

ELECTIONS SASKATCHEWAN

Report of the Chief Electoral Officer
pursuant to subsection 7(6) of *The Election Act, 1996*
regarding actions taken during Saskatchewan's 28th
General Election

May 2016





May 31, 2016

The Honourable Corey Tochor
Speaker of the Legislative Assembly
Room 129, Legislative Building
2405 Legislative Drive
Regina, SK S4S 0B3

Mr. Speaker:

Pursuant to subsection 7(6) of *The Election Act, 1996*, (the Act), I submit to you, within 60 days of Polling Day, a written report respecting my actions pursuant to Section 7 of the Act taken during the April 4, 2016 General Election.

Respectfully submitted,

A handwritten signature in blue ink, reading 'Michael Boda'.

Michael Boda, D.Phil., Ph.D.
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Province of Saskatchewan

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Report of the Chief Electoral Officer Pursuant to subsection 7(6) of *The Election Act, 1996*

This report is written as per subsection 7(6) of *The Election Act, 1996*, requiring submission to the Speaker, within 60 days of polling day, a written report with respect to actions taken pursuant to subsection 7(1) of *The Election Act, 1996*. It focuses on actions taken pursuant to Section 7 during Saskatchewan's 28th General Election, held on April 4, 2016.

The Chief Electoral Officer (CEO) used the authority found in Section 7 of *The Election Act, 1996* (the Act) on two occasions during the election period – on April 2 and on April 4. Details on the two instances are found below.

Constituency of Athabasca

On Wednesday, March 30, in the Constituency of Athabasca, an advance poll team in the community of La Loche failed to show up at the start of advance voting and open their poll at 3 p.m., as is required by Section 132 of the Act (advance polls on week days must be open from 3 p.m. to 10 p.m.). The Returning Officer dispatched a back-up team of poll workers to the community upon becoming aware of the situation. It was approximately 5:30 p.m. before this advance poll was opened.

It was the opinion of the CEO that this resulted in a substantial number of voters in the community and surrounding area being unable to vote. To ensure equitable access to the ballot, the CEO decided that on the last day of advance voting, Saturday, April 2, this advance poll would open at 9:30 a.m. (instead of 12 noon) and stay open until the standard closing time of 7 p.m., ensuring that the advance poll was open for the legislatively required 35 hours. The CEO authorized this extension under Section 7(2)(b) of the Act.

It is important to note that Section 7(1)(a)(ii) puts restrictions on the authority of the CEO to extend the "hours during which a polling place is to be kept open." Section 7(3)(b), however, does allow for this to happen if, "the Chief Electoral Officer is of the opinion, that if the hours are not extended, a substantial number of voters who are entitled to vote at the polling place will be unable to vote." As noted above, the CEO was of this opinion – the Constituency of Athabasca is geographically large and the La Loche advance poll potentially served voters from neighboring communities. This was the first election in which all voters were eligible to vote at an advance poll without a legislatively-defined reason, and it became clear that advance poll turnout would be historically high. Ultimately, advance poll turnout went up by more than 66 per cent from the province's 2011 General Election.

Extension of Polls Hours for Specific Polls on Election Day

While on election day the vast majority of the province's 2,945 polling stations opened at 9 a.m. as required by legislation, the following polls did not:

- Poll 6b, Constituency of Carrot River Valley, Shoal Lake Wacihk Education Complex on Shoal Lake First Nation opened at 10 a.m.;
- Polls 17, 18, 19 and 20, Constituency of Cumberland, Pelican Narrows LCA Hall in Pelican Narrows opened at 10 a.m.;
- Poll 6, Constituency of Saskatoon Centre, St. Edward School, Saskatoon opened at 9:30 a.m.

The CEO was concerned that some voters may have been disenfranchised. In many cases, the first hour is one of the busier time periods for voting and it is possible that voters may have been waiting for the polling locations in question to open at 9 a.m. (as advertised on Voter Information Cards and all promotional materials). Given these circumstances, the CEO extended the closing time for these polls using the authority found in Section 7(3)(b). In each case, the closing time was extended for the same amount of time as the delay in opening. At the Shoal Lake First Nation and in Pelican Narrows the polling stations stayed open one hour later, until 9 p.m. In Saskatoon, the polling station stayed open half an hour until 8:30 p.m.

Extending the hours that these three polling locations were open to voting resulted in a necessary delay to results reporting in those constituencies. If results reporting was not delayed, it would have meant that results would be released while voting was still open. In order to avoid this, no results from the three affected constituencies were released until these polls had closed.

Adherence to Section 7(3) of *The Election Act, 1996*

As per Section 7(3) of the Act, the CEO informed the Chief Official Agents of the province's registered political parties that the authority contained in Section 7 was used on April 2 and on April 4. This was achieved through a "communique" – the principal tool used by the CEO to communicate with Chief Official Agents of six registered political parties throughout the election period. In turn, Chief Official Agents were instructed to share this information with affected candidates, who were also notified directly via an emailed letter. A copy of the relevant communiques are included as appendices with this report. These documents, and all other communiques issued to the political parties throughout the election period, were made publicly available on the Elections Saskatchewan website shortly after being distributed to the political parties.

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GE28 Communique for Chief Official Agents Issue Fifteen: March 31, 2016

I have only one significant message for you today, along with a brief update on advance voting.

