

A REPORT ON THE TWENTY-NINTH GENERAL ELECTION

VOLUME IV

Chief Electoral Officer's Recommendations for Legislative Reform



SASKATCHEWAN'S TWENTY-NINTH GENERAL ELECTION | OCTOBER 26, 2020



OFFICE OF THE CHIEF ELECTORAL OFFICER
(ELECTIONS SASKATCHEWAN)

#301 – 3303 HILLSDALE STREET, REGINA, SASKATCHEWAN
CANADA S4S 6W9

TELEPHONE: (306) 787-4000 / 1-877-958-8683

FACSIMILE: (306) 787-4052 / 1-866-678-4052

WEB SITE: www.elections.sk.ca

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VOLUME IV - CHIEF ELECTORAL OFFICER'S
RECOMMENDATIONS FOR LEGISLATIVE REFORM
(v1.0)



October 17, 2022

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

Mr. Speaker:

Pursuant to Section 286 of *The Election Act, 1996*, I am honoured to submit Chief Electoral Officer's Recommendations for Legislative Reform, Volume IV in *A Report on the Twenty-Ninth General Election*.

This volume offers the Chief Electoral Officer's recommendations on how electoral legislation can be changed to more effectively serve voters, registered political parties and other key stakeholders throughout Saskatchewan.

Respectfully submitted,

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


Michael Boda, D.Phil., Ph.D.
Chief Electoral Officer
Province of Saskatchewan

Office of the Chief Electoral Officer
(Elections Saskatchewan)
301 – 3303 Hillsdale Street
Regina, Saskatchewan S4S 6W9
Canada

Phone: 306-787-4000 / Toll-free: 1-877-958-8683
Fax: 306-787-4052 / Toll-free: 1-866-678-4052
Email: info@elections.sk.ca
Website: www.elections.sk.ca







Saskatchewan's Chief Electoral Officer and all who work for Elections Saskatchewan in fulfilling its legislative mandate acknowledge that we are on Treaty 2, 4, 5, 6, 8, & 10 Territory and the Homeland of the Métis Peoples.

We are committed to working together to build positive relationships with First Nations, Métis, and Inuit people, seeking to remove barriers to voting and democratic participation while moving forward together in reconciliation.

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Reporting on the General Election: Four Volumes

Saskatchewan's 29th General Election, held on October 26, 2020, was unlike any other in the history of the province. The event was administered in the midst of the global Novel Coronavirus (COVID-19) pandemic, which resulted in significant changes not only to how voters and other key stakeholders were served but also to how Elections Saskatchewan conducted its work.

Elections Saskatchewan began laying the groundwork for the province's 29th General Election very shortly after the completion of the 28th General Election held on April 4, 2016. An updated strategic plan, covering the years 2017 – 2022 and incorporating input from both Elections Saskatchewan's head office and field leadership teams, was published.¹ This document was a deliberate effort to sustain systemic improvements made to the province's election system over the previous four-year cycle while also proposing significant process modernization.

This strategic plan included a dually focused strategic imperative for Elections Saskatchewan and an updated vision statement:

Strategic Imperative

- Sustain – refine and improve our organization for the efficient and effective delivery of electoral events.
- Modernize – Innovate toward best practice in election management.

Vision

We are a leader in establishing and refining best practice in election management.

This strategic imperative and vision statement would guide Elections Saskatchewan forward as it planned for the coming general election. A modernization initiative, which would have seen electronic poll books and ballot tabulators used at certain advance polls in the province, was proposed and planned for. These would have been among the most significant changes in election administration in Saskatchewan's history.

The updated strategic plan also included a set of values for the organization. These five values were:

- Professionalism
- Innovation
- Accountability
- Impartiality
- Service

¹ Elections Saskatchewan. *Sustaining. Leading. Modernizing. Advancing Electoral Excellence in Saskatchewan: A Strategic Plan for Elections Saskatchewan, 2017-2022*. (Regina: Elections Saskatchewan, December 2017).

Ultimately, two significant events in the first quarter of the 2020 calendar year had drastic impacts on the administration of the coming election and would test the capacity and ability of the organization to react and respond to changing events and difficult situations. Yet, strong adherence to Elections Saskatchewan's strategic plan and accompanying strategic imperative, vision, and values allowed the institution to fulfill its mandate under extraordinary circumstances.

The first significant event was the possibility of a spring 2020 election call, which resulted in the shelving of modernization plans to allow for planning on a much shorter timeline to take place.² The second significant event to have a drastic effect on the implementation of this general election was the COVID-19 pandemic, with the first case of COVID-19 being confirmed in the province on March 12, 2020. The same day, Premier Scott Moe announced that there would not be an early election call. By the end of that week, Elections Saskatchewan staff had transitioned to working remotely, an arrangement which persisted until mid-summer. From redesigning voting processes to mitigate the spread of COVID-19 to procuring hundreds of thousands of pieces of personal protective equipment, the election ultimately delivered was far different than the one originally envisioned.

The story of Saskatchewan's 29th general election, held on October 26, 2020, will be told over the course of four volumes, each providing different kinds of insight into the overall success and challenges involved in planning for, organizing and implementing one of the largest events in the history of the province during a global pandemic. Together, these four volumes will constitute **A Report on the Twenty-Ninth General Election**.

- **Volume I - Statement of Votes** (published July 2021) provided data surrounding public participation in the 2020 electoral event. It collated information to provide a richer understanding of voting trends in the province. Information on candidates, registered political parties, historical data and poll by poll results was also included;
- **Volume II – An Administrative Review** (published September 2021) offered a detailed look at how the 2020 general election was conducted. The volume looked at two sides of the electoral event. First, it focused on how the electoral event was conducted based on in-person observations of advance and election day voting as well as other key activities, including vote counting. Second, the volume incorporated stakeholder perceptions, drawing conclusions from surveys, focus groups, interviews and other sources of data;

- **Volume III – Statement of Expenditures** (published June 2022) provided context to the four-year costs of the event. Such costs are incurred years in advance of the election and continue to be accumulated well after Election Day. This volume looked at spending related to reimbursements given to eligible registered political parties and candidates (established within *The Election Act, 1996*) and provided the total cost of administering the 2020 general election in 61 constituencies; and, finally;
- **Volume IV – Chief Electoral Officer's Recommendations for Legislative Reform** (the current volume) takes into account what has been learned over the course of the 29th electoral cycle in order to position the province — its voters, political parties, candidates and its provincial election management body — to conduct the 30th general election. It has been published following a thorough review and assessment of how the 29th general election was conducted considering best practice and changes being observed in electoral administration across the country. This volume offers the Chief Electoral Officer's recommendation on how legislation should be changed to modernize the province's election system and more effectively serve stakeholders.

While the publication of this report will fulfil the Chief Electoral Officer's statutory duty outlined in *The Election Act, 1996*, its intent goes well beyond this. At present, Saskatchewan's provincial elections are conducted in much the same manner as they were when the province was founded in 1905. Modernization was a key component of Elections Saskatchewan's plans until the possibility of an early election forced a return to a more simplified approach. The presence of COVID-19 also resulted in changes to election administration – including a significant increase in demand for voting by mail – that must be considered moving forward.

This report will set the stage for the modernization of Saskatchewan's democratic processes. The hope is that by shining a light on all aspects of the election system, Elections Saskatchewan can work together with legislators, registered political parties, and other key stakeholders to design a democratic system that can serve the province for decades to come.



Michael D. Boda, D. Phil., Ph.D.
Chief Electoral Officer
Province of Saskatchewan

² Elections Saskatchewan. Elections Saskatchewan preparing to administer a general election when instructed. March 4, 2020, available at <https://www.elections.sk.ca/media/news-releases/esk-preparing-for-general-election-when-instructed/>.



Poll #
841,807
28

Number of eligible
voters in the province of
Saskatchewan

Overview of Proposed Legislative Reforms

Election management bodies across Canada are under increasing pressure to modernize how they deliver voting services. This is in part due to increased public expectations for convenience and service but also due to increased expectations from political stakeholders about the provision of data in a timely manner. Due to the extremely prescriptive nature of election legislation, this push for change has also resulted in legislative amendments being made in jurisdictions across the country.

This chapter provides a brief overview of Saskatchewan's 29th General Election including methods of voting, voter turnout and key dates in the election calendar. It then provides a summary of the recommendations for legislative reform made by the Chief Electoral Officer for implementation in advance of the province's 30th General Election, scheduled for October 28, 2024. These recommendations build on the vision first outlined in the Chief Electoral Officer's Recommendations for Legislative Reform document published following Saskatchewan's 28th General Election.

Background

Saskatchewan's 29th General Election was held on October 26, 2020. The election was held in 61 constituencies throughout the province, each electing a member to

the Legislative Assembly through a first past the post (or single member plurality) electoral system. At the time of the election, the estimated population of Saskatchewan was 1,181,987 and Elections Saskatchewan, working with Statistics Canada, estimated that there were 841,807 eligible voters in the province.

Several external factors had a significant impact on the administration of this event, the greatest being the presence of the novel coronavirus disease (COVID-19) which affected nearly every aspect of delivering, and participating in, the election. The election was also influenced by the possibility of an election being called earlier than the legislated date – a possibility which resulted in the postponement of planned modernization activities to the province's 30th General Election, scheduled for 2024.

Impact of COVID-19 on Election Administration and Voting

In mid-March 2020, Elections Saskatchewan was preparing for the possibility of a spring election. While the province's set election date was October 26, 2020, there had been substantial public and media speculation of an early election call.³ At the same time, however, the novel coronavirus disease (COVID-19) was beginning to spread in Canada and on March 12, 2020, it was announced that there would not be a spring election.

The arrival of COVID-19 had an immediate impact on the work of Elections Saskatchewan. Head office staff members transitioned to working from home, as did Returning Officers and Election Clerks (who had been preparing to find returning offices and polling locations for a possible spring election). For several months, most fieldwork was put on pause or conducted remotely.

At the same time, the Chief Electoral Officer began to work with Government and Opposition members of the Legislative Assembly to ensure that the legislative/regulatory framework to conduct a safe election was in place. In mid-May 2020, changes to The Election Act Regulations were approved that clarified the Chief Electoral Officer's authority to adapt election processes in light of challenges introduced by COVID-19. The changes made to these regulations clarified the definition of an emergency in *The Election Act, 1996* and ensured the Chief Electoral Officer had clear authority to adapt legislative provisions to

[T]he Chief Electoral Officer began to work with Government and Opposition members of the Legislative Assembly to ensure that the legislative/regulatory framework to conduct a safe election was in place.

...[T]he Chief Electoral Officer worked on an ongoing basis with the Chief Medical Health Officer to understand the science and develop protocols that could ensure that voters could cast their ballot safely in locations where COVID-19 might be present.

protect the health and safety of voters, election workers and political stakeholders.⁴

Throughout the election period, the Chief Electoral Officer made a number of adaptations to *The Election Act, 1996* to better protect the health and safety of voters and election officials as well as preserve the integrity and capacity of the election system. These adaptations were described and recorded in CEO Orders that were provided to key stakeholders and published on the Elections Saskatchewan website.⁵

Both in advance of, and during, the election period, the Chief Electoral Officer worked on an ongoing basis with the Chief Medical Health Officer to understand the science and develop protocols that could ensure that voters could cast their ballot safely in locations where COVID-19 might be present. These protocols were designed in collaboration with an Infection Prevention and Control consultant and reviewed by the Office of the Chief Medical Health Officer. Elections Saskatchewan also conducted research and closely observed elections being held during the pandemic in other jurisdictions including Australia, South Korea, the United States, and Canada in designing its approach to delivering the election.

Elections Saskatchewan was committed to providing a safe in-person voting experience but also needed to offer

³ See, for example, *Saskatchewan Premier Scott Moe not ruling out early election*, The Globe and Mail, March 11, 2020.

⁴ For more information, see The Election Act Regulations as well as the Chief Electoral Officer's May 13, 2020 news release, "Regulatory changes to provide clarification on Chief Electoral Officer authority" available at <https://www.elections.sk.ca/media/news-releases/>.

⁵ All CEO Orders can be found online at <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/#ceo-orders>.

an option to vote remotely for those who did not feel comfortable voting in person. To that end, the capacity to offer voting by mail was greatly expanded and centralized, being managed out of Regina for the entire province as opposed to locally out of 61 returning offices. Increased vote by mail capacity also addressed a fundamental concern of the Chief Electoral Officer in a context where COVID-19 was likely to be present – that being the need to preserve the overall capacity of the election system while delivering a safe voting experience for all electors. Directing voters to alternate channels, including vote by mail and advance voting meant that physical distancing and other COVID-19 protocols could be put in place on Election Day without stressing the capacity and integrity of the system.

During and after the Vote by Mail period, Elections Saskatchewan conducted a robust public advertising campaign designed to ensure voters knew that in-person voting would be safe. This campaign highlighted the many precautions that would be in place. All election workers were required to wear masks, while voters were strongly encouraged to wear masks while voting (at the time of the election, there was no mandatory mask requirement in the province). Clear dividers separated workers from each other and from voters. Every voter was provided their own single-use pencil, hand sanitizer was provided throughout polling locations, and the overall design of every polling location in the province was reviewed to ensure that there was sufficient space to have adequate physical distancing between individuals.

Issuance of Writs of Election

On September 29, 2020, the 28th Saskatchewan Legislature was dissolved pursuant to section 6 of *The Legislative Assembly Act, 2007* by the Honourable Russ Mirasty, Lieutenant Governor of Saskatchewan. Later that day, an order was passed by the Lieutenant Governor in Council directing the Chief Electoral Officer to issue a writ of election to each of the province's 61 returning officers.

At dissolution, standing in the Legislative Assembly were 46 Saskatchewan Party MLAs and 13 New Democratic Party MLAs. Two seats, the constituencies of Regina Walsh Acres and Saskatoon Eastview, were vacant when the election was called.

Key Election Dates	
September 29	Writs of election issued
October 10	Nomination deadline
October 15	Last day for voters to apply to Vote by Mail or as an Absentee or Homebound Voter
October 20 - 24	Advance Voting
October 26	Election Day & First Preliminary Count
October 28 - 29	Second Preliminary Count
November 7	Final Count
November 18	Return to the Writ

Overview of Voting in Saskatchewan's 29th General Election

A brief summary of all of the various voting opportunities available in Saskatchewan's 29th General Election can be found below. Most electors voted in one of three ways – by mail, during advance voting or on Election Day. There were also a number of special voting opportunities available to ensure that all voters, regardless of circumstances, had access to the ballot. For the first time in the history of the province, less than 50 percent of voters cast their ballot on Election Day – in many previous elections nearly all votes would be cast on that day.

