

ELECTIONS SASKATCHEWAN  
CHIEF ELECTORAL OFFICER'S DISCUSSION PAPER

# Resolving the Municipal/Provincial Election Timing Problem in Saskatchewan

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# Executive Summary

Elections are held across Canada at regular intervals to allow citizens to democratically elect municipal, provincial and federal governments. Because of legislation introduced over the past 15 years, the exact timing of every election occurring in Saskatchewan is scheduled in law.

Following Saskatchewan's 2016 provincial election, the dates for the next provincial election and municipal elections were set to be less than a week apart in the fall of 2020. In April 2017, I published an initial version of this paper, pointing out the pending conflict and offering recommendations to avoid it in 2020 and thereafter. This specific outcome was avoided in October 2018 when slight changes were made to the dates of each election, introducing slightly more space between the two events but not offering a permanent resolution.

In the fall of 2020, Saskatchewan's provincial and municipal elections were held two weeks apart – on October 26 (provincial) and November 9 (municipal). While this was an improvement over the original scenario, it still meant significant overlap in election periods. Unfortunately, the currently legislated schedule for provincial and municipal elections will continue to overlap in the fall of 2024 and every four years thereafter. The next provincial election will be held on October 28, 2024. Municipal election day is scheduled for two weeks later, on November 13, 2024.

The Fall 2024 municipal/provincial election timing conflict should be legislatively addressed to prevent major administrative challenges, public confusion, uncertainty about jurisdictional responsibility for political issues and an overall increase in election costs. Quite simply—it is not administratively responsible that the election periods for any jurisdictional levels overlap. This reality has been legislatively addressed in relation to conflicts in the timing of federal and provincial elections, but not in relation to municipal election timing.

While offering important background information, this paper also recommends a solution. **I am recommending that municipal election day be moved to May beginning in 2024 and every four years thereafter.**

My belief is that the public interest is best served if federal, provincial, and municipal elections are separated by no less than four months — the recommendation contained within would result in that arrangement with immediate effect. While 2024 may seem a distant future, steps should be taken soon to clarify the timing of provincial and municipal elections. Planning for an election takes years and the sooner there is certainty, the better it will be for all stakeholders.



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# 1.0 Introduction

Traditionally in Saskatchewan, provincial and municipal elections have been held in different years, or at the very least, different times of the year. This was not the case last fall when Saskatchewan's provincial general election and municipal elections were held just two weeks apart. That was not the first time these elections had overlapped – it happened in 1991 and again in 2003.

It has been stated in the media that there is not a problem with having two elections so close together. Elections Saskatchewan does not have data or evidence to prove or disprove this from elections held several decades ago, but it does have data from surveys conducted in the fall of 2020. This data shows that a significant number of voters were confused about whether the issues were provincial, or municipal and more than half of survey respondents believe there should be more time between these two types of elections.

There is already a solution in place to prevent provincial and federal election periods from overlapping. This paper argues that an overlap of provincial and municipal elections should not happen either. A provision in *The Legislative Assembly Act, 2007* automatically moves Saskatchewan's provincial election to the following April should it overlap with the writ period of a federal election. When this specific legislative amendment was introduced, then-Justice Minister Don Morgan said that it was the government's view that overlapping elections could "...create unacceptable confusion in the electorate and that it will undermine the democratic process for each of the federal and provincial campaigns."<sup>1</sup> I believe the same argument can be made for not having overlapping provincial and municipal campaigns, and moving forward, these two elections should be moved further apart on the calendar.

The problems of overlapping election periods were not a surprise. In May 2017, I published an initial version of this paper that identified the issue and proposed three solutions.<sup>2</sup> The next year, Saskatoon StarPhoenix columnist Phil Tank published several columns discussing the pending issue and pointing out the various potential issues that come with having the two votes so close together.<sup>3</sup>

This paper includes information on election timing at all three levels of government, provides evidence for why elections should not be held in competing jurisdictions at the same time and offers a recommendation to avoid this problem moving forward.

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<sup>1</sup> Saskatchewan, Legislative Assembly, *Hansard*, 27th Leg, 1st Session, No 9A (March 5, 2012) at 288.

<sup>2</sup> A news release and a copy of the original paper can be found on the Elections Saskatchewan website here: <https://www.elections.sk.ca/media/news-releases/pending-overlap-between-scheduled-municipal-and-provincial-election-dates/>.

<sup>3</sup> See, for example, "Brace yourself for vote-apalooza in 2020, Saskatoon" by Phil Tank, *Saskatoon StarPhoenix*, March 19, 2018 or "Sask's fixed election law is in need of fixing," by Phil Tank, *Saskatoon StarPhoenix*, August 2018.

