



A guide for: municipal returning officers in Alberta

Module 6: voting opportunities

Alberta 

A Guide for Municipal Returning Officers in Alberta – Module 6: Voting Opportunities

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Table of Contents

Voter Eligibility.....	5
Eligibility.....	5
Eligibility in Summer Villages	5
Rules of Residence	5
Proof of Elector Eligibility.....	6
Bylaws with respect to proof of elector eligibility	7
Vouching.....	7
Before Election Day.....	8
Voting Subdivisions	8
Voting Stations	8
Compartments for Voting	9
Ballot Boxes.....	9
Printing of Ballots	9
Names on Ballot	10
Contents of Ballot	10
Form of Ballot	10
Additional Voting Opportunities	11
Advance Votes	11
Special Ballots	12
Elector Assistance.....	15
Elector Assistance at Home	16
Institutional Vote	16
Alternative Voting Equipment.....	17
Module 6 Addendum: Senate Election and Referendum Vote.....	19
Voting Opportunities.....	20

Application of Voting Opportunities to Senate Election and Referendum Vote 20

Voting Opportunities for Acclaimed Jurisdictions 20

Ballots 20

Blind Elector Template 20

Required Poster for Polling Places 21

Special Ballot Considerations..... 21

Voter Eligibility

Returning Officers are encouraged to review the *Local Authorities Election Act* (LAEA) and the sections responsible for voter eligibility, rules of residence and proof of elector eligibility.

LAEA s.47

Eligibility

A person is eligible to vote in a municipal election if the person:

- is at least 18 years of age;
- is a Canadian Citizen; and
- resides in Alberta and the person's place of residence is located in the local jurisdiction on election day.

LAEA s.12(b)

Eligibility in Summer Villages

In the case of a summer village, a person is eligible to vote in a municipal election if the person:

- is eligible to vote under section 47;
- is at least 18 years of age, a Canadian Citizen and is named on a certificate of title as the person who owns property within the summer village; or
- is at least 18 years of age, a Canadian citizen and is the spouse or adult interdependent partner of a person who owns property with the summer village.

LAEA s.48

Rules of Residence

Residence is governed by the following rules:

- A person may be a resident of only one place at a time for the purposes of voting.
- If a person has more than one residence in Alberta, they must designate one place of residence as their permanent residence.

- A residence is the place where the person lives and sleeps and where they intend to return following an absence.
- A person does not lose the person's residence by leaving the person's home for a temporary purpose.

A student who attends an educational institution within or outside of Alberta, temporarily rents accommodation for the purpose of attending an education institution, and has family members who are resident in Alberta and the student resides with them when not attending an education institution, are deemed to reside with those family members.

A person will lose their place of residence if they leave without the intention of returning to their residence within the area.

To help to determine a person's place of residence, the following can be used in order of priority:

- the address shown on the person's driver's license issued on behalf of the Government of Alberta or an identification card issued on behalf of the Government of Alberta;
- the address to which the person's income tax correspondence is addressed and delivered; or
- the address to which the person's mail is addressed and delivered.

LAEA s.53

Proof of Elector Eligibility

Every person who arrives and attends a voting station must be permitted to vote if:

- the person's name appears on the list of electors (if applicable), or
- the person
 - makes a statement in the presence of an officer at the voting station, in the prescribed form (Form 13 – Voting Register - available on Alberta.ca); and
 - produces for inspection proof of identity and current residence, and where a bylaw has been passed under section 53.01, age.

Identification that will be accepted includes the following:

- by producing the number and types of identification required by a bylaw passed under section 53.01, or
- by producing one of the following:
 - one piece of identification issued by a Canadian Government (federal, provincial or local), or an agency of that government, that contains a photograph of the elector and his/her name and the address of the person's residence;
 - one piece of identification authorized by the Chief Electoral Office under the Alberta *Election Act* that establishes the elector's name and current address.

If a voter's identification shows a post office box number as the address instead of a residential or legal address, it can be accepted as verification of current address if it is in reasonable distance to the voting jurisdiction.

The authorized list made available through the Chief Electoral Officer is available at alberta.ca/municipal-elections-overview.aspx .

LAEA s.53.01

Bylaws with respect to proof of elector eligibility

Municipalities may pass a bylaw no later than six months prior to nomination day providing for the number and types of identification that are required to be produced by a person to verify the person's name and current address, and if prescribed by bylaw, the person's age.