Vote by Mail (VBM) & Absentee Voting

Voting by mail has typically been a very small component of Saskatchewan provincial elections. During Saskatchewan's 28th General Election in 2016, for example, a total of 4,420 absentee votes were recorded (1 percent of all votes cast) – with absentee votes consisting of both mail in ballots and votes cast directly in the returning office. With the COVID-19 pandemic, Elections Saskatchewan knew that the number of voters interested in voting using the postal system and thereby avoiding having to attend a physical polling location, was likely to increase greatly. Vote by Mail afforded any voter who had health or safety concerns the opportunity to participate in the election.

To account for this, the Chief Electoral Officer opted to replace traditional absentee voting (with the exception of in-person absentee voting conducted in the returning office) with a centralized, reworked Vote by Mail process. An online



application portal was created whereby voters could apply, upload the necessary identification documents, and complete the entire application process. The application portal opened to voters on August 15 and remained open until the end of the day on October 15. The deadline for voters to mail their ballot kit to Elections Saskatchewan was 8 p.m. on Election Day, October 26. It needed to be received at Elections Saskatchewan's head office by 12 noon on November 5.

In total, Elections Saskatchewan received 62,935 applications to Vote by Mail. More than 97 percent of these applications were approved and had ballot kits mailed. Of those ballot kits that were mailed, 57,245 or 93.2 percent were returned to Elections Saskatchewan for adjudication. Adjudication refers to the process followed after ballots are returned to ensure that certain pieces of information, including the voters date of birth, signature and date are correct. Adjudication is a separate process from the counting of votes. After adjudication, 56,545 Vote by Mail ballots were taken forward for counting.

Traditional absentee voting continued to take place at each constituency returning office. Voters could visit their returning office in person and cast an absentee ballot between the start of the election on September 29 and the deadline to vote as an absentee voter, which was October 15. In total, 1,875 absentee voters cast their ballot at their returning office.

Advance Voting

The advance voting period for this election began on Tuesday, October 20 and continued until Saturday, October 24. Voting took place from 12 noon until 8 p.m. each day, a change from previous elections, during which voting was held for seven hours each day and the hours were different on weekdays than on weekends. Between 31,000 and 43,000 people across the province voted on each day of advance voting. The fact that a significant number of people chose to vote each day shows that voters will choose to vote when and where is most convenient for them.

Two provincial records related to advance voting were achieved. First, a record 184,742 votes were cast at advance polls. This was a 66 percent increase over the 110,716 advance votes cast in 2016. Second, 41.51 percent of all votes were cast at advance polls, another record for the province.

Election Day Voting

Election Day voting took place from 9 a.m. to 8 p.m. throughout the province. That morning, all 2,814 polling stations in more than 1,100 locations around the province opened on time to serve voters.

The number of voters who opted to vote on Election Day continued to fall. In Saskatchewan's 27th General Election, held on November 7, 2011, the vast majority, 82.5 percent of all voters, cast their ballot on Election Day. In 2016, that fell to 73.4 percent and continued to fall in 2020 to less than half of all voters at 45 percent.

Special Voting

By legislation, Special Voting refers to all voting opportunities that take place outside of traditional Election Day voting. In practice, however, Special Voting refers more specifically to voting that takes place outside of the three largest opportunities to vote, those being Vote by Mail, Advance Voting and Election Day Voting. Special Voting opportunities help to ensure that everyone, regardless of circumstances, is able to cast a ballot if they choose to.⁶

During Saskatchewan's 29th General Election, Special Voting options included Extraordinary Voting for those affected by COVID-19; a modified Homebound Voting process; Personal Care Facility voting and voting in hospitals and remand centres.

Extraordinary voting was the option put in place by Elections Saskatchewan to serve voters forced to quarantine due to COVID-19 or who lived in communities under pandemic-related lockdowns after the deadline to Vote by Mail (October 15, 2020) had passed. Extraordinary voting was implemented using the Chief Electoral Officers authority to adapt legislation during a public health emergency and was available from October 16 through October 20. 339 voters, from 24 constituencies, cast ballots as Extraordinary Voters.

Homebound voting was introduced in advance of Saskatchewan's 2016 general election. This option was available to voters who were unable to vote at an advance or election day poll due to a medical condition or disability, or due to caring for an individual with a medical condition or disability. Voters were served by a team of two election officials who visited the voter at their home with a ballot and a ballot box and completed the voting process. The COVID-19

⁶ For more information on Special Voting opportunities and how they were offered, see *Statement of Votes, Volume I in A Report on the Twenty-Ninth General Election*

pandemic made it impossible for Elections Saskatchewan to offer homebound voting in the same manner in 2020 as it had in 2016. Public health officials advised that it would not be safe to have election officials enter individuals' homes to offer Homebound Voting in person. Instead, Homebound Voting was offered as a form of Vote by Mail.

Preparations for voting in personal care facilities and hospitals were greatly affected by COVID-19. Elections Saskatchewan worked closely with the Saskatchewan Health Authority,

the Ministry of Health, and the Ministry of Social Services to facilitate safe access to voting for residents of personal care facilities and patients in the hospital on Election Day.

Voting in personal care facilities was offered during the advance voting period, from October 20 to October 24. Hospital voting was offered on Election Day, October 26, to eligible voters that were patients in hospitals that day as was remand centre voting. Strict COVID-19 protocols were in place for personal care facility, hospital and remand centre voting.

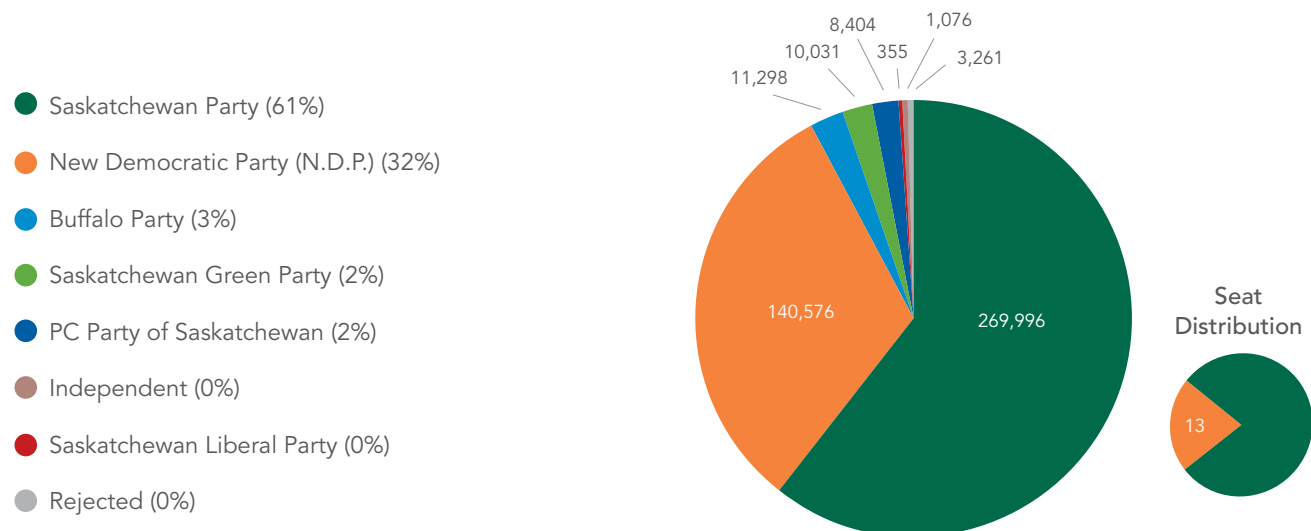
Elections Saskatchewan worked closely with the Saskatchewan Health Authority, the Ministry of Health, and the Ministry of Social Services to facilitate safe access to voting for residents of personal care facilities and patients in the hospital on Election Day.

Election Results

After the Final Count, 48 Saskatchewan Party and 13 New Democratic Party (N.D.P.) members were declared elected.

Results of Saskatchewan's 29th General Election

Votes by Party



A total of 444,997 ballots were cast during Saskatchewan's 29th General Election. Voter turnout, as a percentage of registered voters, was 54.2 percent (after registrations taken during voting were processed).

Overview of Proposed Legislative Reforms

Over the past decade, election management bodies across Canada have been under increasing pressure to modernize an approach to voting that has existed relatively unchanged since the founding of the country.

That traditional model of voting has required a small army of election officials, most of whom will work only one day, to implement antiquated, paper-based processes that had not been substantially changed by the advent of computers and information technology. In Saskatchewan, the poll clerk position is still required to handwrite the name and address of every single person that voted in their polling division.

Not surprisingly, fewer and fewer people are willing to put themselves forward for these positions. A survey of Elections Saskatchewan's Returning Officers after the province's 2020 General Election found that nearly 62 percent said it was difficult to recruit workers, an increase from the 45 percent who said it was difficult in 2016 (although the presence of COVID-19 could also have played a role in these recruitment issues).⁷

One persistent question asked by voters, election officials, and political stakeholders was why election processes could not be improved by the introduction of technology. The answer, in most jurisdictions, including Saskatchewan, was that extremely prescriptive legislation prevented the types of wholesale changes that would be needed to bring computers into voting locations to help administer the vote. Across the country, that is now changing.

This report is recommending a continuation of voting modernization begun in advance of the 29th General Election. It consists of a three-phase approach. Phase One was introduced in advance of the 29th General Election. Phase Two, described in detail below and the subject of this Report, is intended to be implemented in advance of the 30th General Election. Phase Three will move forward in advance of the 31st General Election, scheduled for October 2028.

The Vision – Saskatchewan Provincial Elections by 2028

Volume IV in *A Report on the Twenty-Eighth General Election*, Chief Electoral Officer's Recommendations for Legislative Reform (hereafter Volume IV (28th GE)) offered a vision of what a fully modernized election process would look like. The following features were found therein and have been updated for this report.

- **Increased opportunities to vote:** People increasingly want to vote when and where it suits them and not during certain hours or at certain locations. A fully modernized voting process must ensure that the convenience of the voter is at the forefront. This will mean increased opportunities to vote in person as well as a robust and simple to use system of voting by mail. Special voting opportunities, such as those for individuals in the hospital or who reside at a personal care facility, will be expanded upon and take advantage of technology to better serve those voters.
- **Opportunity to "Vote Anywhere":** For decades, voters in Saskatchewan have been able to vote at only their assigned location on election day. For advance voting, this was expanded to anywhere in their constituency. Given modern technology and real time transfer of data, it will be possible for voters to vote at any location in the province – wherever is most convenient for them. This would mean, for example, that a voter who lives in one community but works in another could vote during their lunch break, an option that has never been available in the province.

People increasingly want to vote when and where it suits them and not during certain hours or at certain locations. A fully modernized voting process must ensure that the convenience of the voter is at the forefront.

⁷ More results from this survey can be found on page 32 of Volume II, Administrative Review in *A Report on the Twenty-Ninth General Election*.

- **Improved system integrity:** Technology will allow for the implementation of real-time voter strike off. This means that once a voter is “checked in” by an election official and issued a ballot they are immediately struck off in the electronic system. This means that they will not be able to receive a ballot at any other voting location or by any other method of voting. Political stakeholders will receive real-time data on who has voted and when, greatly facilitating their “get out the vote” campaigns and reducing the need for candidate representatives to collect “bingo sheets,” a manual record of who has voted.
- **Greater workforce efficiency:** The decoupling of the election official from their assigned ballot box will allow for shift work and eliminate the need for workers to administer voting for the entire voting period. This will help to avoid exhaustion and ensure election officials are attentive and able to focus on their responsibilities.
- **Improvements to paper-based system of balloting:** Even after three phases of modernization, the paper ballot will remain the predominant method by which voters mark their candidate of choice. Printers in certain locations will allow ballots to be printed in real-time, reducing the use of Form B, write in ballots as much as possible. By 2028, there may be limited use of online voting, although likely only for use by certain groups, such as Canadian Armed Forces members stationed overseas.
- **Increased speed and accuracy in reporting voting results:** Multiple studies and real-world tests have shown that ballot tabulators count votes faster and more accurately than humans. After marking their ballot, voters will feed it into a ballot tabulator after which it will be deposited into the ballot box. At the end of the voting period, an election official will complete a series of unlocking tasks, produce results, distribute them to candidate representatives and then, either electronically or by phone, transmit them to the returning office. Preliminary election night results will be available much faster and more reliably than with hand counted ballots. And all paper ballots are retained for recount purposes.

Political stakeholders will receive real-time data on who has voted and when, greatly facilitating their “get out the vote” campaigns and reducing the need for candidate representatives to collect “bingo sheets,” a manual record of who has voted.

- **Reduced costs, lower dependency on people:**
The widespread introduction of technology will result in a reduced need for election officials, although it is difficult to say to exactly what extent. Much of the cost of introducing technology should be offset by these staffing reductions. By leasing certain pieces of equipment from other election management bodies, Elections Saskatchewan should also be able to keep cost increases to a manageable level. These collaborative efforts should reduce costs in Saskatchewan and across the country.

This description is of a modern, efficient system of administering voting during provincial elections. It would provide better service to voters, to political stakeholders and allow for better working conditions for election officials. Integrity and transparency would be improved resulting in increased public confidence in the election system.

Saskatchewan’s original model for delivering elections, first implemented in the United Kingdom in the early 19th Century, served the province well for more than 100 years. It was a successful approach but the widespread presence of technology and changing public expectations mean that it must be moved into retirement and replaced by a modern system that better takes advantage of the technologies available.

Considerations for Legislative Change

Phase One of modernization moved forward during the 2016 – 2020 election cycle. For a complete recounting of the specific outcomes of that phase, see Chapter Three.

The Chief Electoral Officer is proposing that **Phase Two** of modernization, described fully in Chapters Four and Five, move forward during the present election cycle, from 2020 – 2024, in advance of the province's 30th General Election. The most critical component of Phase Two, the current phase, is a proposed new section of legislation that would allow the Chief Electoral Officer to adapt existing legislative provisions to allow voting process modernization to move forward.

Phase Three of modernization, described in Chapter Six, would include a new, modern, plain language Election Act for the province. This reworked legislation would be based on the directives that are ultimately used to deliver the province's 2024 election, meaning Phase Two will lead directly into Phase Three. This reworked legislation should be available for consideration by legislators early in the election cycle taking place from 2024 to 2028.

Proactively Managing Risks and Costs

During a general election, Elections Saskatchewan oversees a province-wide workforce of more than 11,000 with a permanent, full time head office team of just 17 people. While this permanent team is greatly assisted by term personnel and Field Leadership Team members, it remains the responsibility of this small team to coordinate, control and deliver a general election. This means that changes to established processes must be considered carefully and

methodically so as to not overwhelm the capacity of the election system to deliver them.

As first described in Volume IV (28th GE), the scope and scale of the modernization envisioned would have introduced an extremely high level of risk had Elections Saskatchewan pursued it in one election cycle. For this reason, the decision was made to divide the planned innovations into three election cycles, reducing the risk of making such significant changes.