## 2.0 The Problem of Overlapping Elections

While both the October 26 provincial election and November 9 municipal elections were completed with the results publicly and politically accepted, survey data found that more than half of respondents thought that elections should not be held so close together and a significant number said they were confused about overlapping issues and candidates.

### Survey research in the fall of 2020 found that:

- 55 percent of respondents thought there should be more time between provincial and municipal elections (preferably a calendar season)
- 21 percent of voters were confused because of the arrangement of election dates.

Unless provincial law is changed, Saskatchewan's municipal and provincial election campaign periods will continue to overlap in 2024 and every four years thereafter. Our next provincial election is legislated to occur on Monday, October 28, 2024. Municipal election day is statutorily scheduled for Wednesday, November 13, 2024.<sup>4</sup> This is similar to the dates from the fall of 2020, where provincial election day was Monday, October 26 with municipal election day being Monday, November 9. This overlap would continue to occur every four years unless permanently resolved.

That arrangement, with two weeks between elections, was, in fact, an improvement over the original legislated dates, which would have seen municipal elections held on Wednesday, October 28, 2020, and provincial election day falling less than a week later, on Monday, November 2. In such a scenario, provincial advance voting would have been taking place on municipal election day. In May 2017, the Chief Electoral Officer released an earlier version of this discussion paper which addressed this issue and offered three options to resolve the overlap for the long term.

This specific set of dates was changed in late-October 2018 when legislation was brought forward to add more space (14 days) between provincial and municipal elections.<sup>5</sup> However, the elections, including candidate nomination periods, continued to experience significant overlap.

Data from surveys conducted by Elections Saskatchewan in the fall of 2020 found that nearly 55 percent of voters thought that there should be more time between the two election dates – preferably a calendar season (e.g., one election held in the spring and the next election held in the fall). 21 percent of voters said that they were confused about which candidates were running provincially versus municipally and a similar percentage said that they were confused as to whether issues being discussed were relevant locally or at the provincial level. Survey respondents also reported confusion on where to vote and whether they were registered to vote in advance of attending a polling station.

Conducting elections in Saskatchewan in mid-November can also be risky in terms of the arrival

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<sup>4</sup> The provincial election date is set in *The Legislative Assembly Act, 2007* while the date for municipal elections is set within *The Local Government Election Act, 2015*.

<sup>5</sup> While this partially resolved the problem by adding slightly more time between the two election dates, it was not on the CEO's recommended solutions and did not prevent overlapping campaign periods.



of winter weather. On November 9, 2020, municipal election day, parts of the province were hit by record-setting snowfall. This storm forced the Minister of Government Relations to issue an Order allowing a municipality's returning officer to postpone elections if needed.<sup>6</sup> The City of Swift Current opted to cancel voting on November 9 and move election day to November 12. The City of Saskatoon also chose to postpone its election, closing polls at 6:30 p.m. on election day and reopening them on November 13. Turnout in Saskatoon's election ended up being the lowest in two decades, with just 27.4 percent of voters choosing to cast a ballot.<sup>7</sup>

Beyond these specific examples, there are a variety of administrative concerns for election administrators. The same voting locations (e.g., public schools, community halls) and temporary election workers (10,000+ required provincially) will be sought at both jurisdictional levels. Because of public messaging overlaps and conflicts, voter education efforts will be compromised — less effective messaging will result in a less informed voting public. As mentioned above, about 15 percent of voters surveyed were confused as to where to vote either provincially or municipally. It's also possible that, if provincial and municipal elections are separated by enough time, that election administrators could more effectively collaborate, resulting in savings at both levels of government. Elections Saskatchewan will explore this possibility as part of its Voting Service Modernization Initiative, which is designed to introduce technology to the provincial voting process in the form of e-poll books and ballot tabulators.

A report published in June 2021 by Saskatoon's Returning Officer Scott Bastian lists a number of concerns and issues with having election dates so close together. This included receiving vote by mail applications and ballots for the wrong jurisdiction, delays and issues with recruitment and a significant number of questions sent to the incorrect election management body.<sup>8</sup>

Difficulties for candidates and parties can be expected when elections are too close together, with an overlap in demands for campaign volunteers, office rental space, and other campaign resources such as sign printers and advertising space or time. More importantly, many voters will find themselves unsure of which jurisdictional level is responsible for which of the varying political campaign issues that will become topical within the overlapping election period — some of these issues will inevitably "drift" between the two different campaigns. About a fifth of all voters surveyed were confused about who was running at each level and whether issues were relevant at the provincial or municipal level.