The bylaw must provide that the returning officer will accept one piece of identification described in section 53(3)(b). The bylaw must be advertised in accordance with section 53.1 of the LAEA. However, section 158.1 of the LAEA provides for alternate methods of notification if a municipality has passed an advertising bylaw under section 606.1 of the *Municipal Government Act* (MGA).

The number and types of acceptable identification must be included in the notice of election day, as prescribed (Form 7 - available on Alberta.ca).

LAEA s.53(4) – s.53(8)

Vouching

If a voter does not have acceptable identification, but is accompanied by another voter who is entitled to vote at the same polling place and has the appropriate

identification, the voter can be vouched for by that individual using the prescribed form (Form 14 – Statement of Voucher – available on Alberta.ca). The statement sets out that:

- the elector knows the person;
- the elector knows the person resides at the address indicated in the person’s statement; and
- the elector has not been vouched for.

A voter with acceptable identification may only vouch for more than one person if every person the elector vouches for shares the same place of residence.

Scrutineers are prohibited from vouching.

Before Election Day

The following are responsibilities of the returning officer and must be established and completed prior to election day.

LAEA s.36

Voting Subdivisions

The elected authority, by resolution, or, the returning officer if authorized by a resolution, may divide the local jurisdiction into voting subdivisions. These voting subdivisions and their boundaries may be altered prior to the notice of an election being delivered or advertised.

If voting subdivisions are not established, the area or the ward (if applicable) is considered to be one voting subdivision.

LAEA s.37

Voting Stations

The returning officer is responsible for determining and designating the location of one voting station for each voting subdivision. The voting station for the voting subdivision may be outside of the area.

If a situation arises and a voting station is no longer suitable or able to be used on election day, the returning officer will be required to designate another voting station

in the vicinity and is required to post a notice at the original voting station to direct electors to the other station.

An elected authority may pass a bylaw prior to June 30 in the year of a general election allowing the returning officer to designate more than one voting station per voting subdivision and the location of those voting stations for that election.

LAEA s.38

Compartments for Voting

Each voting station must have one or more voting compartments. This is to ensure secrecy of the vote, that the electors are screened from observation, and that the electors may mark their ballot without interference or interruption.

Each compartment is required to have a table or desk for the elector to mark their ballot, as well as a suitable marking instrument such as a pen or pencil. It is important the returning officer or deputy returning officer check the voting compartments throughout the day to ensure the pen or pencil is still in the compartment and the voting screen does not contain any written material that may have been posted by an elector.

To ensure secrecy of the vote, a returning officer may also wish to physically review the entire layout of the voting station prior to opening polls to ensure where an elector is marking their ballot, one cannot walk behind the voting compartment or view the voting compartment from above such as a loft, window or second floor.

LAEA s.39

Ballot Boxes

The secretary is responsible for providing the returning officer with a sufficient number of ballot boxes to be used at each of the voting stations.

The ballot boxes must be made of durable material and constructed so that ballots can be put into the box and cannot be removed unless a seal is broken and the ballot box opened.

LAEA s.41

Printing of Ballots

The returning officer is required to ensure there are a sufficient number of ballots available and to ensure that the printing of all ballots occurs at the expense of the local jurisdiction.

LAEA s.42 & s.84

Names on Ballot

Returning officers are required to ensure a separate ballot is used for all elected offices for which an election is being held. This includes the election of the chief elected official, councillor, and school trustees, unless the municipality uses alternative voting equipment and has passed a bylaw under Section 84 and that bylaw provides for using a single ballot card for all offices referred to in section 42(1).

The returning officer is required to ensure that the names of candidates for each elected office appear on the ballot in the prescribed form (Form 9 – Ballot - available on Alberta.ca).

The second page of the nomination form (Form 4) states how the candidate wishes to have their name printed on the ballot. Returning officers should ensure they reference Form 4 when preparing the ballots.

LAEA s.43

Contents of Ballot

The returning officer is responsible for ensuring each ballot contains the names of each of the candidates nominated for an election, and that the names appear alphabetically in order of surnames. In the case where two or more candidates have the same surname, the names shall appear alphabetically in the order of given name.