Modernization of election processes and the systems for delivering elections is underway across Canada. Elections Saskatchewan has been active in engaging with other provinces on lessons learned and common issues. There is also the distinct possibility that Elections Saskatchewan will be able to acquire necessary equipment from other jurisdictions as opposed to purchasing equipment on its own. This would decrease costs for the province and help to ensure that there is always access to reliable, modern equipment.

The widespread introduction of technology to the administration of voting will reduce the number of advance and election day workers that are necessary. This should result in a decrease in staffing costs across the province. This decrease will be offset by the cost of acquiring the necessary technology and developing new processes, procedures and training. To date, Elections Saskatchewan has budgeted for and received funds in its 2020-2021 and 2021-2022 budget estimates to prepare for Phase Two of modernization. Additional budget funds will be necessary in both fiscal years 2022-2023 and 2023-2024, with the needed costs increasing as the general election draws nearer.

The three-phase approach chosen by the Chief Electoral Officer to modernize Saskatchewan's system of delivering elections was consciously chosen to balance risk with cost considerations over the long term. A substantial investment will be required to ensure that Phase Two of modernization, described in this document, moves forward successfully and effectively. Those investment needs will be described in Elections Saskatchewan's budget submissions for the coming years.

The most critical component of Phase Two, the current phase, is a proposed new section of legislation that would allow the Chief Electoral Officer to adapt existing legislative provisions to allow voting process modernization to move forward.

Additional Areas Requiring Legislative Consideration

Much of the substance of this report focuses on the comprehensive changes that the Chief Electoral Officer is proposing to the administration of voting in the province. However, during the discussions that led to the finalization of these recommendations, several other items were raised that deserve attention and consideration from Members of the Legislative Assembly.

These are:

- The structure and administration of the province's political/campaign finance regime;
- The legislated responsibilities and relationships between Elections Saskatchewan and municipal election administrators; and
- The ongoing impact of disinformation and digital communications and the impact of disinformation on democratic processes.

The Chief Electoral Officer will also reiterate a number of points made in previously distributed CEO Assessment Series publications and discussion papers, including proposed changes to referendum legislation, boundary delimitation processes and election date timing. Further information about each of these topics can be found in Chapter 5.

Contents of this Report

This report provides details on legislative changes that the Chief Electoral Officer recommends to allow the second phase of modernization, first outlined following the province's 2016 general election, to move forward.

Chapter Three looks back on the Chief Electoral Officer's original three phase plan for modernization, first outlined following the 2016 general election. It provides a summary overview of all three phases and then delves into detail on Phase One of modernization and describes the successes and challenges achieved during Saskatchewan's 29th General Election, held on October 26, 2020.

Chapter Four takes a closer look at the Chief Electoral Officer's specific recommendations for modernization that are proposed for the next general election, scheduled for October 28, 2024. These recommendations were first described in a paper published by the Chief Electoral Officer in August 2021 and are expanded upon within this

The three-phase approach chosen by the Chief Electoral Officer to modernize Saskatchewan's system of delivering elections was consciously chosen to balance risk with cost considerations over the long term.

document. It proposes a unique legislative approach, similar to the one used during Phase One to allow advance voting modernization to move forward, in a manner that allows Elections Saskatchewan to learn and adapt quickly and efficiently.

Chapter Five delves into additional areas that require consideration by legislators beyond modernizing how Elections Saskatchewan delivers voting services to stakeholders. This includes the political/campaign finance realm, relationships between Elections Saskatchewan and municipal election administrators and the ever-increasing topic of disinformation, digital communications the impact on democratic practices.

Chapter Six looks beyond the next provincial election and briefly discusses what the planned Phase Three of modernization will look like in 2028. These plans will be expanded upon following the administration of Saskatchewan's next general election in 2024.

Finally, **Chapter Seven** offers concluding remarks and a path forward for Phase Two of modernization.

Appendix A presents draft language that could be used to amend *The Election Act, 1996* to allow the type of modernization described in Chapter Four to move forward.

Appendix B provides a longer list of smaller, discrete changes to legislation that will help to facilitate modernization or to improve the services Elections Saskatchewan offers to stakeholders.

A photograph of a person wearing a blue jacket and a dark blue face mask, casting a ballot into a white ballot box. The person's hand is visible, holding the ballot and inserting it into the slot. The background is blurred, showing an indoor setting.

25.5%

Percentage of
votes cast in
advance in 2016

41.5%

Percentage of
votes cast in
advance in 2020

Summary of Phase One Modernization Activities

The Chief Electoral Officer's original plans for modernization were detailed in Volume IV of *A Report on the Twenty-Eighth General Election, Chief Electoral Officer's Recommendations for Legislative Reform*.⁸ That report outlined a three-phase plan that would have seen a modernized election process gradually introduced during general elections in 2020, 2024, and 2028.

As Volume IV (28th GE) detailed, the public increasingly expects a more convenient and efficient voting experience. In most of Canada, including Saskatchewan, the voting experience is not all that different today than it would have been 100 or more years ago. This traditional model of administering voting requires a very large number of temporary workers, most of whom work for just one day, and as time has gone on, fewer people are willing to offer their time to work. Finding enough workers to staff voting locations is a primary concern for every election management body across Canada. During Saskatchewan's

2020 general election, the presence of COVID-19 made finding enough workers even more difficult for constituency Returning Officers.⁹

One contributing factor to the difficulty in recruiting workers has been a reliance on manual, paper-based processes and hand counting of ballot papers. A key reason for this antiquated approach has been highly prescriptive election legislation that prevents the introduction of technology to the administration of voting without substantial legislative change. However,

⁸ Volume IV in *A Report on the Twenty-Eighth General Election, Chief Electoral Officer's Recommendations for Legislative Reform* can be found on the Elections Saskatchewan website at <https://www.elections.sk.ca/reports-data/reports-publications/>. In this chapter and throughout this report, this version of Volume IV shall be referred to as Volume IV (28th GE) to differentiate from the current version.

⁹ See page 32 of Volume II in *A Report on the Twenty-Ninth General Election, Administrative Review*.

many jurisdictions, including Saskatchewan, have been undertaking modernization efforts to allow technology to be used in voting locations. And this type of change is well supported by the voting public. A post-election survey of voters conducted by Elections Saskatchewan in 2020 found that more than three quarters of respondents agreed with the statement “Although our voting process has served us well for over 100 years, we should embrace changes that improve things.”

Modernizing in Phases

As mentioned, the Chief Electoral Officer’s vision for modernization was detailed in Volume IV (28th GE) which outlined a process that would unfold over the course of the following three elections. The phased-in approach would allow for gradual change and for lessons learned in one event to be applied to the next. This means that plans for future phases can change based on what has happened in previous ones. This chapter will outline what modernization

...More than three quarters of [survey] respondents agreed with the statement “Although our voting process has served us well for over 100 years we should embrace changes that improve things.”

activities took place in Phase One (2016 – 2020) in advance of the province’s 29th General Election and what that means for future phases of modernization.

The following table, originally published in Volume IV (28th GE) summarizes the original proposed content and timing of each phase:

Phase	Proposed Timing	Features
Phase One	<ul style="list-style-type: none"> • CEO recommendations published in early 2018 • Legislative changes to <i>Election Act</i> made in early 2019 • New and amended provisions apply at the 29th General Election in November, 2020 	<ul style="list-style-type: none"> • Technology support to streamline advance voting, and efficiently count advance votes • Ability for Chief Electoral Officer to ‘pilot’ modernized voting procedures • Administrative inefficiencies and problematic requirements of current election rules addressed with ‘housekeeping’ amendments
Phase Two	<ul style="list-style-type: none"> • CEO recommendations published in 2021 • New election legislation enacted in 2022 • New provisions apply at the 30th General Election in November, 2024 	<ul style="list-style-type: none"> • New <i>Election Act</i> for Saskatchewan provincial elections • Modernized, technology-assisted voting services available at all Advance Voting and most Election Day Voting locations • Polling division maximum population size increased • Postal voting packages ‘automatically’ issued to registered voters living in lightly populated remote and rural areas of the province • Standard hours, voting service approach for both Advance Voting and Election Day Voting
Phase Three	<ul style="list-style-type: none"> • CEO recommendations published in 2025 • Amendments to election legislation enacted in 2026 • New provisions apply at the 31st General Election in November, 2028 	<ul style="list-style-type: none"> • Ability for voters to vote at any voting location in the province – ‘Vote Anywhere’ • Introduction of seven consecutive days of voting – ‘Voting Week’ • Provisions to allow electronic collection of voting results from vote tabulators across the province • Online voting (with central printing of paper ballots) made available for disabled voters, out-of-province voters, and Canadian Forces voters posted overseas

Phase One – An Overview of Planned Changes

The original plan for Phase One of introducing a modernized approach to voting in Saskatchewan provincial elections began with revamping the way services are provided during advance voting—a component of elections in which there had been rapid change and the one that required the most immediate attention.

For the 29th general election, recommendations for modernization to Saskatchewan’s voting services focused on three key areas:¹⁰

- Streamlining the advance voting process, which is rapidly growing in popularity by introducing electronic poll book and ballot tabulator technology;
- Enabling Elections Saskatchewan to undertake pilot projects to test planned electoral process innovations in a limited implementation environment; and
- Addressing errors, omissions, contradictions, and administrative challenges that exist in the current Election Act and its regulations.

Each of the three key areas mentioned above will be briefly described in more detail here. For information on the

progress Elections Saskatchewan made in fulfilling these recommendations, see the next section “A Summary of Phase One Activities and Accomplishments.”

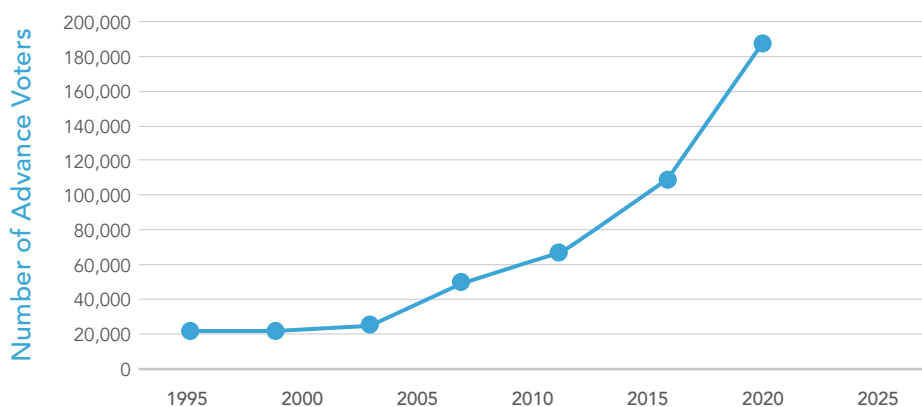
Streamlining the Advance Voting Process

The first, and most significant item described as part of Phase One was revamping the province’s traditional advance voting process to allow the introduction of technology. Volume IV (28th GE) said that while the average observer may think the changes were modest, an experienced observer would note “an increased overall efficiency of the advance voting processes, featuring less waiting time and speedier processing after receiving a ballot.”¹¹

A key reason for the proposed changes to the advance voting process was that the number of voters wanting to vote early had been rising steadily (and continued to do so in Saskatchewan’s 2020 general election). During the 2016 general election, 25.5 percent of all votes were cast in advance – in 2020, that number rose to 41.5 percent. Although this increase may have been partially driven by the presence of COVID-19, it remains true that voters want to vote when and where it is convenient for them and not solely on election day.

During the 2016 general election, 25.5 percent of all votes were cast in advance – in 2020, that number rose to 41.5 percent.

Growth of Advance Voting – 1995 to 2020



¹⁰ Complete details on the Chief Electoral Officer’s recommendations for Phase One can be found in Chapter Three of Volume IV (28th GE) available on the Elections Saskatchewan website.

¹¹ See Page 17 in Volume IV in *A Report on the Twenty-Eighth General Election*, Chief Electoral Officer’s Recommendations for Legislative Reform (2018).

Volume IV (28th GE) listed a number of challenges with the legislated advance voting process, primarily focused on the inefficiency of the existing model. It required two election workers to be paired with a ballot box for the entire advance voting period and for those same two workers to then return and count their ballots after the close of voting on election day. This was an inefficient arrangement, and the prescriptive legislative instructions made it difficult for the process to be changed or improved.

A modified advance voting process is described in Volume IV (28th GE). The new process is described from the experience of an election worker, a voter and a candidate representative. For each stakeholder, the report lists a number of key benefits and improvements.

Providing Administrative Discretion to Enable Innovation via Pilot Projects

The second item to be addressed as part of Phase One was providing Elections Saskatchewan with the authority to test new processes and procedures using pilot projects. This authority exists in many jurisdictions around the world, as well as in other Canadian jurisdictions, permitting election management bodies to conduct pilot projects during by-elections, within a limited number of constituencies during general elections or for specific jurisdiction-wide processes during general elections. These pilot efforts permit the “real world” testing of alternative procedures/arrangements and allow accurate assessments of the effects of introducing technology into voting administration.

While such pilot projects are formally documented and communicated to stakeholders by the election management body, they have the benefit of not requiring all the details of election legislation to be amended before permitting the modified approach to be used with legal authority during an actual electoral event. However, legal modifications are still required before a piloted approach can be adopted as a new process or method to be used in subsequent events.

Volume IV (28th GE) includes several possible pilot projects that could be tested in future events to better prepare Elections Saskatchewan and other key stakeholders for modernization.

Elections Saskatchewan made progress in fulfilling the goals contained within each of the three key areas included in Phase One.

Addressing Issues with Current Election Act and Regulations

The third, and final, item to be addressed as part of phase one was addressing a large number of contradictions, omissions and administrative problems created within the requirements of *The Election Act, 1996* and its supporting regulations.

While not directly tied to modernization, these issues needed to be addressed with “housekeeping” amendments that established a solid legal foundation from which to improve voting administration. Addressing shortcomings of election legislation would supplement the introduction of modernized advance voting services in Saskatchewan’s provincial elections.

A Summary of Phase One Activities and Accomplishments

Elections Saskatchewan made progress in fulfilling the goals contained within each of the three key areas included in Phase One.

This included both legislative success, that is receiving support from legislators to move ahead with recommended changes, as well as tangible success in achieving real world results. This success was limited however, as unforeseen events arising early in 2020 had a significant impact on Elections Saskatchewan’s modernization efforts.

Streamlining the Advance Voting Process

The most significant elements of modernization contained in Volume IV (28th GE) were focused on modernizing how advance voting was conducted in the province. The legislative authority to proceed with this aspect of modernization was brought forward in *The Election Amendment Act, 2018*, which came into law on December 5, 2018.