Additionally, the next U.S. federal election will occur on November 5, 2024, and the media will likely again be saturated with election news and political advertising of a different sort. A scan of the front page of the Regina Leader-Post from the days after the 2020 provincial election shows little coverage of the pending city vote, with coverage instead focusing on the U.S. presidential election and the incoming provincial government.

Overall, public confusion and general "election fatigue" can easily combine to create negative outcomes for both elections. Voter turnout could be negatively affected. And yet, because of the additional administrative and logistical challenges outlined above, the costs associated with each election could also be greater than if they were held further apart.

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<sup>6</sup> Information on that Ministerial Order can be found online at "Province Introduces Measures to Ensure Local Government Elections Proceed Safely," November 9, 2020.

<sup>7</sup> See, for example, "Turnout in 2020 Saskatoon municipal election lowest in 20 years," David Giles, *Global News*, November 18, 2020.

<sup>8</sup> These issues, and others, can be found in Scott Bastian's 2020 Local Government Election Review Report, June 14, 2021 available at <https://pub-saskatoon.escribemeetings.com/filestream.ashx?DocumentId=138322>.

## 3.0 The Legislative Framework for Municipal, Provincial and Federal Elections

The current legal framework related to municipal, provincial and federal elections, and other factors that are directly related to election timing, determine the range of options available to provide an effective solution to this problem.

### Municipal Election Schedule

Election cycles of four years' duration were enacted for Saskatchewan's 773 municipalities in 2015.<sup>9</sup>

General elections in urban municipalities are held once every four years. The council of an urban municipality has a mayor (elected at large) and at least two councillors. Some urban municipalities are divided into wards and voters elect at least one councillor for each ward.

The council of a rural municipality has a reeve (elected at large) and a councillor for each division. Members of council are elected to four-year terms. General elections in rural municipalities are held every two years, on a rotational basis. Each rural municipality is divided into numbered divisions. *The Local Government Election Act, 2015* requires that elections be held in all even-numbered divisions within the province's 296 rural municipalities, to elect councillors for their first four-year election terms, on Wednesday, November 9, 2022.

Some 411 urban municipalities and all 296 rural municipalities (electing Reeves and councillors representing odd-numbered divisions) had their most recent elections on Monday, November 9, 2020 — the next such elections are legally scheduled for Wednesday, November 13, 2024.

All 25 northern municipalities in the province also had local government elections in the fall of 2020, selecting from various dates permitted in the legislation.<sup>10</sup> Their next elections are to be held in the Fall of 2024.

The province also has 41 resort villages, designated as a special type of urban municipality, and their first four-year term elections were held on Saturday, August 29, 2020. Their next resort village elections are legally scheduled to occur on Saturday, July 27, 2024.

### Provincial Election Schedule

Provincial election cycles of four years' duration, with fixed general election dates, were enacted by the Saskatchewan Legislative Assembly in 2008.<sup>11</sup>

Since that legislation came into effect, three provincial general elections have been held. The first fixed date election occurred on Monday, November 7, 2011, precisely four years following the previous general election of November 7, 2007. However, the next election, the 28th in the

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<sup>9</sup> Saskatchewan Legislature Bill No. 166, *'An Act Respecting Elections in Municipalities and School Divisions and Making Consequential Amendments to Other Acts'*, received Royal Assent on May 14, 2015.

<sup>10</sup> Section 10 of *The Local Government Election Act, 2015* provides Saskatchewan's Northern Municipalities with the option of scheduling their elections every four years on either the second last Wednesday of September, the last Wednesday in September, or the first Wednesday of October.

<sup>11</sup> Saskatchewan Legislature Bill No. 4, *The Legislative Assembly and Executive Council (Fixed Election Dates) Amendment Act, 2007*, received Royal Assent on April 28, 2008.

history of the province, originally scheduled by law to be held on Monday, November 2, 2015, was delayed by five months and held on Monday, April 4, 2016.

This delay was triggered by a legal provision related to preventing an overlap of election periods. Per section 8.1 of *The Legislative Assembly Act, 2007*, if a federal election is underway when a provincial election period is scheduled to occur, that provincial election is automatically rescheduled to occur on the first Monday in April of the following year. However, no similar provision exists to accommodate any pending overlap with municipal elections.

While the potential requirement for an election delay was anticipated within the legislation that sets out fixed dates for provincial general elections, it is important to understand that “regular” election timing provisions automatically go back into effect following each such delay. As of legislative changes made in late-2018, future provincial elections will be held on the last Monday of October in the fourth calendar year after the last general election (October 26, 2020). This makes the date of the province’s next general election Monday, October 28, 2024.