An elected authority may pass a bylaw two (2) months prior to election day that provides for the printing of ballots in lots. The procedure is outlined in the *LAEA* and should be consulted when the elected authority has authorized the printing of the ballots in lots.

LAEA s.42

In addition to the names of each candidate, the ballot must include a brief explanatory note describing the maximum number of candidates that can be voted for, as well as a note that clearly indicates a ballot cannot be marked for more than one candidate in the case of the chief elected official.

LAEA s.44

Form of Ballot

In the case where the elected authority has confirmed a vote on a bylaw or question, they must determine, through resolution, the wording to be used on the ballot and

the form of ballot to be used. However, if the elected authority does not determine the form of ballot, the returning officer is required to do so.

Form 9, the form of ballot to be used for elected authorities, is available on [Alberta.ca](https://www.alberta.ca).

Additional Voting Opportunities

This section outlines the legislative options for additional voting opportunities available to municipalities when conducting an election. If it is the desire of the municipality to provide for these opportunities, returning officers should review the relevant sections of the LAEA.

LAEA s.73

Advance Votes

A municipality with a population greater than 5,000 must provide for an advance vote in any municipal election, including by-elections, and a vote on a bylaw or question.

In the case of a by-election in one ward (if a ward system exists), an advance vote must be held if the total municipal population is greater than 5,000.

An elected authority with a population less than 5,000 may, by resolution, provide for the holding of an advance vote on any vote to be held in an election.

In both cases noted above, the returning officer is responsible for determining the date and time of when the advance vote is to be held.

LAEA s.75(1.1)

In the case of a ward system, the returning officer is not required to establish an advance voting station in each ward, but must establish at least one for the municipality.

LAEA s.73(5)

No advance vote may be held within 24 hours of election day.

LAEA s.74

The notice of an advance vote (Form 6 – Notice of Election or Form 7 – Notice of Election and Requirements for Voter Identification – available on [Alberta.ca](https://www.alberta.ca)) must be published at least one week before the date set for the advance vote. This must be published in a newspaper or publication circulating in the area, or by mailing or delivering a notice to every residence at least one week before the date set for advance vote.

LAEA s.158.1

Alternatively, if an advertising bylaw has been established under section 606.1 of the MGA, the provisions of that bylaw may be used for the purposes of advertising the advance vote.

A notice of advance vote may be included in the notice of election day provided that the requirements of both notices have been met.

In the case of a by-election, when the election does not apply to the entire local jurisdiction, the notice can be provided to the ward or voting subdivision within the local jurisdiction where the election is required.

LAEA s.77.1

Special Ballots

Special ballot provisions are established under the LAEA and should be reviewed if it is the desire of the municipality to make special ballots available. The information contained in this section does not include all of the information established under the LAEA, but is designed to provide a summary of the processes associated with special ballots.

An elected authority may, by a resolution passed prior to nomination day, provide for special ballots and provide that applications may be made by any one or more of the following methods:

- in writing;
- by telephone;
- by fax;
- in person;
- by email; or
- by secure website.

If a resolution has been passed, electors may apply to the returning officer of the local jurisdiction for a special ballot using the method provided for in the resolution and during the period of time specified in the resolution.

An elector who is unable to vote at an advance vote or at the voting station on election day because of:

- a physical disability,
- being absent from the local jurisdiction or
- being a returning officer, deputy returning officer, constable, candidate, official agent or scrutineer located at a voting station other than the one designated for their place of residence,

may apply to vote by special ballot.

An application (Form 22 – Request for Special Ballot Package – available on Alberta.ca) must include:

- first and last name of elector;
- municipal address of the residence of the elector;
- school elector status (if the elector is voting for a school board trustee);
- mailing address to which the special ballot is to be sent;
- contact telephone number;
- contact email address (if the elector is unavailable by phone); and
- reason why a special ballot is being requested.

After receiving the application, the returning officer must enter the special ballot elector information into a register and ensure that the appropriate forms (Form 24 – Special Ballot Voting Instructions, Form 25 – Special Ballot Certificate Envelope – available on Alberta.ca) be provided to the applicant.

The returning officer must make available to any candidate or official agent or scrutineer, the names and addresses of those electors in the voting station who have applied for and been provided with the appropriate special ballot forms.