A new section, 135.1 was introduced which provided the Chief Electoral Officer with broad authority to modify the Act's advance voting instructions to allow for the introduction of ballot tabulators and electronic poll books. The approach taken within this new section of legislation was very flexible and provided the Chief Electoral Officer with the discretion to direct the use of technology without the prescriptiveness previously found in the Act.

With the passage of this legislation, Elections Saskatchewan began working on what would become known as its Advance Voting Services Modernization project (AVSM). Over the following years, plans for AVSM would take shape and were outlined to stakeholders such as the Chief Official Agents of the province's registered political parties. After much internal discussion, it was determined that technology (tabulators and electronic poll books) would be used at all advance polls in 28 of the province's 61 constituencies, primarily in Regina and Saskatoon but also in the rural constituencies of Indian Head-Milestone and Martensville-Warman. The Chief Electoral Officer outlined

these plans in an op-ed published throughout the province on October 25, 2019.¹²

Ultimately, the AVSM project was not implemented in the 29th general election. Throughout February and early March 2020, there was significant public speculation of an early election call.¹³ This caused a shift in Elections Saskatchewan's planning position and led to the Chief Electoral Officer suspending plans for AVSM during the 29th General Election. In a news release, the Chief Electoral Officer said, "I have concluded that we cannot be prepared to run an election earlier than October 26, 2020 and move forward with modernization. I have decided instead to suspend our modernization efforts for this election cycle and focus on implementing a traditional election in order to ensure the integrity of our process."¹⁴ In a Communique to the province's Chief Official Agents sent on March 4, 2020, the Chief Electoral Officer offered further information and clarified that the AVSM project would be suspended in such a manner that it could form the basis of modernization after the 29th General Election.



As part of its AVSM project, Elections Saskatchewan conducted internal tests of electronic poll books and ballot tabulators in early 2020.

¹² This op-ed, which was published in the Regina Leader-Post, Saskatoon StarPhoenix and on the CBC Saskatchewan website, can be found online at <https://www.elections.sk.ca/media/news-releases/a-modern-democracy-needs-modern-tools/>.

¹³ See, for example, *Moe refuses to rule out early provincial election in Saskatchewan*, Saskatoon StarPhoenix, February 26, 2020.

¹⁴ This news release can be found online at <https://www.elections.sk.ca/media/news-releases/esk-preparing-for-general-election-when-instructed/>.



Elections Saskatchewan piloted Assisted Telephone Voting in the February 2022 Athabasca by-election.

Providing Administrative Discretion to Enable Innovation via Pilot Projects

Legislative authority for the Chief Electoral Officer to implement pilot projects was also brought forward in *The Election Amendment Act, 2018*. New sections 5.1 and 5.2 were introduced, providing instructions for how “alternate procedures, equipment or technology” could be used during by-elections or general elections.

The legislative requirements to conduct a pilot project during a by-election is different from conducting a pilot project during a general election.¹⁵ During a by-election, the Chief Electoral Officer has the authority to “direct the

use of an alternate procedure, equipment or technology.” The Chief Electoral Officer must issue a directive containing detailed instructions and provide this directive to the Speaker of the Legislative Assembly and the Board of Internal Economy at least four weeks before the by-election is called. The Chief Electoral Officer can proceed with a pilot project without the approval of the Speaker or the Board of Internal Economy provided the requirement to inform certain stakeholders is followed. No by-election was held between the implementation of this legislation and Saskatchewan’s 29th General Election so this specific provision was not used until the Athabasca by-election, held on February 15, 2022.¹⁶

¹⁵ For complete information see sections 5.1 and 5.2 of *The Election Act, 1996*.

¹⁶ Elections Saskatchewan piloted a new form of voting, Assisted Telephone Voting (ATV), during the Athabasca by-election. Details on ATV, including the Chief Electoral Officer’s recommendations on future use of ATV, can be found in the legislatively required report issued on the topic. That report can be found here: <https://www.elections.sk.ca/reports-data/reports-publications/>.

The requirements to conduct a pilot project during a general election are similar but with one significant difference. The Chief Electoral Officer can proceed with a pilot project during a general election, but only with the approval of the Board of Internal Economy. Problematically, the legislation also requires that any pilot project be conducted in every constituency in the province. This limits the ability of the Chief Electoral Officer to test new processes and procedures. The ability to test a new procedure in a smaller number of constituencies would be far more flexible and useful moving forward. A change to section 5.2(4) of the Act will be included as one of the Chief Electoral Officer's supplemental recommendations.

Elections Saskatchewan did not conduct any pilot projects during the 29th General Election. This was due in part to the problematic requirement to conduct any pilot in all 61 of the province's constituencies but also because of the presence of COVID-19. The pandemic did result in some changes to Elections Saskatchewan's traditional method of implementing election events, but these changes were authorized under section 7 of the Act and The Election Act Regulations.

Addressing Issues with Current Election Act and Regulations

The details of the errors, omissions, contradictions and administrative challenges that needed to be addressed within the Act were not contained in Volume IV (28th GE) but rather in a memo sent from the Chief Electoral Officer to the Minister of Justice in November 2018.¹⁷

This later document contained more than 100 recommended changes separated into seven categories. These seven categories were:

1. Incomplete drafting and conflicting references;
2. Provisions that add cost, but little or no value;
3. Provisions that demand the collection of unnecessary information;
4. Provisions that are no longer required;
5. Gaps in legislative provisions;
6. Changes required to keep pace with voting trends;
7. Changes required to keep pace with modifications to electoral administration.

A great many of these recommended changes were made to the Act in early December 2019 as part of *The Election Amendment Act, 2019*. Because of this, a much smaller number of supplemental changes are required following the 2020 general election.

Moving Forward

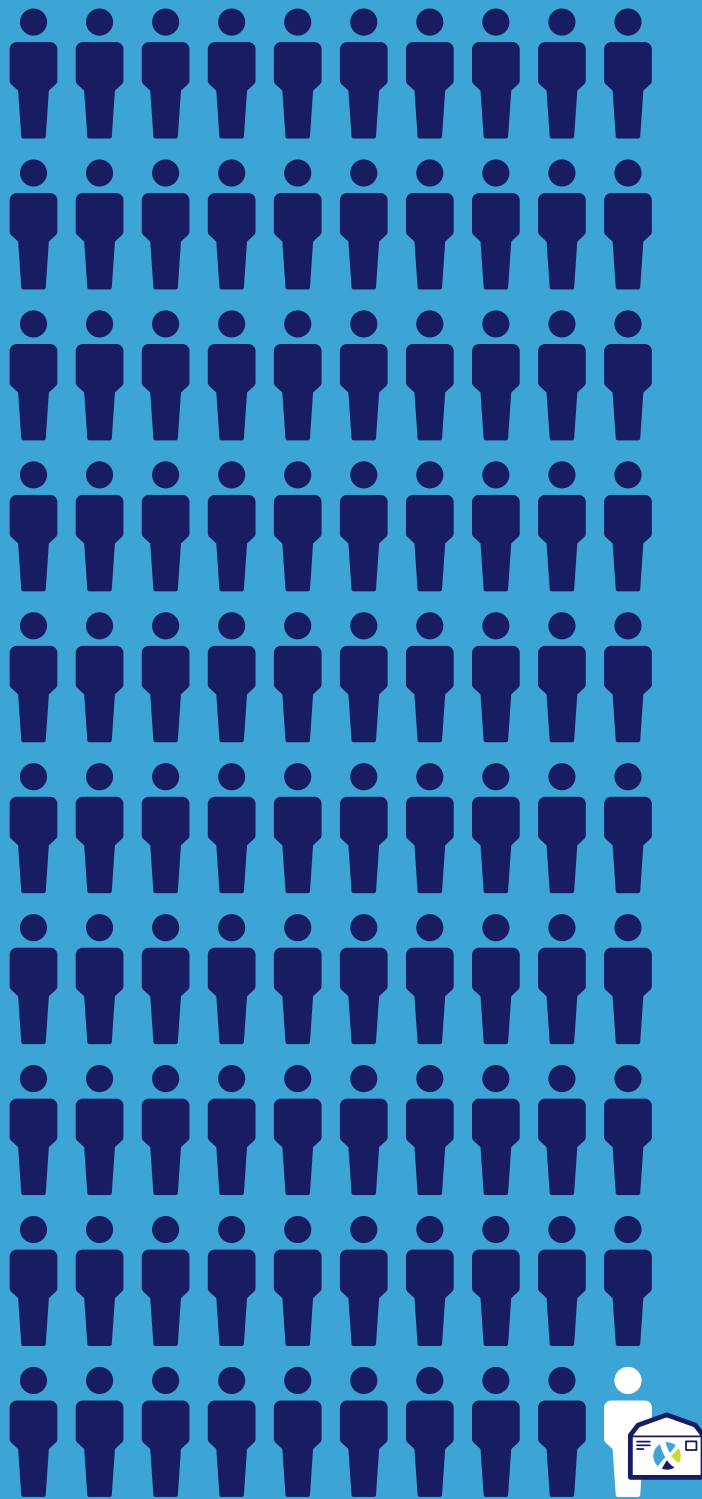
Elections Saskatchewan achieved many, but not all, of the items outlined for phase one in Volume IV (28th GE) when it administered the 2020 general election. This is to be expected, as the province experienced not only the very credible risk of an election six months earlier than required by legislation but also the unprecedented impact of the COVID-19 pandemic.

Immediately following completion of the 2020 general election, the Chief Electoral Officer began to engage with key stakeholders on how to best implement phase two of modernization. This report offers a path forward, building on the lessons learned between 2016 and 2020 with a goal of continuing on the path to the modernized voting experience first outlined in Volume IV (28th GE).

This report offers a path forward, building on the lessons learned between 2016 and 2020 with a goal of continuing on the path to the modernized voting experience first outlined in Volume IV (28th GE).

¹⁷ A copy of this memo and accompanying table, dated November 23, 2018, can be found online at <https://www.elections.sk.ca/reports-data/reports-publications/>.





1 in 100

People voting by mail in 2016



1 in 8

People voting by mail in 2020

Phase Two Modernization - Saskatchewan's 30th General Election

In August 2021, the Chief Electoral Officer released *Modernizing Saskatchewan's Provincial Voting Experience – Voting Services Modernization for Saskatchewan's 30th General Election*.¹⁸ That report offered an early indication of the main ideas that would guide Elections Saskatchewan on its path towards a modernized system of administering elections in the province and served as a precursor to the recommendations that follow.

There were three distinct, but interrelated directions described as part of the Voting Services Modernization Initiative:

- Moving to an “election period”
- Updating certain election processes and administration, and
- Broadening access to voting.

The recommendations listed above are broadly aligned with the set of legislative changes originally proposed to be implemented as part of Phase Two of Elections Saskatchewan's modernization efforts. Volume IV (28th GE) outlined a three-stage process for electoral modernization, with each stage introduced sequentially in advance of the 29th, 30th and 31st general elections (in 2020, 2024 and 2028). For more information on the status of Phase One recommendations, refer to Chapter Three.

¹⁸ A copy of this document, along with a news release summarizing its contents can be found on the Elections Saskatchewan website at <https://www.elections.sk.ca/media/news-releases/ceo-releases-paper-outlining-vision-for-future-elections/>.

[P]roviding greater legislative flexibility to the Chief Electoral Officer to identify and respond to local and regional differences will help ensure that as Saskatchewan modernizes its electoral services, it does so in a way that meets the needs of voters and stakeholders.

The **Phase Two** changes originally proposed in Volume IV (28th GE) were:

- New Election Act for Saskatchewan provincial elections
- Modernized, technology-assisted voting services available at all Advance Voting and most Election Day Voting locations
- Polling division maximum population size increased
- Postal voting packages ‘automatically’ issued to registered voters living in lightly populated remote and rural areas of the province
- Standard hours, voting service approach for both Advance Voting and Election Day Voting.

Now, after many lessons learned in Phase One of modernization, the Chief Electoral Officer is proposing to proceed with many of those original recommendations while changing and postponing others. This is to be expected as a benefit of a phased-in approach is relying on lessons learned to form future plans.

A key principle underlying all the proposed changes in the Voter Services Modernization Initiative is flexibility. Saskatchewan is a geographically large and diverse province. In meeting the needs of all eligible voters and political stakeholders, it is recognized that a one-size-fits-all model will be less successful than a model in which the specific needs of each community can be considered. To take an obvious example, there is a range of internet services available throughout the province,

and therefore the assumptions used to plan and implement greater use of technology are different in Saskatoon and Regina than they are in Nipawin or Fond-du-Lac. Therefore, providing greater legislative flexibility to the Chief Electoral Officer to identify and respond to local and regional differences will help ensure that as Saskatchewan modernizes its electoral services, it does so in a way that meets the needs of voters and stakeholders. Appendix A contains proposed legislative language that would allow the Chief Electoral Officer to proceed with the changes discussed in this chapter.

Changes in the Expectations and Behaviour of Voters

Much has been written about recent changes in voter behaviour in Canada at both the federal and provincial levels. Two types of changes stand out.

First, in nearly all jurisdictions, there has been a decline in voter turnout over the past generation. In the 1970s and 80s, it was common to see voter turnout figures hovering around 75 percent and higher. Saskatchewan was part of that trend. For example, in the 1982 Saskatchewan election, 79.8 percent of eligible voters cast a ballot. By 2020 turnout fell to 52.9 percent.¹⁹

Second, there has been a marked shift in the method used to cast a ballot. There has been a sharp rise in advance voting, such that in 2020, 41.5 percent of all votes cast were done so at an advance voting place. In part due to the COVID pandemic, there also was a sharp rise in voting by mail in 2020, from about 1 percent of all votes in 2016, to 12.7 percent in 2020. These changes have resulted in a parallel decline in election day voting, in which only 45 percent of ballots cast in 2020 were cast on election day. As recently as 2011, that number was 82.5 percent.

A Street-Level View of Election Administration

To better understand the impact of these proposed changes on election administration, it is useful to shift focus from the provincial level to the constituency level, to appreciate the impact of broad changes on the actual work of administering voting. Recall that under the current election services model, two officials (a deputy returning officer and a poll clerk) staff each election day voting station across the province and administer all election day voting services.²⁰ This can include

¹⁹ Complete turnout figures, dating back to 1982, can be found in Volume I of *A Report on the Twenty-Ninth General Election*, Statement of Votes, available on the Elections Saskatchewan website.

²⁰ The Chief Electoral Officer does have the authority, under section 135.1 of *The Election Act, 1996* to authorize the use of technology and to make broad changes to the administration of voting at advance voting locations but this authority was not used in the 2020 general election. It was used to implement electronic poll books and a modified voting procedure (including the elimination of the poll clerk position) at a by-election held in Saskatoon Meewasin in late September 2022. The detailed results and analysis of this modified process are not available as of the publication of this volume.

registering voters (if necessary), checking ID, striking them off the voters list, recording their name in the poll book, issuing a ballot, and so on. And at the close of voting, those same two workers must count the ballots, reconcile their results and report those results to the returning office. This process and the legislative instructions for election day voting have remained relatively unchanged since the early elections following Saskatchewan's entry to confederation as a province in 1905. What has changed, however, are the expectations and behaviour of voters.

