a Voter, as per Form J.
5. Obtain forms detailing offences and penalties (*C&D Regs*, Section 61).

##### **2.6.4.2 Ballots**

The ballots for the election of area authority members must (*C&D Regs*, Section 20):

1. List the nominated persons for the electoral division alphabetically by surname.
2. Follow the specified form presented in Section 20 of the *C&D Regs*.

##### **2.6.4.3 Duties of the Deputy Returning Officer (DRO)**

1. The RO must appoint a DRO for each polling place before the start of the poll. Before the poll starts, the RO must provide each DRO in a polling place with (*C&D Regs*, Section 21):
  - Ballots for the electoral division and necessary materials.
  - Declaration of a voter forms.
  - A ballot box and two metal seals.
  - A poll book (*C&D Regs*, Section 22).
  - A form of direction for voter guidance.

- Forms that detail the offences and penalties (*C&D Regs*, Section 61).
2. The DRO must arrive at the assigned polling place before the poll's scheduled opening time (*C&D Regs*, Section 24).
  3. Each polling place must have a private area for voters to mark their ballot without being observed. The DRO must ensure this (*C&D Regs*, Section 25).
  4. Before the poll opens, the DRO must post voting instructions inside the voting area and display information about offences and penalties outside the entrance (*C&D Regs*, Section 26).
  5. When the poll officially opens, the DRO announces it and receives votes for area authority candidates (*C&D Regs*, Section 27).
  6. The following people can be present in a polling place during voting hours: the RO, DRO, poll clerk, candidates, one agent per candidate, and voters or those waiting to vote (*C&D Regs*, Section 28).
  7. One agent per candidate can be present during voting or vote counting, and the agent must present written authorization as a candidate's agent to the DRO (*C&D Regs*, Section 29).
  8. When a voter arrives at the polling place to vote for area authority members, the DRO will ask them to sign a declaration form (Form J) before giving them a ballot (*C&D Regs*, Section 30 (1)).
  9. If someone signs the Declaration of Voter form and provides false information, they commit an offence and can be held accountable (*C&D Regs*, Section 30 (2)). The DRO has the authority to administer an oath to a voter at the DRO's discretion if they find it necessary, or if requested by a candidate or their agent, they must do so (*C&D Regs*, Section 31).
  10. When a voter takes the oath or affirmation, the DRO or poll clerk will mark 'sworn' or 'affirmed' in the appropriate column of the poll book (*C&D Regs*, Section 32).
  11. If a voter is required to take the oath or affirmation but refuses, the DRO or poll clerk will note 'refused to swear' in the poll book. The voter cannot vote, must leave immediately, and cannot re-enter the polling place for any reason on election day (*C&D Regs*, Section 33).
  12. After recording the necessary details of a voter in the poll book, the DRO will initial the back of the voter's entitled ballot and hand it to the voter (*C&D Regs*, Section 34).

13. Upon request, the DRO must concisely explain the proper voting method to the voter, personally or through the poll clerk (*C&D Regs*, Section 35).
14. If a voter cannot mark their ballot due to a physical condition, the DRO will assist in marking the ballot as directed by the voter in front of witnesses and then place it in the ballot box (*C&D Regs*, Section 36).
15. Anyone who votes more times than allowed by these rules will be fined (*C&D Regs*, Section 37).
16. When a voter receives a ballot in the polling booth, it's considered evidence that they have voted at that time (*C&D Regs*, Section 38).
17. When a voter receives a marked ballot from the DRO, they should:
  1. Go to a designated compartment.
  2. Mark the ballot by placing an "X" next to their chosen candidate's name.
  3. Fold the ballot to hide candidate names and reveal the DRO's initials.
  4. Exit the compartment.
  5. Hand the folded ballot to the DRO without showing it to others.
  6. Watch the DRO deposit the ballot in the ballot box.
  7. Leave the polling place.

In the presence of all eligible observers, the DRO verifies their initials on the ballot and places it in the ballot box without revealing any candidate choices. After a voter's ballot is placed in the ballot box, the DRO or poll clerk notes "voted" in the poll book next to the voter's name (*C&D Regs*, Section 39).