LAEA s.77.2

On receipt of the appropriate forms per section 77.1(3), the elector must vote by either writing or printing, in a legible manner, the name(s) of the candidate(s) of the elector's choice, or by marking an "X" in the space provided on the right hand side of the ballot opposite the name(s) of the chosen candidate(s). After marking the appropriate forms, the elector must:

- place the ballot in the ballot envelope;
- seal the ballot envelope;
- place the ballot envelope in the certificate envelope;
- complete and sign Part 1 of the certificate and seal the certificate envelope;
- attach a copy of the elector's identification that meets the requirements;
- place the certificate envelope in the outer envelope; and
- seal the outer envelope.

The outer envelope must reach the returning officer no later than the close of the voting stations on election day or by the time and date set out in a resolution.

Upon receiving the sealed envelope, the returning officer must open the outer envelope and remove the certificate envelope. The returning officer must determine:

- whether the name on the certificate envelope is the same as that of an individual already recorded in the register;
- whether the certificate envelope is properly completed; and
- whether the elector attached a copy of their identification.

Upon determining that the elector is recorded on the special ballot register, the returning officer must:

- sign the certificate envelope;
- record the date and time they received the certificate back from the elector;
- open the certificate envelope and remove the sealed ballot envelope and place the envelope in the special ballot box; and
- enter in the register that the elector has voted and the reasoning as to why a special ballot was used.

If the returning officer is not satisfied that:

- the certificate was completed properly;
- the identification meets the requirements;

- the elector has not already been entered on the special ballot register; or
- the elector has not already returned the special ballot

the returning officer must keep the certificate envelope unopened, attach the electors identification (if any), and treat the ballot envelope as rejected by marking the certificate envelope accordingly.

If an outer envelope is received **after** the close of the voting station on election day or after the time and date set out in a resolution, the ballot must be considered rejected and the outer envelope must be retained unopened by the returning officer, who must record on it the reason for its rejection.

LAEA s.78

Elector Assistance

At the request of an elector who is unable to vote in the usual manner, the deputy returning officer must mark the vote of the elector on the elector's ballot in the manner directed by the elector and must immediately deposit the ballot in the ballot box.

The deputy must ensure that prior to marking the elector's ballot, the elector has completed the prescribed statement (Form 17 – Statement of Interpreter, Elector who is Unable to Vote in the Usual Manner, Friend or Relative of elector who is unable to Vote in the Usual Manner - available at Alberta.ca).

In the event that the elector is accompanied by a friend or relative who is at least 18 years of age, the deputy must permit that friend or relative to make the prescribed statement (Form 17 - Statement of Interpreter, Elector who is Unable to Vote in the Usual Manner, Friend or Relative of elector who is unable to Vote in the Usual Manner - available at Alberta.ca). The friend or relative can then accompany the elector into the voting compartment and assist with marking the elector's ballot. Upon marking of the ballot, the ballot must then be delivered by the elector or the friend or relative, to the deputy returning officer responsible for the ballot box, and be deposited into the ballot box.

If an elector is blind and is not accompanied by a friend or relative, the elector may request, no later than June 30 in the year of a general election, a blind voter template and instructions on the use of the template. If a request has been made, a municipality must pass a bylaw setting out the template (a municipality may choose to pass a bylaw even if no request has been made).

If an elector is unable to physically enter the voting compartment, the deputy returning officer may set up a voting compartment for the elector elsewhere in the voting station that the elector is able to attend.

LAEA s.79

Elector Assistance at Home

An elected authority may, by resolution, provide for two deputy returning officers to attend the home of an elector, during the hours an advance voting station is open, or other times as fixed by resolution, in order to take the votes of an elector who is unable to attend a voting station due to a physical disability.

If the returning officer is satisfied that an elector is unable to attend a voting station because of a physical disability, the returning officer must include the elector's name and address on the list for two deputy returning officers to attend.

The returning officer must advise each applicant whether or not their application has been accepted or rejected and inform the electors of the date and the time of when the two deputy returning officers will be attending the residence.

It is important that the returning officer ensure they have an adequate number of deputy returning officers to attend to the residences.

The ballot boxes used must be sealed on completion of the voting to ensure that no ballots can be deposited in it without breaking the seal. The box must remain sealed until opened to allow the deposit of ballots in each residence that is attended.