Take for example, the constituency of Regina Northeast in the province's 1975 and 2020 general elections.²¹ In 1975, nearly every ballot in the constituency was cast on election day. The 41 election day polls in the constituency averaged 165 voters with one seeing 273 votes cast. In 2020, the average election day poll served only 58 voters. No election day poll saw more than 100 voters. Contrast this with advance voting – there were just 208 advance voters in 1975 – by 2020, that exploded to 3,751. This is one example, but the results could be replicated in other constituencies and by comparing other general elections to the 2020 event.

By legislative design, every polling division in the province should have about 300 voters and for every polling division, there are the two workers mentioned above – a deputy returning officer and poll clerk. Using the example above, this team of workers would have expected to serve anywhere between 150 and 300 voters for much of the province's history. In 2020, they were mostly serving less than 100 voters while voters flocked to advance and Vote by Mail opportunities.

Voter Services Modernization Initiative

This review of changing election administration at the constituency level serves as a backdrop to the proposed Voter Services Modernization Initiative. The expectation is that this initiative will provide greater services and enhanced satisfaction among voters and stakeholders alike and will lead to enhanced efficiency, greater workforce satisfaction, and long-term cost neutrality for Elections Saskatchewan.

As the preceding discussion indicates, significant changes already are underway in the way elections are administered. As citizens demand and respond to greater flexibility in many aspects of their lives, so too do they demand and respond positively to greater flexibility in voting. The following proposal describes the steps necessary for

Elections Saskatchewan to fulfill its role as the provider of electoral services. It proposes to do so by transitioning from an election day to an election period, by modernizing election processes and administration, and by broadening access to voting, all the while maintaining trust in and integrity of the province's election system.

Appendix A of this report contains examples of legislative language that would allow the Chief Electoral Officer to proceed with the proposed Voter Services Modernization Initiative. This would be accomplished by legislative change providing the Chief Electoral Officer with broad authority to issue directives containing specific instructions and processes to be followed by election officials. Such an approach would provide Elections Saskatchewan with sufficient flexibility to proceed with Voter Services Modernization in a way that takes advantage of lessons learned in other jurisdictions while maintaining appropriate integrity and security protocols.

Transitioning from an election day to an election period

In many respects, Saskatchewan has already transitioned away from conducting general elections principally on election day. Fewer than half the votes cast in the 2020 election were cast on Monday, October 26, election day. Although some of this change can be ascribed to conducting the 2020 election during the COVID pandemic, in fact it is part of a larger trend, begun before the advent of the pandemic. Reviewing the growth in advance voting over the

The expectation is that this initiative will provide greater services and enhanced satisfaction among voters and stakeholders alike and will lead to enhanced efficiency, greater workforce satisfaction, and long-term cost neutrality for Elections Saskatchewan.

²¹ The boundaries of Regina Northeast have changed due to constituency boundary delimitation processes in the past several decades, but the constituency covers approximately the same geographic area of the city of Regina.

last twenty years is striking. In the 2003 general election, 6 percent of votes were cast in advance. That jumped to 41.5 percent in 2020. Advance voting transformed from being a niche option to one used by nearly half of all voters.

Similar increases in advance voting are taking place in other provinces and in federal elections. It is evident that the popularity of advance voting is not a short-term fad, but rather reflects a longer-term demand on the part of the public for accessing services in a way that aligns with their schedules. Advance voting has changed from being an unusual activity available to those with a valid reason for not voting on election day, to simply a convenient alternative to election day voting.

The growth in availability of advance voting has dramatically increased the ease and access to voting for Saskatchewan voters. With advance voting currently open for five days for eight hours per day, a full 40 hours of voting has been added to the 11 hours of voting available on election day. Furthermore, with the elimination of the requirement to obtain permission to vote in advance, now there are no differences in the requirements to vote in advance compared to voting on election day. In fact, one might say that it is easier to vote in advance, both because of the much longer availability of advance voting, and because voters are able to cast a ballot at any advance voting location in their constituency, whereas on election day they may cast a ballot only at their assigned voting location.

In view of the growing popularity of advance voting and of the removal of differences in the administration of advance and election day voting, the logical next step is to remove the remaining legal differences between the two and define a six-day period for voting. Voters would no longer be assigned to a polling division, and like the current practice with advance voting, they could vote at a polling place of their choosing within their constituency. As a matter of practicality, the election could be administered somewhat differently in urban and rural communities. For example, in urban constituencies polling locations may not change over the six days of voting, whereas in rural constituencies, polls may change their locations over the six days to minimize travel for all voters. The number and locations of voting locations in each constituency would be determined by the Chief Electoral Officer based on regional analysis and need.

The use of technology in voting places will vary, at least in the early years of the Voting Services Modernization Initiative, as connectivity remains a challenge in some parts of the province. It is expected that over time, this challenge will dissipate. In the meantime, there will be parts of the province in which voter strike-off will continue to be a paper-based process, even though it would be computerized in other locations. This is a challenge that has been addressed in other jurisdictions in a way that has ensured the necessary integrity protocols are in place.

Modernizing Election Processes and Administration

Elections Saskatchewan's Advance Voting Services Modernization project had intended to roll out significant changes to advance voting for the 2020 general election. Those changes were placed on hold for reasons discussed in Chapter Three. The 2024 election provides an opportunity not only to implement those changes, but to extend them. There are three types of changes considered in the context of improved election processes and administration. These changes include increased use of technology in the polling place, a redesign of administrative processes and of the roles and responsibilities of election officials in the polling place, and a rationalization of staffing in constituencies and at head office.

Technology in the polling place

With respect to technology in the polling place, considerable work was completed prior to the 2020 election to introduce e-poll books and ballot tabulators into certain advance voting locations. The increasing use of technology to make the voting experience more efficient has been used in several jurisdictions, most notably Ontario, British Columbia and New Brunswick, as well as in many municipal elections. E-poll books provide a way to strike-off voters from the voters list once they have been given a ballot, ensuring that voters cannot obtain a second ballot at another polling place, and ensuring election integrity. An e-poll book was used during advance voting in the Saskatoon Meewasin by-election, held on September 26, 2022.²² This real-world test will provide valuable information for modernization efforts approaching the next general election.

Real time data on voters casting their ballot can be shared with registered political parties and candidates. Optical scanners can be used to scan a voter's Voter Identification

²² Due to the closeness of the by-election to the publication of this report, detailed results and lessons learned from these pilot projects are not available for inclusion herein.



Laptop computers were used to conduct electronic strike off during the September 2022 Saskatoon Meewasin by-election.

Card (VIC) to streamline the strike-off procedure. And ballot tabulators can scan ballots, and greatly simplify the process of ballot counting and reconciliation at the close of polls. This technology has been well-tested in Saskatchewan and throughout Canada.

Authority is sought to enable the Chief Electoral Officer to implement technological enhancements as appropriate in constituencies. These elements of technology modernization – computers for electronic strike-off, internet connectivity for sharing data in real-time, optical scanners, and ballot tabulators, may be implemented simultaneously in some constituencies, and may be introduced more sequentially in others. For example, if any community does not have high quality and secure internet connectivity, information on who voted may be uploaded overnight to Elections Saskatchewan's servers. Similarly, if a polling location has very few voters due to its remoteness, ballots may continue to be counted by hand rather than via a tabulator. These are administrative decisions best left to the judgement of the Chief Electoral Officer on a case-by-case basis. The goal is to implement these technological changes as widely as possible, thereby providing enhanced service to voters,

more timely and complete information to political parties and candidates to support their get-out-the-vote efforts, and faster and more accurate reporting of election results. Appendix A contains sample legislative language, based on the sections introduced to *The Election Act, 1996* to allow advance voting services modernization to take place. These proposed changes would empower the Chief Electoral Officer to issue directives in advance of the election containing specific details appropriate for each election and each constituency in an election.

Redesigning administrative processes

The second type of change is a redesign of administrative procedures and of roles and responsibilities of election officials in the voting place. Current procedures are quite antiquated and were developed in a very different working environment. As mentioned earlier, the current model is to assign approximately 300 voters to each poll, and to recruit and train one deputy returning officer and one poll clerk to administer all voting procedures to these voters. These two officials work, essentially without a break, for the 11 hours of voting on election day, and following the close of polls, then have responsibility for reconciling the ballot count, counting

the ballots, and reporting the results to the returning office. In view of the very large number of polls, this model of election administration involves a very substantial recruitment and training effort, processes that have become more challenging with recent elections.

The redesigned administrative procedures, discussed in detail and represented schematically in Volume IV (28th GE), contemplates a much more streamlined voting process. Voters are struck off the voters list and issued a ballot, by officials who were not connected directly to a single ballot box. Upon marking their ballot, voters are then directed to deposit the ballot in a ballot tabulator by an election worker. Each of the staffing positions in the new voter services model can be replaced at any time, ensuring the work environment for election workers is consistent with contemporary labour practices.

An additional benefit could be the elimination of certain worker positions – as part of pilot projects during the September 26, 2022, Saskatoon Meewasin by-election voting was administered only by a deputy returning officer with no poll clerk. This was possible due to the presence of technology during advance voting and the use of a combined voters list/poll book called a “voting record” on by-election day.²³

Staffing

The third type of change in election processes and administration concerns the relationship between Election Saskatchewan’s head office and its field offices, generally known as returning offices. At present, *The Election Act, 1996* assigns some responsibilities directly to returning officers. However, in conducting an election in the contemporary period, it is more useful to assign the administration of the election to the Chief Electoral Officer, and for that officer to delegate or assign appropriate aspects to others. A good example of this is with respect to Vote by Mail. Prior to 2020, the vote by mail procedure was little used in Saskatchewan, typically by fewer than one percent of voters. Responsibility for implementing vote by mail, according to the *Election Act, 1996*, resides with the returning officer in each of the 61 constituencies through the legislation’s absentee voting provisions. Anticipating a much-increased demand for vote by mail during the 2020 pandemic election, the Chief Electoral Officer was able to

use extraordinary authority to assign the administration of vote by mail to head office rather than the returning officers. The hastily revised system worked well and was widely applauded by voters and stakeholders alike.

Similar consideration should be applied to defining the roles for and assignment of returning officers and election clerks. These positions have served the province well over more than a century. But the needs of today, particularly with enhancements in the use of technology, open possibilities for adopting different approaches or different models.

One such question concerns the need to have one returning officer assigned to each of the 61 constituencies.²⁴ Consider that the city of Regina is divided into three federal constituencies (requiring three returning officers), but twelve provincial constituencies (requiring twelve returning officers). The three federal returning officers are responsible for conducting a federal election in the city of Regina, whereas twelve provincial returning officers are tasked with doing so for a provincial election. This seems counter-intuitive, unnecessarily expensive, and increases the number of returning officers and election clerks that must be recruited and trained. It certainly seems worthwhile to examine the possibility of the Chief Electoral Officer using a more varied and flexible approach – for example, by assigning experienced returning officers in a major urban centre with multiple constituencies, while possibly retaining the current model in rural and remote areas. Providing the authority to the Chief Electoral Officer to make such administrative adjustments can provide an enhancement to current processes and procedures.

Broadening access to voting

The third direction for the Voter Services Modernization Initiative for the 2024 election is through broadening access to voting for all eligible voters. The key principle is that all voters should have easy access to the ballot, provided of course they meet all eligibility requirements. And the principle of easy access to the ballot should extend to all voters, including those who face greater challenges due to geographical remoteness or personal circumstances.

Introducing Vote Anywhere

In the discussion above regarding moving to an election period rather than separate advance and election day

²³ As mentioned earlier, due to the closeness of the by-election to the publication of this report, detailed results and lessons learned from these pilot projects are not available for inclusion herein.

²⁴ This paragraph considers only the number of returning officers needed to successfully administer an election and not how many constituencies the province is divided into or how many Members should be returned to the Legislative Assembly.

voting periods, readers were reminded that presently at an advance voting place, all voters from that constituency can cast a ballot. In other words, one does not have an assigned poll for advance voting. The suggestion was that by moving to integrate advance voting and election day voting, one would also eliminate the need for a poll assignment, as voters in the constituency could vote at any polling location throughout the election period. With the advantages of e-poll book technology, one can take this innovation one step farther, enabling voters from any constituency to be able to vote at certain voting locations, referred to as “Vote Anywhere” locations.

British Columbia has provided for this voting opportunity for over 25 years, since 1996. When the vote anywhere model is used in conjunction with a paper-based voters list, it must be accompanied by a painstaking process of using certification envelopes in which so-called absentee ballots are deposited, followed by an equally onerous process of manual strike-off of certification envelopes against the election day voters list, to ensure voters casting an absentee vote have not already voted. These processes have produced delays in BC of two weeks between the completion of the initial count of ballots on election night (which includes ballots cast on election day, by mail, and in advance polls), and the final count of ballots, which adds to the initial count the ballots cast outside one’s electoral district. Elections BC plans to fully implement such a voting model in time for their next provincial general election, scheduled for 2024.

The advent of e-poll books and electronic strike-off remove this onerous requirement, ensuring that voters who are issued a ballot have not previously voted. As an additional requirement for its implementation, each “Vote Anywhere” voting location would need to be equipped with a ballot printer, so that voters from outside the constituency in which the polling place is located would have a ballot from their home constituency. The ballot could then be cast and the results included in the tabulation for the voter’s home constituency.