Constituency of Athabasca – Use of CEO Section 7 Powers

On Wednesday, March 30, in the Constituency of Athabasca an advance poll team in the community of La Loche failed to show up at the start of advance voting and open their poll at 3 p.m. As soon as the returning officer became aware of the problem, a back-up team of advance poll officials was dispatched to La Loche. In the end, the La Loche advance poll did not open until 5:30 p.m. on Wednesday, March 30. I found this very concerning and it is my opinion that this may result in a substantial number of voters in that community not having the opportunity to cast their ballot.

Given the circumstances, I have decided that on Saturday, April 2, the last day of advance voting, the advance poll in La Loche will open at 9:30 a.m. (instead of 12:00 noon) and stay open until the normal closing time of 7 p.m. This will ensure voters in that community are served by advance voting to the same standard and commitment as every other advance voting location. We will communicate this extension of hours to voters in that community.

I am authorizing this extension under the powers found in Section 7(2)(b) of *The Election Act, 1996*. Please accept this as my formal notice to you under Section 7(3) of the Act. I would ask you to provide this information to your candidates in that constituency as well. In accordance with the Act, I will issue a formal report to the Speaker of the Legislative Assembly within 60 days.

Advance Voting – Day Two Report

Yesterday, 20,920 voters cast their ballot compared to 13,670 on the second day of advance voting in 2011 – an increase of 53 percent for the second day in a row.

A handwritten signature in cursive script that reads "Michael".

Dr. Michael Boda
Chief Electoral Officer
Province of Saskatchewan

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GE28 Communique for Chief Official Agents Issue Seventeen: April 4, 2016

Below are a few pertinent messages to pass along to your teams.

Combining of Polls – Constituency of Cumberland

I want to provide you with information on several locations in the Constituency of Cumberland: These locations are:

- Jonas Roberts Memorial Community Centre, Lac La Ronge First Nation
- Stanley Mission Band Hall, Stanley Mission
- Denare Plex, Denare Beach
- Veterans Hall, Cumberland House
- Gary Morin Memorial Hall, Sandy Bay
- Deschambault Lake Band Office, Deschambault Lake

These locations all had several polls assigned to them but the voters were not distributed equally. To correct this, all polls were combined and then split into separate polls after the final voters list was produced and distributed.

Because the voters lists were ordered by address and not alphabetically, the original voters lists were combined, new sequence numbers were assigned to all voters and then the lists were split by last name. New bingo sheets and a new voters list has been produced and provided to scrutineers. A new data extract is available and can be provided via our FTP site or on a USB drive. If you are interested, please contact Jordan Arendt at Jordan.Arendt@elections.sk.ca.

Use of Section 7 Powers – Extension of Poll Hours

Three out of a total of 2,945 polling stations operating across Saskatchewan today did not open on time at 9 a.m.:

- Constituency of Carrot River Valley, Shoal Lake Wacihk Education Complex on Shoal Lake First Nation opened at 10 a.m.;
- Constituency of Cumberland, Pelican Narrows LCA Hall in Pelican Narrows opened at 10 a.m.;

- Constituency of Saskatoon Centre, St. Edward School, Saskatoon opened at 9:30 a.m.

I am of the opinion that these circumstances could result in a substantial number of voters being unable to vote. Given the circumstances, I am authorizing that the locations in Shoal Lake and Pelican Narrows remain open for an additional hour and that the location in Saskatoon remain open for an additional 30 minutes. This will ensure these voters assigned to these locations are provided the same opportunity and service that every other voter in the province has been provided.

I am authorizing these extensions under the powers found in Section 7(2)(b) of *The Election Act, 1996*. Please accept this as my formal notice to you under Section 7(3) of the Act. I would ask you to provide this information to your candidates in those constituencies as well. In accordance with the Act, I will issue a formal report to the Speaker of the Legislative Assembly within 60 days.

The extension of time in these three locations will not affect the close of other polls across the province at 8 p.m. nor the process for the counting of votes and reporting of results.

Thank you for your attention to these matters. Should any other issues emerge, I will be in contact through a Communique.



Dr. Michael Boda
Chief Electoral Officer
Province of Saskatchewan

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GE28 Communique for Chief Official Agents Issue Eighteen: April 04, 2016

A brief update on three constituencies where voting has been extended.

Extended Polling Hours – Results Reporting

I want to provide you with a brief update on the three constituencies that were affected by polling locations that opened after 9 a.m. As mentioned in my previous communique, I have authorized officials for specific polls at three polling stations to remain open past 8 p.m. in order to ensure all voters have the same opportunity to vote. These polls were located at the following polling locations:

- Poll 6b, Constituency of Carrot River Valley, Shoal Lake Wacihk Education Complex on Shoal Lake First Nation opened at 10 a.m.;
- Polls 17, 18, 19, and 20, Constituency of Cumberland, Pelican Narrows LCA Hall in Pelican Narrows opened at 10 a.m.;
- Poll 6, Constituency of Saskatoon Centre, St. Edward School, Saskatoon opened at 9:30 a.m.

You should be aware that, while counting will continue on schedule for all other polls in these constituencies, the results from these constituencies will not be released publicly until voting has ended at the affected polling locations within the constituency involved. This means that no results from these constituencies will be released publicly before:

- Carrot River Valley - 9 p.m.;
- Cumberland - 9 p.m.;
- Saskatoon Centre - 8:30 p.m.

Thank you for your attention to this important matter. We ask that you forward this information to your affected candidates.

Dr. Michael Boda
Chief Electoral Officer
Province of Saskatchewan