Institutional Vote

LAEA s.80

An elected authority may, by resolution, allow for the designation of the location of one or more institutional voting station(s) for an election. An elector who is confined to a treatment centre or is a resident in a supportive living facility that is established as an institutional voting station, is eligible to vote at that institutional voting station. This section does not authorize employees of the institution to vote at the institutional voting station.

LAEA s.81

The returning officer must fix the times on election day that the votes in the institutions will be taken. Candidates, official agents or scrutineers may only attend the institutional vote in the event that the location is fixed in a public area of the institution. If the vote is conducted in the room of resident, the candidate, official agent or scrutineer is not permitted to attend.

LAEA s.82

All voting procedures outlined in the LAEA must be followed as nearly as possible at institutional voting stations. Ballot boxes shall not be opened until the close of the voting stations on election day.

A copy of the notice prescribed under section 35 must be posted in at least one conspicuous place in the institution not fewer than two days before the day on which the vote is to be taken.

LAEA s.84

Alternative Voting Equipment

An elected authority may, by bylaw, provide for the taking of votes by means of voting machines, vote recorders or automated voting systems.

The bylaw must prescribe:

- the form of ballot;
- directions for making the ballot by an elector;
- directions for the voting procedures to be used, including the procedures to be followed:
 - in the taking of the votes;
 - in the examination of the ballots, by machine or otherwise, to determine which votes should be declared void;
 - in the counting, by machine or otherwise, of the votes taken; and
 - if a returning officer makes a recount pursuant to the LAEA, in the recounting, by machine or otherwise, of the votes taken.

The bylaw may also prescribe:

- directions for the use of ballot boxes;
- directions for the use of tabulators;
- the time allowed for counting special ballots, advance votes and institutional votes; and

- directions for the use of technology for electors who are unable to vote in the usual manner (audio instruction, vote confirmation component and braille-embossed voting buttons).

The bylaw may also note that a single ballot be used for all offices rather than requiring a separate ballot for each individual office. If tabulators are being used, the bylaw must state that the equipment cannot be part of or connected to an electronic network, with the exception of the close of polls to transmit information, such as results, to the local jurisdiction.

Module 6 Addendum: Senate Election and Referendum Vote:

The following information has been provided by Elections Alberta regarding the anticipated Senate Election and Referendum Vote for the 2021 Municipal Elections. Additional information is available online at: <https://www.elections.ab.ca/elections/senate-referendum/information-for-municipalities/>.

Voting Opportunities

**ASEA – Alberta Senate
Election Act**
RA – Referendum Act
**RGR – Referendum
General Regulation**

Application of Voting Opportunities to Senate Election and Referendum Vote

ASEA s.37
RA s.7

At each of the voting opportunities provided by the local authority for electors, the senate election and referendum ballots must also be provided. In conducting the election, the *Local Authorities Election Act* (LAEA), as well as any related bylaws and resolutions passed by the municipality also apply to these votes.

LAEA, s.11

At a minimum, all jurisdictions must provide for voting on Monday, October 18, 2021, from 10 a.m. to 8 p.m.

Voting Opportunities for Acclaimed Jurisdictions

ASEA s.38
RA s.8

As the senate election and referendum vote are provincial in nature, all electors in the province must be provided with a voting opportunity. This means jurisdictions and wards that are acclaimed municipally, must still hold the senate election and referendum vote.

Ballots

Elections Alberta provides two types of ballots that may be used for the senate election and referendum vote: a write-in special ballot and a regular ballot. The write-in ballot is to be used by municipalities that are providing a special ballot process that commences before the regular ballots are printed (see Special Ballot Considerations below). The regular ballot is to be used in all other voting opportunities – advance vote, institutional voting and on Election Day.

LAEA s.78

Blind Elector Template

For the regular ballots provided by Elections Alberta, a blind elector template is also available for municipalities that have passed a resolution or received a request to use one. Each template is specific to the ballot, so a separate template is provided for

each of the senate election and referendum ballots. Templates are not provided for tabulator ballots.

Each template includes printed instructions on its face to direct deputy returning officers in its use. Each template will be coloured to match the applicable ballot.

Blind elector templates will be printed once nominations are closed so that they match the ballot style and number of candidates on the ballot. As such, municipalities ordering these templates should not expect to receive them until early October.