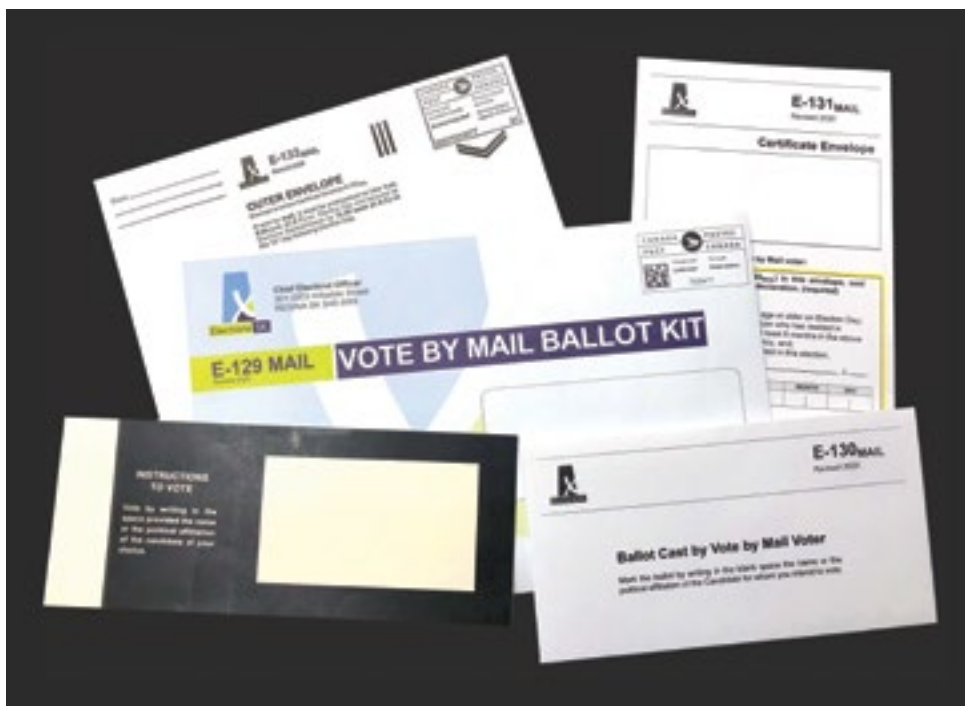
While the process described above may seem relatively simple, offering the option to “Vote Anywhere” is a complex undertaking for an election management body. In 2024, the Chief Electoral Officer is proposing a limited introduction of this option with a wider roll out to follow in 2028. It may be possible to have a Vote Anywhere option in every returning office with additional locations offering this functionality in prominent locations that voters may find themselves that are not their home constituency – such as airports, universities, etc.

Integrating In-person voting

A goal of the Voter Services Modernization Initiative is to ensure that voters have easy access to the ballot and that, where possible, the voting experience is similar and familiar to voters. As noted above, the creation of a voting period, which does not distinguish between “advance” and “election day” voting, is a step in that direction. So too is the proposal to allow voters to cast their ballot at any voting location in their constituency, and indeed, in any voting location in the province. The current requirement of assigning voters to polling divisions of approximately 300 voters is highly inefficient, and out of keeping with the behaviour of Saskatchewan’s voters. Many polls in urban and rural constituencies issue relatively few ballots on election day. A similar pattern can be seen across the province, as more than 860 election day polls recorded fewer than 50 votes. Using more technology in the polling place, removing the requirement to assign voters to polls of 300 voters, and integrating advance and election day polling, are changes whose time has come. In those areas of the province where adopting technology remains more challenging, there may be practical reasons to introduce these changes more slowly.

One method of voting that is currently available to voters, and which should be reconsidered in light of other proposed changes, is in-person absentee voting at the returning office. At present, voters can cast a vote in person at the returning office from the time an election is called (and the returning office opens), until nine days before election day. Although this option has long existed, its introduction predates the extension and widespread adoption of advance voting, and the substantial increase in 2020 in vote by mail. Furthermore, in-person absentee voting at the returning office has never been widely advertised, is not widely used, and adds a significant additional responsibility on returning offices with little benefit to the voting public. For example, in 2020, in-person voting at returning offices, over a period of two and a half weeks, ranged from a high of 233 in Saskatoon Eastview to zero in several constituencies. With far fewer than one percent of all voters using this voting option, in the interests of administrative efficiency, it is proposed that this voting option is removed. An expanded vote by mail option (discussed further below) can be expected to address any demand for this early voting option.

As part of the effort to integrate in-person voting, Elections Saskatchewan remains committed to identifying and serving the needs, and removing barriers, for traditionally under-engaged communities. This includes, for example, voters



Vote by Mail was a significant voting opportunity during the 2020 general election and the Chief Electoral Officer expects it to remain a popular option moving forward.

who recently turned 18 years of age, voters with a disability, First Nations voters, both on and off reserve, Metis people, new Canadians, and unhoused voters. Recognizing the need to provide dedicated supports to such groups, election management bodies across the country are exploring ways to best integrate these groups into the engaged electorate. Areas in which Elections Saskatchewan intends to focus for the 2024 election includes providing more polling places on university and college campuses (while also encouraging the “vote anywhere” model), engaging with First Nations communities in voter registration outreach, addressing unique voter identification challenges, and continuing to pursue discussions regarding voting locations on reserve land. Elections Saskatchewan is continuing its commitment to engaging with disability communities on issues of interest to them, including the design and delivery of special ballots. Elections Saskatchewan will also explore what role real-time interpretation services via phone or internet could play in resolving language barriers during voting and will continue to interact with those who support the unhoused with respect to voter registration and voter identification issues.

Realigning Vote by Mail

Vote by mail was transformed in Saskatchewan from being a minor part of the election story, used by fewer than one in one hundred voters in 2016, to a major option, used by

more than one in eight voters in 2020. Similar growth in vote by mail occurred in other Canadian jurisdictions that conducted elections during the COVID-19 pandemic. The ease and convenience of Vote by Mail, coupled with the high degree of electoral integrity that accompanied its growth, leads to the conclusion that its popularity is here to stay.

The implementation of vote by mail in 2020, in which responsibility for running this program shifted from the 61 returning officers to Elections Saskatchewan head office, proved highly successful. Therefore, the intention is to continue to administer Vote by Mail centrally. This voting

option has the advantage of being able to service voter needs that previously were served in other ways. Data from the 2020 election showed that vote by mail was more popular among voters in urban than in rural communities, and future planning will need to ensure an alignment between community voting preferences, and administrative procedures in communities. However, it seems evident that to the extent other changes in election administration, such as potentially reducing the number of polling locations, creates travelling challenges, especially in rural and remote areas, that communities highlight the availability of voting by mail as an option. To ease the implementation of vote by mail, it may be necessary to consider the increased use of postal ballot collection stations, if it is perceived that the regular postal system is not up to the task.

Volume IV (28th GE) proposed automatically issuing postal voting packages to voters in lightly populated areas of the province. That proposed recommendation is not being brought forward at this time as the emphasis of Phase Two of modernization is increasing voter choice, of which Vote by Mail is one opportunity.

Reassessing Special Voting Opportunities

By legislation, “Special Voting” refers to every voting

opportunity that does not take place at a regular poll on election day.²⁵ This reflects an era where election day voting was the norm and every other avenue of voting the exception. As the above discussion indicates, this is no longer an accurate description of voting opportunities in Saskatchewan. Advance voting and election day voting have become increasingly undifferentiated, and the Chief Electoral Officer is proposing that any distinction between the two be removed.

The use of Special Voting opportunities should be continued, but the range of voting channels included within this category can be limited to voting options other than in-person voting and Vote by Mail. This would include voting in personal care facilities and voting in hospital/remand/temporarily displaced polls. In addition, it could include methods of voting that are directed at difficult to serve communities such as those in extremely remote and rural locations. In such circumstances, the special voting opportunity could include a combination of a default option of Vote by Mail, combined with in-person voting for those voters willing and able to travel to a polling location. The key principle for special voting opportunities is to ensure provisions are in place so that the needs of all eligible voters for easy access to a ballot can be achieved. Flexibility will be key.

Expanding Extraordinary Voting

Extraordinary voting was the solution Elections Saskatchewan put in place in 2020 to serve voters forced to quarantine due to COVID-19 who missed the deadline to vote by mail. The Extraordinary Voting process was similar to Vote by Mail but rather than using the postal system, it relied on couriers, messengers and personal delivery to get ballot packages to voters. The deadline to apply to Vote by Mail was Thursday October 15. Extraordinary voting was available for five more days, until Tuesday October 20. This left a space of just under a week where if a voter was required to quarantine due to COVID-19 (and therefore couldn't vote in person), they would be unable to cast a ballot.

To adequately serve these voters in 2020, and potentially serve other voters who may be inadvertently administratively disenfranchised in future elections, entirely new voting procedures, not currently included in legislation may need to be created. An example of a highly flexible option is the limited use of telephone voting. This option, which uses a rigorous registration and screening process to ensure

Extraordinary voting could serve as a blanket legislative framework to bridge this gap, to ensure that all eligible voters have access to the ballot.

integrity while also ensuring a privacy and secrecy of the ballot, is designed for use in limited instances where voters have special needs which prevent them from leaving their homes, such as in the case of COVID-19 or individuals with a disability. The Chief Electoral Officer authorized the piloting of telephone voting during the Athabasca by-election, in February 2022.

There will always be instances where a voter is unable to vote in person and the deadline to apply for vote by mail has passed. Extraordinary voting could serve as a blanket legislative framework to bridge this gap, to ensure that all eligible voters have access to the ballot. Possible provisions that could be used by Elections Saskatchewan in the future under Extraordinary Voting include telephone voting, video conference voting, or a modified vote by mail process relying on couriers or personal ballot delivery. In each instance, these would be viewed as extraordinary, and available in specific and limited circumstances, to meet special needs of voters. These options are not being proposed for widespread use at this time but rather as unique and extraordinary tools to ensure access to the ballot for a particular group or community.

Legislative Approach for 30th General Election

Volume IV (29th GE) will be tabled and presented to legislators in the early fall of 2022. The Chief Electoral Officer's intention is to engage with legislators in the weeks and months following publication of the volume to discuss the key recommendations and proposals. While it is the responsibility of the Chief Electoral Officer to make recommendations based on best practice and lessons learned from other jurisdictions, it is the responsibility of Members of the Legislative Assembly to decide which should be made into law.

²⁵ Division E of *The Election Act, 1996*, "Special Voting Provisions" includes instructions for absentee voting, homebound voting, mobile polls, hospital/remand/temporarily displaced polls, personal care facility voting, and advance polls. See section 86 to 135.1 of the Act for more information.

It is likely that not all the changes discussed in this chapter will move forward in 2024, with some proving to be too challenging to implement in the time available while others may ultimately be replaced with new and better opportunities. A key component of the Chief Electoral Officer's plans for modernization in 2024 is open, active and consistent communication with the province's registered political parties.

The legislative approach proposed by the Chief Electoral Officer (found in Appendix A) to allow many of the ideas discussed in this chapter to proceed is purposefully very broad and empowering. The changes required to allow for voting process modernization are extensive and *The Election Act, 1996* is extremely prescriptive and detailed. It would be extremely difficult to make line by line amendments to the Act to allow the type of modernization discussed in this chapter to move forward. Instead, an empowering approach that allows the Chief Electoral Officer to direct modifications to the Act is proposed. This would build on the approach taken in Saskatchewan's 2020 general election, where the Chief Electoral Officer had the authority to modify the Act to respond to the unprecedented challenge of COVID-19.²⁶ It is likely that not all the changes discussed in this chapter will move forward in 2024, with some proving to be too challenging to implement in the time available while others may ultimately be replaced with new and better opportunities. A key component of the Chief Electoral Officer's plans for modernization in 2024 is open,

active and consistent communication with the province's registered political parties.

If legislators agree with some, or all the recommendations contained within this volume, a Bill would ideally be introduced in the fall 2022 (October 26 to December 7, 2022) sitting of the Legislative Assembly and passed into law in the spring 2023 session (March 6 to May 18, 2023). This would provide Elections Saskatchewan with at least 17 months to implement the necessary changes before the October 2024 general election and ensure the successful delivery of that event.

Should the Chief Electoral Officer be granted the authority to adapt legislation proposed within this volume, communication with stakeholders in advance of the next election will be frequent and consistent. Registered political parties (and through them, candidates for election) will be provided with copies of all CEO Directives amending the provisions of *The Election Act, 1996* as they are approved. Live briefings, including demonstrations where possible, will be provided. A robust advertising campaign will help to ensure that voters are aware of the changes coming to provincial elections. Media briefings will provide reporters with important background information on what changes are coming and what it will mean for coverage of the election. All of these activities are consistent with the approach the Chief Electoral Officer took in the lead up to the 2020 election with changes resulting from the presence of COVID-19. Communication on changes to voting processes will be open and all stakeholders will understand and have confidence in the administration of the election.

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²⁶ The Chief Electoral Officer asked for, and received, regulatory changes in 2020 to ensure the appropriate authority was in place to respond quickly to the changing conditions brought about by the COVID-19 pandemic. Ultimately, CEO Orders were used to modify legislation in a number of ways, including adapting the existing absentee voting provisions into the much more robust Vote by Mail system. All CEO Orders were provided directly to the Chief Official Agents of the province's registered political parties and posted publicly online.





The Chief Electoral Officer is reiterating his recommendation that municipal elections be moved to the spring 2024 and held every four years thereafter, providing a calendar season between provincial and municipal elections.

Additional Phase Two Legislative Amendments

This report is primarily focused on offering improved service and options for voters in Saskatchewan. A key side benefit of this is improved service and provision of data to registered political parties and candidates. But an election management body has many responsibilities outside of the direct services offered to voters and political actors. This chapter will look at three areas requiring legislators' attention outside of the direct administration of voting and delivering the election event. These items are not directly related to the modernization efforts discussed in Chapter Four. Instead, they are designed to allow Elections Saskatchewan to more effectively serve voters and political stakeholders while continuing to safeguard election integrity and security.

The three areas discussed in this chapter are:

1. Recommendations for change to Saskatchewan's Political Finance & Regulatory Regime;
2. Considerations on how to allow for greater collaboration with Municipalities; and
3. Considerations on Digital Communications, Disinformation and Democracy.

Recommendations for Change to Political Finance

In Volume III, Statement of Expenditures, the Chief Electoral Officer, for the first time, conducted an administrative review of the province's political finance system. That review outlined Elections Saskatchewan's regulatory functions and reviews the services provided to political parties, candidates, and business managers. That review resulted in the Chief Electoral Officer making several administrative commitments with an eye toward overall improvement of

this framework, which is found in sections 220 to 271 of *The Election Act, 1996* (the Act).²⁷

But many potential improvements could not be addressed in that Volume as they were not administrative in nature, but rather required legislative change. To that end, the Chief Electoral Officer is offering several recommendations that would, if implemented by legislators, greatly improve the province's political finance framework. While a small number of political finance-related items were included in the supplementary list produced as part of Volume IV (28th GE), this is the first time the Chief Electoral Officer has made a concentrated effort to review these sections of the Act and offer substantive recommendations for change. Many of these recommended changes build on the administrative commitments made in Volume III.

In making recommendations in this area, the Chief Electoral Officer is following the same approach taken for recommendations to the sections of the Act governing voting. That is, the recommendations relating to political finance in this report focus on the administrative system and improving the system for stakeholders and not on reforming or revamping the policy framework under which political finance operates in the province. This is similar to the way that the Chief Electoral Officer has restricted proposed changes to the sections governing voting to how voting should be administered and not to the province's first past the post electoral system. Big picture changes to the province's political finance framework should first be considered by legislators in the same manner that any changes to the province's electoral system should first be brought forward by elected representatives.

All of the changes proposed to the sections governing political finance have been included in Appendix B as part of the Supplementary Changes to Current Election Legislation. In each case, the current legislative language is included along with a brief description of the proposed change. Several of the most significant items are described below for further context.