18. During a voter's time in a voting compartment, no one can enter or be able to watch how the voter marks their ballot.

Once a person receives a ballot from the DRO, they cannot leave the polling place with it. If someone who received a ballot leaves the polling place without giving it back to the DRO (*C&D Regs*, Section 40):

1. They lose their right to vote.
  2. The DRO notes in the poll book that the voter received a ballot but took it out of the polling place or returned it declined, as the case may be.
19. If a person receives a ballot but chooses not to vote, the DRO will write "refused" on the ballot and keep it (*C&D Regs*, Section 41).
20. A person who believes they can vote but has accidentally made their ballot unusable can exchange it for a new one by giving the unusable ballot to the DRO. The DRO will mark "cancelled" on the returned ballot and retain the ballot with the supplied voting materials (*C&D Regs*, Section 42).

### **2.6.5 Proceedings at Close of Poll**



1. Doors close at 5 p.m. MST (6:00 p.m. Saskatchewan time); however, voters who are inside the polling station may vote (*C&D Regs*, Section 43).
2. Once all voters present have voted, the DRO will open the ballot box in the presence of the poll clerk and any candidate or candidate agent present (*C&D Regs*, Section 44 (1)):
  - count votes
  - take note of objections
  - enter objections and vote counts into poll book statement – AC 326
  - copy of statement AC 326 for RO and others
  - make separate packages and seal
    - o ballots counted
    - o ballots rejected
    - o ballots unused or refused
  - prepare statement AC 325 and place it in the poll book
  - insert all three packages plus poll book in the ballot box and seal
3. During the counting of the votes, the DRO must reject any ballot that (*C&D Regs*, Section 44 (2)):
  - Lacks the DRO initials.
  - Contains an incorrect number of votes for the available positions.
  - Contains markings that identify the voter.
  - Is damaged or tampered with in a way that could reveal the voter's identity, except as specified in subsection (3).
4. The DRO may opt not to reject a ballot if they are satisfied that:
  - Lacks the required DRO initials.
  - The DRO provided the ballot.
  - The absence of the DRO initials is legitimate.
  - The DRO has correctly accounted for all the ballot papers supplied to them by the RO.

If these conditions are met, the DRO, in the presence of the poll clerk and any candidates or their candidate agents, will add their initials to the ballot and include it in the count as if it had been initialed correctly (*C&D Regs*, Section 44 (3)).
5. The DRO delivers the sealed ballot box plus a copy of statement AC 326 to the RO (*C&D Regs*, Section 45).
6. The procedure to follow in a tie is listed in *C&D Regs*, Section 47.

### **2.6.6 General Provisions**

1. The rights of the candidate are listed in *C&D Regs*, Section 56.
2. Oath by RO and Other Election Officials – AC 319

Before they start their election duties, every RO and other election officials must swear an oath as on Form AC 319, administered by an authorized person in the province (*C&D Regs*, Section 58).

3. Duties of RO and penalties, outlining rules for maintaining the secrecy of voting (*C&D Regs*, Section 59):
  1. All officials at a polling place must ensure and support the secrecy of voting.
  2. No one, including officials, may attempt to determine a voter's choice.
  3. Officials cannot share information about a voter's choice.
  4. Officials at the vote count must also keep the voting secret.
  5. It's not allowed to make a voter reveal their voting choice.
  6. Breaking these rules is an offence and can result in up to six months in jail, a fine between \$50 and \$500, or both.
  
4. If voters show their marked ballot to reveal their choices to others, they can be fined (*C&D Regs*, Section 60).
  
5. This passage outlines several actions that are not allowed during an election:
  1. Giving a ballot to someone without the proper authorization.
  2. Placing anything other than an authorized ballot into the ballot box.
  3. Taking a ballot out of the polling place.
  4. Unauthorized tampering with a ballot box or ballot packets.
  5. Requesting a ballot in someone else's name or helping someone do so unless you genuinely believe you're entitled to vote.
  6. Trying to vote more than once or helping others do so in the same election.
  7. Voting in more than one electoral division.

Breaking these rules is a crime, and the consequences vary depending on the role of the person involved (*C&D Regs*, Section 61).