Required Poster for Polling Places

ASEA s.45
RGR s.20

All polling places are required to have a “Voting Instructions and Secrecy of Voting” poster visible to electors.

The poster provides direction to electors on how to mark their senate election and referendum ballots. The poster is available for all municipalities – including those using tabulators.

The poster will be printed once the order is issued and the number of senate nominees and referendum questions are known. Municipalities will receive their shipments of posters in early October.

Special Ballot Considerations

LAEA s.77.1 – 77.3
Referendum, Senate Election and Local Authorities Election Forms Regulation

Municipalities may pass a resolution to provide for a special ballot process. Where special ballot voting is being offered, sections 77.1 to 77.3 of the LAEA apply and that resolution will also apply to the senate election and referendum ballots.

Electors that are voting by special ballot will also receive the senate election and referendum ballot in the package. Form 23RSE of the Referendum, Senate Election and Local Authorities Election Forms Regulation requires that each contest be provided on a separate ballot and that write-in ballots are used prior to the ballots being printed after nomination day.

Senate Election Special Ballots

Senate election write-in ballots will be **YELLOW** in colour. These ballots can be made available to municipalities for use as soon as the writ of election is issued. It is

unknown, however, the number of candidates that may be selected until the Order in Council is issued, so these write-in ballots will require the issuer to:

- Note the number of candidates to be selected; and
- Trim the ballot to provide the correct number of spaces.

The senate election write-in ballot is to be used until the printed ballots are available. Senate election ballots will be printed starting on September 21, 2021. Once printed, ballots will be couriered to the location provided by the returning officer (information to be provided in the Election Database). Municipalities providing for a special ballot voting opportunity will be prioritized, so they receive their ballots sooner.

Referendum Special Ballots

Referendum write-in ballots will be **GREY** in colour. These ballots can be made available to municipalities for use as soon as the Order in Council is issued. It is unknown, however, the number of questions that may be included in the order, so these write-in ballots will require the issuer to:

- Note the number of questions to be answered;
- Trim the ballot to provide the correct number of spaces; and
- Print out the referendum questions from Elections Alberta's website, to ensure that the elector has each question in the correct order.

The referendum write-in ballot is to be used until the printed ballots are available. Referendum ballots will be printed starting on September 8, 2021. Once printed, ballots will be couriered to the location provided by the returning officer (information to be provided in the Election Database). Municipalities providing for a special ballot voting opportunity will be prioritized, so they receive their ballots sooner. Municipalities not providing a special ballot will receive their referendum ballots with their senate election ballot shipment.

When planning for special ballot availability dates, local jurisdictions should consider the chart on the following page for ballot availability. Special ballots for the senate election and referendum vote cannot be issued until the Orders in Council are issued. Municipalities wishing to send special ballot packages prior to this date (September 7, 2021) would need to send a second special ballot package once these ballots are available. For municipalities that only want to provide the final printed ballot to electors in their special ballot package, the earliest these will be available to arrive in municipalities is September 25, 2021.

Dates	Senate Ballot	Referendum Ballot
Prior to September 7, 2021	The Writ of Election must be issued. No ballots are available to be used prior to the Writ.	The Order in Council must be issued. No ballots are available prior to the order.
<p>September 7 – 12, 2021 (estimated)</p> <p>Municipalities are encouraged to delay special ballot issuance until after this time period to provide electors with ballots that include the referendum questions.</p>	<p>Senate election write-in ballot.</p> <p>The issuer must prepare the ballot (indicate the number to vote for and trim).</p>	<p>Referendum write-in ballot.</p> <p>The issuer must prepare the ballot (trim) and print the referendum questions for the package.</p>
<p>September 13 – 25, 2021</p> <p>(Estimated Dates – Ballots will be printed and shipped – delivery times vary based on location)</p>	<p>Senate election write-in ballot.</p> <p>The issuer must prepare the ballot (indicate the number to vote for and trim).</p>	<p>Referendum ballot with questions and responses available.</p>
<p>September 26 – October 18, 2021</p> <p>(Estimated Dates – Ballots will be printed and shipped – delivery times vary based on location)</p>	<p>Senate election ballot with all candidates listed available.</p>	<p>Referendum ballot with questions and responses available.</p>