Volume III, Statement of Expenditures noted that "Saskatchewan has a relatively high standard for auditing compared to other jurisdictions."²⁸ All party and candidate

...[T]he recommendations relating to political finance in this report focus on the administrative system and improving the system for stakeholders and not on reforming or revamping the policy framework under which political finance operates in the province.

election expense returns must be audited even if there are few or no funds raised or spent. And this is very common – one party in the 2020 election had 36 of 60 candidate file zero-dollar returns, meaning they did not spend or raise any money on the election. Still each candidate had to file an election expense return and it was required to be audited. This is different from many jurisdictions, which have higher requirements before an election expense return is required to be audited – in Ontario an audit is only required if contributions or expenses total more than \$10,000 and in BC an audit is only required if expenses are greater than \$10,000.

The Chief Electoral Officer is proposing that no audit would be required on a candidate election expense return if the value of total contributions and total expenses is less than \$1,000. If either total expenses or total contributions exceed \$1,000 then an audit would be required. For further clarity, no audit would be required if the sum of expenses and contributions is greater than \$1,000 – only if either of the two categories is greater on its own. All candidate election expense returns that do not require an audit would still need to be reviewed by Elections Saskatchewan. If that review found unreported contributions or expenses totaling more than the limit, an audit would be required to be completed. This change to the province's audit requirements would serve to simplify the political finance requirements for smaller registered political parties without increased risk and could decrease costs related to the oversight and review of candidate election expense returns.

²⁷ The Chief Electoral Officer made eleven administrative commitments in total, all of which can be found in Chapter 12 "Political Finance Administrative Review" of Volume III, Statement of Expenditures.

²⁸ See Volume III, Statement of Expenditures, page 217.

The list of supplementary changes also includes several recommendations designed to improve the administration and oversight of the province's registered political parties. While political parties have varying levels of professionalization, they all have significant authority, including the ability to issue income tax receipts for contributions, requiring that certain minimum standards be met at all times. If these standards, such as not having a vacant leader or Chief Official Agent position for more than 30 days, cannot be met, then the Chief Electoral Officer needs to consider the possibility of deregistration for that registered political party.

A smaller change but in this same general category would be to change the title from "business manager" to "financial agent." While this would not change the duties assigned to the position, it might help to better demonstrate what the position is responsible for and what will be expected. This might also help candidates better recruit and ensure that the person they find is able to complete the assigned duties.

As discussed in Chapters 4 and 6, one key output coming after Saskatchewan's 2024 election will be an entirely rewritten, modern piece of election legislation for legislators to consider. While much of this report has focused on how CEO Directives will be used to frame the voting administration portions of that new legislation, consideration

will also be given as to what updates or improvements should be made to the province's political finance regime. Over the coming years, and immediately following the next general election as part of a second administrative review of the province's political finance system, the Chief Electoral Officer will be collating and collecting improvements to these portions of the Act to ensure a complete, consistent piece of legislation.

Considerations on how to allow for greater collaboration with Municipalities

While Elections Saskatchewan is responsible for administering provincial electoral events, there are other public elections which take place in Saskatchewan. Throughout the province, municipalities, both urban and rural, must hold their own elections (as well as by-elections and in some cases referendums and plebiscites).

Traditionally, there has been little overlap or contact between Elections Saskatchewan and the municipal officials responsible for elections – typically City Clerks or Deputy City Clerks. Recently, however, given increasing expectations placed on election administrators, provincial and municipal election administrators have increasingly begun to communicate and collaborate. This collaboration can only serve to strengthen election administration in the province.



Chief Electoral Officer Michael Boda met with Saskatoon City Clerk Adam Tittmore to discuss voting technology during the September 2022 Saskatoon Meewasin by-election.

As mentioned throughout this report, provincial elections are governed by *The Election Act, 1996*. Municipal elections are governed under *The Local Government Election Act* with additional information found in *The Municipalities Act*, *The Cities Act*, and *The Northern Municipalities Act, 2010*.

Perhaps the most significant recommendation the Chief Electoral Officer will make in terms of collaboration with municipalities is to ensure that there is ample space between provincial and municipal election dates. In 2020, the provincial election was held on October 26; municipal election day was exactly two weeks later on November 9.

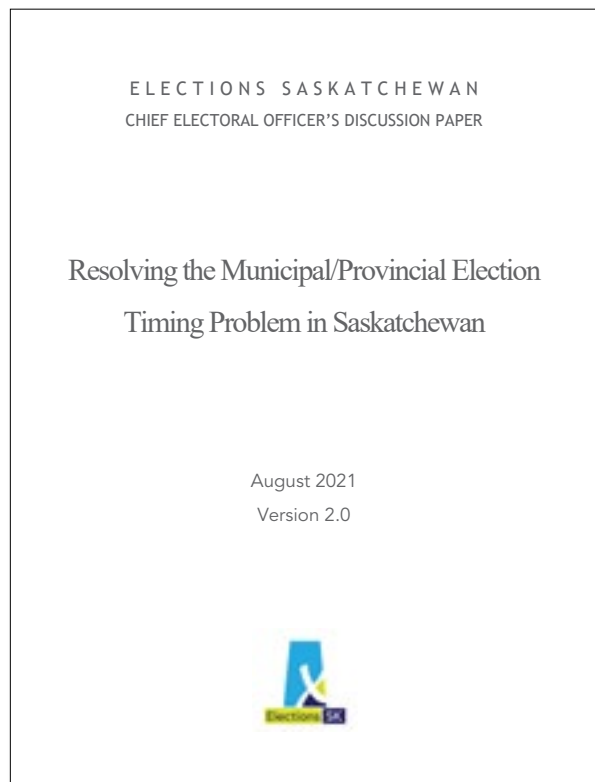
This is a topic the Chief Electoral Officer has written on and discussed in detail over the past several years. In August 2021, the Chief Electoral Officer put forward a recommendation – moving municipal elections to May every four years – that would prevent overlapping elections in the future.²⁹ That recommendation was reissued in Elections Saskatchewan’s

2021-22 annual report after no legislative solution was introduced.

Overlapping provincial and municipal election periods are not good for anyone. It is confusing to voters; it can be difficult for candidates to attract attention to their campaigns, and it causes a wide variety of issues for election administrators. The Chief Electoral Officer is reiterating his recommendation that Saskatchewan’s provincial general election and municipal elections should not be held weeks apart in the fall of 2024. While many configurations of solutions are possible, the proposed recommendation to move municipal elections to May 2024 and every four years thereafter remains viable but will become more difficult as that date draws closer. It is to everyone’s benefit that this issue be resolved as soon as possible so that provincial and municipal election administrators have ample time to prepare for a potential new date.

There are other legislative considerations when it comes to Elections Saskatchewan’s relationships with municipal stakeholders. It would be beneficial to have increased consistency between provincial election legislation and municipal election legislation – this would help to create a standard set of rules, as much as possible, for how voting should take place in the province.

Information sharing between Elections Saskatchewan and municipal election administrators should be encouraged. Elections Saskatchewan collects and stores a variety of information that would be useful to municipal election



The Chief Electoral Officer recommended that provincial and municipal elections be held a calendar season apart in his August 2021 publication and reiterated that recommendation in Elections Saskatchewan’s 2021-2022 annual report.

Overlapping provincial and municipal election periods are not good for anyone. It is confusing to voters; it can be difficult for candidates to attract attention to their campaigns, and it causes a wide variety of issues for election administrators.

²⁹ This recommendation was made in *Resolving the Municipal/Provincial Election Timing Problem in Saskatchewan*, a CEO Discussion Paper published on August 25, 2021. That paper was itself an updated and reissued version of an earlier paper published by the Chief Electoral Officer in May 2017.

administrators, most notably within the Permanent Register of Voters. Changes to *The Local Government Election Act* that allow municipalities to access and use this data should be considered. This would allow municipal election administrators to better serve their voters and candidates with minimal public cost.

While not strictly speaking an issue related to collaboration with municipalities, the Chief Electoral Officer is also exploring the best way in which to have schools across the province closed to students on the last day of voting. This was something the Chief Electoral Officer requested and received from the Government of Saskatchewan while planning to deliver an election during the 2020 COVID-19 pandemic. By not having students in classrooms on election day, many safety and security concerns can be alleviated – schools are not typically open to the public while class is in session and election administrators consistently hear from concerned parents and teachers about the risks in using schools as voting locations. It remains to be seen how much schools will be used in future elections given a transition to an election week, but it is likely that the last day of voting will continue to feature a larger footprint of voting locations, many of which could be in schools.

A side benefit of not having students in class on election day is that high school students would have the opportunity to serve as election workers. This would provide valuable work experience and could be a source of spending money or a way for students to fundraise for a cause or campaign. The Chief Electoral Officer will continue to explore the best way to fulfill this recommendation, whether it be by working with individual school divisions or with the central Ministry of Education.

Considerations on Digital Communications, Disinformation and Democracy

The past several years have witnessed a significant change in the ways in which individuals and groups communicate about politics and elections. The traditional forms of communication by political stakeholders – paid advertising on television/radio, lawn signs, in newspapers and other periodicals, at rallies and candidate debates, and through pamphlets distributed door-to-door – has been supplemented (and in some instances largely replaced) by online communications, particularly through social media, much of which can be circulated at a fraction of previous costs.

Misinformation is information that is factually incorrect. A person may hold a misinformed view, without realizing it is incorrect. In fact, they may believe that the information is correct, even though it is not. Disinformation, in contrast, also is factually incorrect, but is circulated (often through social media) by people or organizations who know the information is incorrect. It is for this reason that disinformation campaigns are viewed as malicious, whereas spreading misinformation may simply be naïve.

An increase in the use of social media in political communications also has given rise to growing concerns about the accuracy of information conveyed about political parties, candidates, and political issues more generally. Misinformation is information that is factually incorrect. A person may hold a misinformed view, without realizing it is incorrect. In fact, they may believe that the information is correct, even though it is not. Disinformation, in contrast, also is factually incorrect, but is circulated (often through social media) by people or organizations who know the information is incorrect. It is for this reason that disinformation campaigns are viewed as malicious, whereas spreading misinformation may simply be naïve. Disinformation campaigns conducted during election campaigns can be particularly challenging due to the rapid spread of information through social media, the fact that the content may be sponsored by foreign actors, including foreign state actors, and due to the increasing sophistication of Artificial Intelligence (AI)-rendered voice and imaging, can have an appearance of authenticity.

Deliberate disinformation campaigns can cause harm to political parties and candidates through the spreading of

false information. Perhaps even more significantly, such efforts can be directed at election management bodies as well, in efforts to undermine their authority and sow doubt and discontent with elections and democracy. Such campaigns, even when they are without merit, can be remarkably damaging to the institutions of democracy.

There is substantial evidence that disinformation campaigns have been used in recent elections and referendums. A report by the Canadian Communications Security Establishment in 2019 indicated that nearly half of the advanced democracies holding elections in 2018 experienced some targeted cyber threat.³⁰ And Canada has not been immune to this trend. A report by the Media Ecosystem Observatory, a collaboration of civil society groups and academic researchers, published in March 2022, examined evidence of misinformation during the 2021 federal election. The study found that there was widespread misinformation during the 2021 federal election.³¹ Despite this finding, the election was minimally impacted by misinformation and disinformation. Canadians perceive misinformation as a threat to democracy but recognized that it played only a minimal role in the recent election. And finally, but perhaps most worrisome, some cohesive misinformed and misinforming groups have appeared on the Canadian landscape. This latter finding suggests that the threat of disinformation and misinformation in Canadian elections is likely to continue and possibly increase.

Election management bodies in Canada have begun to recognize the risks posed by misinformation and disinformation to the health of democratic elections. In a report prepared in 2020, for example, BC's Chief Electoral Officer made six recommendations related to the use of digital communications in elections.³² These include steps to prevent misleading advertising, disinformation, and impersonation, discourage foreign and out-of-province election interference, especially related to third party advertising, increasing transparency around the use of social media bots, expanding the scope and transparency of third-party advertising requirements, establishing

The changing climate for political communications, the risks to democracy when disinformation goes unchecked, and the important steps being taken in other jurisdictions to protect the integrity of elections from disinformation all suggest that the time is right for the Chief Electoral Officer to bring forward recommendations for legislators to consider.

an advertising registry to increase the transparency of election ads, and ensuring digital platform compliance with the Election Act. In assessing the requirements for ensuring electoral integrity in the digital age, Elections Canada in June 2022 made several recommendations for legislative change, including, changing relevant regulations from political advertising to political communication more generally, promoting healthy political debate while protecting against threats to the electoral process, regulating channels of electoral communications while increasing the transparency of online digital communications (notably, the federal government introduced a registry of advertising in 2019), and protecting individuals from receiving unwanted political communications.

Among the topics of interest in reviewing the regulation of political communications in the digital age are those communications that are sponsored by or conducted by individuals and groups that are not political parties or candidates – namely, third-party advertising. The regulatory environment in Saskatchewan could become more robust

³⁰ For more information, see *2019 Update: Cyber Threats to Canada's Democratic Process*, published by the Communications Security Establishment and available at <https://cyber.gc.ca/en/guidance/2019-update-cyber-threats-canadas-democratic-process>.

³¹ *Mis- and Disinformation During the 2021 Canadian Federal Election* was the final report published by the Canadian Election Misinformation Project, a joint project of McGill University and the University of Toronto. More information can be found at <https://www.mcgill.ca/maxbellschool/canadian-election-misinformation-project>.

³² That report, entitled *Digital Communications, Disinformation and Democracy: Recommendations for Legislative Change* can be found on the Elections BC website. In May 2022, BC's Chief Electoral Officer put forward an additional report which included recommendations for legislative change which contained an addendum offering three additional recommendations in this area.

in ensuring against misinformation and disinformation in electoral communications for the benefit of all citizens. The changing climate for political communications, the risks to democracy when disinformation goes unchecked, and the important steps being taken in other jurisdictions to protect the integrity of elections from disinformation all suggest that the time is right for the Chief Electoral Officer to bring forward recommendations for legislators to consider.

With this in mind, the Chief Electoral Officer is proposing two additions to the Act that would provide greater authority for the office to act against disinformation and misinformation. Section 204 of the Act already protects candidates against certain forms of false statements. The proposed amendments, which are included in Appendix B, would expand those protections to the Office of the Chief Electoral Officer as well as protect against knowingly making false statements about the administration of the voting process. Legislators will need to carefully consider these restrictions and balance them with the right to free expression guaranteed by the *Canadian Charter of Rights and Freedoms*.

Additional Areas for Consideration: Referendums and Boundaries

The Chief Electoral Officer would also like to draw attention to two additional areas requiring consideration by legislators. These two areas were both addressed in Chief Electoral Officer's Assessment Series publications following the publication of Volume IV (28th GE) and were first mentioned in that report.