## Federal Election Schedule

Federal general elections are also legally scheduled to occur on a fixed date every four years.<sup>12</sup> Section 51.1 of the *Canada Elections Act* requires national elections to occur on the third Monday in October, in the fourth calendar year following the previous general election.

Despite this law having been in effect since May 2007, only two federal general elections have occurred on their scheduled date. The most recent, held on Monday, October 21, 2019, and the previous election before that, held on Monday, October 19, 2015. Following the dissolution of Parliament in a minority government, a federal election is currently underway and will take place on September 20 of this year.

## Timing of Canadian Public Elections

Since 2001, the Canadian federal level of government, and all provincial jurisdictions except Nova Scotia, have passed legislation fixing election dates. When legislation was being introduced in nine provinces and at the federal level, the policy reasons articulated in support of setting fixed dates focused on the need to ensure elections occur on a regular cycle and underlined the importance of having the date for each forthcoming election be known with certainty by the public and all election stakeholders.

However, Canadian federal and provincial fixed date election legislation continues to provide the Governor General of Canada (on the advice of the Prime Minister of Canada) and the provincial Lieutenant Governors (on the advice of the relevant Premier) with the constitutional power to call a general election at any point before each fixed date. This power was amply demonstrated in the selected timing of both the October 2008 and May 2011 federal elections, as well as the Alberta election of May 2015, Manitoba’s 2019 election and BC and New Brunswick’s 2020 elections. It was also made clear in early 2020 that the Premier of Saskatchewan had the authority to call an election before the legislatively set date.<sup>13</sup>

However, municipal elections do not have any such discretion regarding their timing. This is

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<sup>12</sup> Canadian Parliament Bill C-16, *‘An Act to Amend the Canada Elections Act’*, received Royal Assent on May 3, 2007.

<sup>13</sup> See, for example, “Saskatchewan Premier Scott Moe not ruling out early election,” *The Globe and Mail*, March 11, 2020.

because every province's legislation establishes a strict schedule as to when local government elections are to occur.<sup>14</sup> Within this schedule, considerable variability exists across the country about the length of time permitted between municipal elections. Municipal elections can occur on the same date every two, three or four years depending on which province they are located in.

To find a solution that addresses the problem of the overlap between Saskatchewan's scheduled provincial and municipal elections in the fall of 2024, it is important to recognize that there are several legal constraints that limit the range of available options. It is a constitutional requirement that a provincial election must be held, at a minimum, every five years. As a result, the next provincial election in Saskatchewan must be held not later than the end of October 2025.

Public elections in Canada are traditionally not held (nor legally scheduled to occur) during the summer or winter months. During the summer, it is difficult to conduct an effective political campaign, as many election participants, workers and voters consider it to be their vacation time. During the winter months, the practical difficulties of campaigning and conducting the vote tend to make election logistics extremely challenging, and prevailing weather conditions can severely and negatively impact voter engagement and voting turnout levels. As mentioned earlier in this paper, this risk was realized on municipal election day in November 2020 with severe winter storms in parts of the province that forced election day to be postponed in several centres.

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<sup>14</sup> Municipal election timing across Canada is clearly presented in a chart available online at: [https://www.muniscope.ca/research/municipal\\_facts/Elections/](https://www.muniscope.ca/research/municipal_facts/Elections/)

## 4.0 A Solution to Overlapping Elections

Following careful consideration, it is clear that the legally set schedule for provincial and municipal elections should change—these elections should not be held during the same season.

I recommend that municipal elections in Saskatchewan be moved to May 2024 with elections following in May every four years thereafter.

This recommendation is consistent with a resolution that was put forward to the Saskatchewan Urban Municipalities Association (SUMA) – which was ultimately defeated – proposing that municipal elections be held the second Wednesday in May, every four years.<sup>15</sup>

The Chief Electoral Officer’s recommendation would see elections held on:	
November 9, 2022	Even Numbered Divisions in Rural Municipalities
May 8, 2024	Mayor/councillor in urban municipalities and reeves/odd-number divisions in rural municipalities <sup>16</sup>
October 28, 2024	Saskatchewan’s 30th Provincial Election

In addition, should Canada continue to experience a minority federal government after the next federal election, any overlap with Saskatchewan’s provincial writ period due to an early election is already accounted for in legislation. If Canada were to have a federal election in the fall of 2024 that overlapped with Saskatchewan’s provincial writ period, the provincial election would automatically move to the first Monday in April the following year, which is April 7, 2025.

I did consider other options, including that the provincial election move to April or May 2024. Such a move would be problematic this election cycle due to the impending constituency boundary review process which must convene in 2022. Timelines for implementing new boundaries are very short and it is unlikely Elections Saskatchewan could be prepared to deliver an election under new boundaries by spring 2024.

Moving municipal election dates forward by six months, from November 9, 2024, to May 2024, is a relatively straightforward legislative and administrative change. It should be noted that, while the resolution referenced above was put forward to the Saskatchewan Urban Municipalities Association, it was ultimately defeated. However, as the text of that motion described, such a change would have several administrative benefits for municipalities. These include better alignment with the budgeting process and better-informed council members discussing and debating budget matters.

I am aware that moving rural municipality (RM) elections to the spring may not be a viable option for SARM due to overlap with seeding and other spring work. Given this, and the size/scale of

<sup>15</sup> The text of the defeated resolution can be found online at <https://suma.org/advocacy/resolutions?id=633>.

<sup>16</sup> As noted, if rural municipalities and SARM would prefer to have their elections continue to be held in the late fall, after the provincial election to preserve existing four-year terms and rotating schedule, I would not be opposed.

most rural municipality elections, it would not be a significant problem to have RM elections remain in the late fall. While this would mean there is still an overlap, the impact would likely be very small and easily managed.<sup>17</sup> It would also mean less disruption to the current two-year rotating elections for councillors in even and odd numbered divisions. The table above shows dates with rural municipality elections moving to the spring of 2024; however, if they were to remain on their current schedule, the next round of reeve and odd-numbered divisions would take place on November 13, 2024.

Moving urban municipality elections would solve issues of overlapping election periods provincially and municipally. This would prevent simultaneous advertising campaigns and candidates/ registered political parties from needing to compete with each other for media coverage. It would also mean that election workers, many of whom contribute their time both provincially and municipally (as well as federally), would not be expected to work extremely long days so close together. This would help worker recruitment and retention.

Select municipal officials responsible for election management in larger urban municipalities across the province have been consulted, and they agree that a change of election dates is necessary to avoid the continued election overlap in 2024.<sup>18</sup> In addition, a report issued by the Saskatoon Municipal Review Commission recommended that the City approach the provincial government to discuss legislative amendments that would move municipal elections away from any conflicting election dates.<sup>19</sup>

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<sup>17</sup> While this may seem inconsistent with the recommendation to avoid overlapping election periods, it is consistent with a view expressed by Ray Orb, president of the Saskatchewan Association of Rural Municipalities (SARM) in "Rural municipalities give thumbs down on moving 2020 election" in the *Saskatoon StarPhoenix* on August 27, 2018. In that article, Mr. Orb says of the closeness of the pending 2020 election dates - "Generally, our councillors will campaign without a lot of hoopla...I don't see it as much of a conflict in that sense."

<sup>18</sup> For example, the City of Saskatoon Returning Officer Scott Bastian's review of their 2020 election includes a listing of desired outcomes, one of which is changing the date of the municipal election so that it does not overlap with provincial or federal elections.

<sup>19</sup> A copy of the report issued by the Saskatoon Municipal Review Commission can be found online at <https://pub-saskatoon.escribemeetings.com/filestream.ashx?DocumentId=140045>.

## 5.0 Conclusion

Members of the provincial legislature, on both the Government and Opposition sides of the Assembly, need to be aware of the fall 2024 election timing overlap problem and of my recommendation to resolve it. **By moving municipal elections to May 2024, and every four years thereafter, Saskatchewan voters will not have to go to the polls for two elections in one calendar season.** Candidates and political parties will be able to have the full attention of the media and the voting public without competing with another set of candidates.

This discussion paper is meant to help policy makers understand the problem and describes the logic that underlies the approach that the province's Chief Electoral Officer recommends as the most appropriate solution to best serve the public interest. The solution contained in this paper was originally put forward to SUMA through a policy resolution, and while the resolution was defeated, I believe it remains the best solution to permanently resolve this problem.

Some legislators may ultimately disagree with this recommendation, which was chosen purely for administrative and public participation factors. The Members' debate on whether it would be politically prudent to move municipal elections, or to develop some other type of solution option, is not one that my non-partisan office should become involved with.

After an agreed resolution to the 2024 election overlap problem is determined by Members of the Legislative Assembly, enabling legislation will need to be passed into law. If the resulting legislative amendment affects the timing of the next round of currently scheduled rural municipal elections, set to be held in November 2022, the intent of the new law should be announced at the earliest opportunity.

Should a legislative amendment and solution be passed, the consequential changes to the scheduled dates of municipal or provincial elections need to be effectively communicated to all affected stakeholders. This includes voters, elected municipal representatives, potential municipal and provincial candidates, political parties, municipal election administrators, and media outlets.