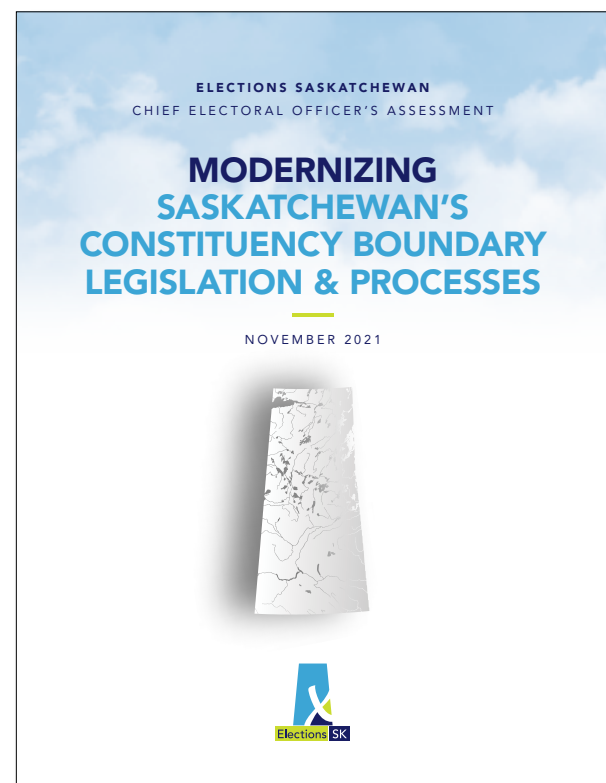
The first area is Saskatchewan's referendum and plebiscite legislation which is detailed in *The Referendum and Plebiscite Act* and *The Referendum and Plebiscite Regulations*. In September 2019, the Chief Electoral Officer released *Modernizing Saskatchewan's Referendum Legislation*, which offered a path forward for legislators to bring forward a modernized system of administering ballot question votes.

At present, it would be very difficult, if not impossible, for the Chief Electoral Officer to administer a referendum or plebiscite under the current legislation. Two recommendations were put forward in the CEO Assessment, one for conducting referenda in conjunction with a general election and another for conducting such a vote as a stand-alone event. As of the publication of this Volume, no changes or amendments to *The Referendum and Plebiscite*

Act have been introduced by legislators. The Chief Electoral Officer will continue to examine this moving forward and will consider including provisions for ballot question votes in a modernized Election Act following the 2024 election.

The second area that the Chief Electoral Officer addressed in an Assessment Series report was the provincial constituency boundary delimitation process. *Modernizing Saskatchewan's Constituency Boundary Legislation & Processes* was published in November 2021 and offered legislators 10 recommendations for improving the process by which constituency boundaries are set in the province.

A new Constituency Boundary Commission was established in the spring of 2022 and is preparing to publish its final report in October 2022. *The Constituency Boundaries Act, 1993* was not amended in advance of this taking place meaning that none of the Chief Electoral Officer's recommended changes were made. Nevertheless, the Assessment Series report will remain available for legislators in advance of the province's next boundary delimitation process, set for 2032.



The Chief Electoral Officer offered 10 recommendations for improving the province's constituency boundary delimitation process in November 2021.



Rollout of “Vote Anywhere” locations

Should legislators accept the recommendations made for implementation in advance of the 2024 election, that event will feature a limited set of “Vote Anywhere” locations.

Phase Three Modernization - Saskatchewan's 31st General Election and Beyond

This chapter does not contain any formal recommendations for legislative change to Saskatchewan's electoral legislation. Rather, it offers context for legislators to understand the overall direction that the Chief Electoral Officer envisions for future election events in the province. It outlines the elements of modernization that were originally considered for Phase Three after the publication of Volume IV (28th GE) and places them into the proper context after the completion of Phase One and the first steps of planning for Phase Two.

Following Saskatchewan's 28th General Election in 2016, Volume IV (28th GE) offered formal recommendations to implement Phase One of modernization. This current report offers recommendations that would make Phase Two of modernization possible. Following Saskatchewan's 30th General Election, scheduled to be held in October 2024, further recommendations will be offered as part of the Chief Electoral Officer's post election reporting. Those recommendations will allow the implementation of Phase Three of modernization.

The elements of modernization described in this chapter provide only a general vision of where further improvements could lead. Additional research of trends in other jurisdictions, pilot projects and extensive discussions with legislators, registered political party representatives and other key stakeholders will be required before detailed recommendations on the nature of Phase Three can be made known.

Modernization in Phase Three: An Overview

Volume IV (28th GE) contained discrete, planned deliverables for Phases Two and Three of modernization. This phased in approach was chosen as it allowed Elections Saskatchewan to progressively learn more about how to best implement modernized processes – which would help to balance risks and costs in the long term. At all times, a vision of offering improved service to voters and stakeholders has remained at the forefront of Elections Saskatchewan’s planning.

Naturally, certain elements of Phases Two and Three have switched and overlapped. Items which cannot be pursued as part of Phase Two will be shifted into Phase Three and other items which are natural fits within Phase Two have been moved to the earlier phase. This was expected and is a key benefit of pursuing modernization over the course of several electoral cycles. And some items that were originally envisioned may ultimately not be pursued while new elements are introduced.

Volume IV (28th GE) contained discrete, planned deliverables for Phases Two and Three of modernization. This phased in approach was chosen as it allowed Elections Saskatchewan to progressively learn more about how to best implement modernized processes...

The original elements of Phases Two and Three, published in Volume IV (28th GE) are listed below:

Phase Two modernization consisted of:

- New *Election Act* for Saskatchewan provincial elections
- Modernized, technology-assisted voting services available at all Advance Voting and most Election Day Voting locations
- Polling division maximum population size increased
- Postal voting packages ‘automatically’ issued to registered voters living in lightly populated remote and rural areas of the province
- Standard hours, voting service approach for both Advance Voting and Election Day Voting.

Phase Three modernization included:

- Ability for voters to vote at any voting location in the province – ‘Vote Anywhere’
- Introduction of seven consecutive days of voting – ‘Voting Week’
- Provisions to allow electronic collection of voting results from vote tabulators across the province
- Online voting (with central printing of paper ballots) made available for disabled voters, out-of-province voters, and Canadian Forces voters posted overseas.

As the previous chapters of this report have described, certain elements from each Phase have been rearranged.

Phase Two, as described in Chapter Four, now consists of the following three broad categories:

- Moving to an “election period”
- Updating certain election processes and administration (e.g., electronic poll books, ballot tabulators, limited introduction of “Vote Anywhere”)
- Broadening access to voting.

This means that Phase Three will, for now, focus on:

- New *Election Act* for Saskatchewan provincial elections
- Widespread rollout of “Vote Anywhere” throughout the province
- Provisions to allow electronic collection of voting results from vote tabulators across the province
- Online voting (with central printing of paper ballots) made available for disabled voters, out-of-province voters, and Canadian Forces voters posted overseas.
- Further items to be determined based on lessons learned in 2024.

Election administration in Saskatchewan would be greatly improved with a modern Election Act.

Phase Three Modernization Reforms

As with Phase Two, Phase Three will ultimately be based on lessons learned during the previous event. Should legislators accept the recommendations contained in this report, then Saskatchewan's 2024 provincial election will be drastically different than the province's 2020 provincial general election. The election after that, scheduled for October 2028 would not see as drastic of changes. It would instead be a consolidation of changes made with natural steps taken to expand additional services and options first offered in 2024.

New Election Act for Saskatchewan provincial elections
The Election Act, 1996 dates back directly to 1996, of course, but a great number of its sections can be traced back verbatim to legislation from decades earlier. In the years since it has been amended several times, with substantial changes after the 2016 election and an even more substantial set of recommended amendments contained here. This has resulted in legislation that is, in places, inconsistent and patched together with amendments on top of other amendments.

Election administration in Saskatchewan would be greatly improved with a modern Election Act. Should legislators agree with the Chief Electoral Officer's proposal to grant broad authority to modify the Act via Directives the contents of this new Act will be greatly informed by those Directives. Those documents would provide detail on how voting was administered in 2024 and would reflect modernized procedures and legislative language. The substance of a new Election Act for the province would be written in advance of the 2024 general election and would then only need to be collected and drafted into the appropriate language for consideration by legislators.

Widespread rollout of "Vote Anywhere"

Should legislators accept the recommendations made for implementation in advance of the 2024 election, that event

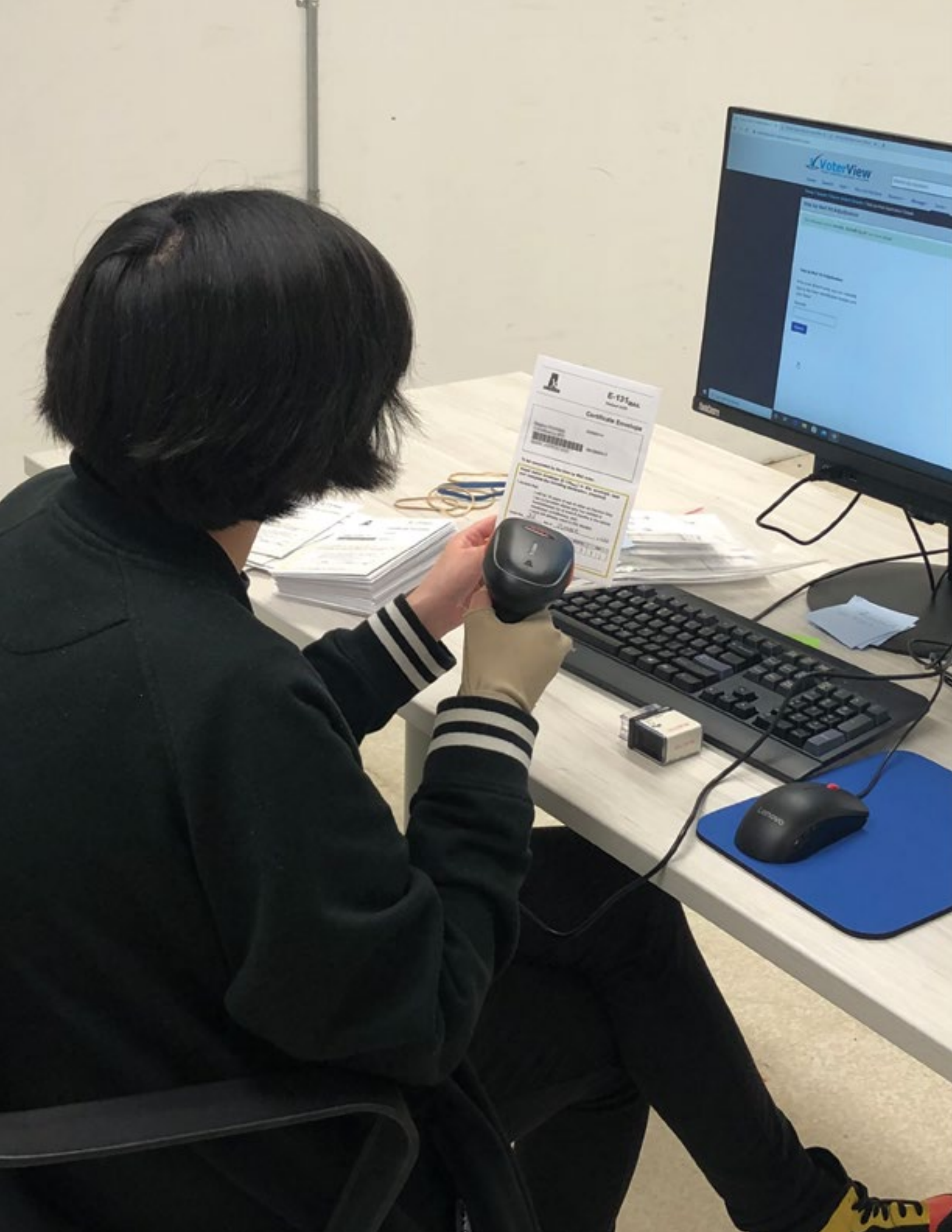
will feature a limited set of "Vote Anywhere" locations. Those are voting opportunities which any voter can visit regardless of their home constituency, cast a ballot with candidates for their constituency and have the results tabulated for their constituency. It represents a significant improvement for voter convenience and allows a voter who is away from their home to cast a ballot in a location that is convenient for them.

Phase Three reforms in 2028 would see "Vote Anywhere" rolled out further throughout the province into more locations. This would increase voter convenience and provide more opportunities for voters who are away from their home constituency. It should be noted that Vote Anywhere will not likely be an option at all voting locations, at least in the short-term, due to the need to be able to print ballots for all constituencies on demand. It would not be feasible or practical to have preprinted ballots for all 61 constituencies in every Vote Anywhere location, necessitating the need for printers.

Provisions to allow electronic collection of voting results from vote tabulators across the province

At present, the Chief Electoral Officer is not considering having ballot tabulators connected to the internet and transmitting results electronically. No ballot tabulator will be connected to the internet in 2024. While such a results reporting process is technically possible, it may be a step too far for voters and political stakeholders to have results collated without human intervention. For that reason, in 2024, an election official will need to manually process results from the ballot tabulator and phone the returning office for them to be data entered. This will ensure there is

Phase Three reforms in 2028 would see "Vote Anywhere" rolled out further throughout the province into more locations. This would increase voter convenience and provide more opportunities for voters who are away from their home constituency.



The issue of declining voter turnout and voter motivation is one that will remain a critical concern for the Chief Electoral Officer, but which can also only be confronted and addressed with cooperation from other key stakeholders such as registered political parties, candidates and MLAs, the media, and the academic community, to name only a few.

no technical risk, as it is currently difficult to guarantee the security and secrecy of data transmitted over the internet. It will also ensure there is no perception risk of results having been tampered with, the type of issue that has been seen in the United States in recent elections. In those examples, political actors have cast doubts on election results and voting processes for political reasons, to the detriment of the election management body.

In 2028, Elections Saskatchewan will return to this question and explore whether this manual step can be removed with results being transmitted directly from the tabulator to the returning office and head office. This would offer faster access to election results and would also eliminate the possibility of human error in manually entering vote totals.

Online voting (with central printing of paper ballots) made available for disabled voters, out-of-province voters, and Canadian Forces voters posted overseas.

Online voting remains a controversial, but anticipated voting option. While it has been used extensively at municipal election across the country, it has yet to be adopted to any widespread degree at the provincial level. Province-wide online voting will not be considered for 2028 but it may serve as an additional tool to offer access to the ballot for a subset of the population. Examples of groups that could be served in this manner include members of the Canadian Forces who are posted overseas or voters with disabilities.

Elections Saskatchewan could learn a great deal about how to offer voting over the internet while greatly increasing access to the ballot by considering a low risk, limited roll out of internet voting.

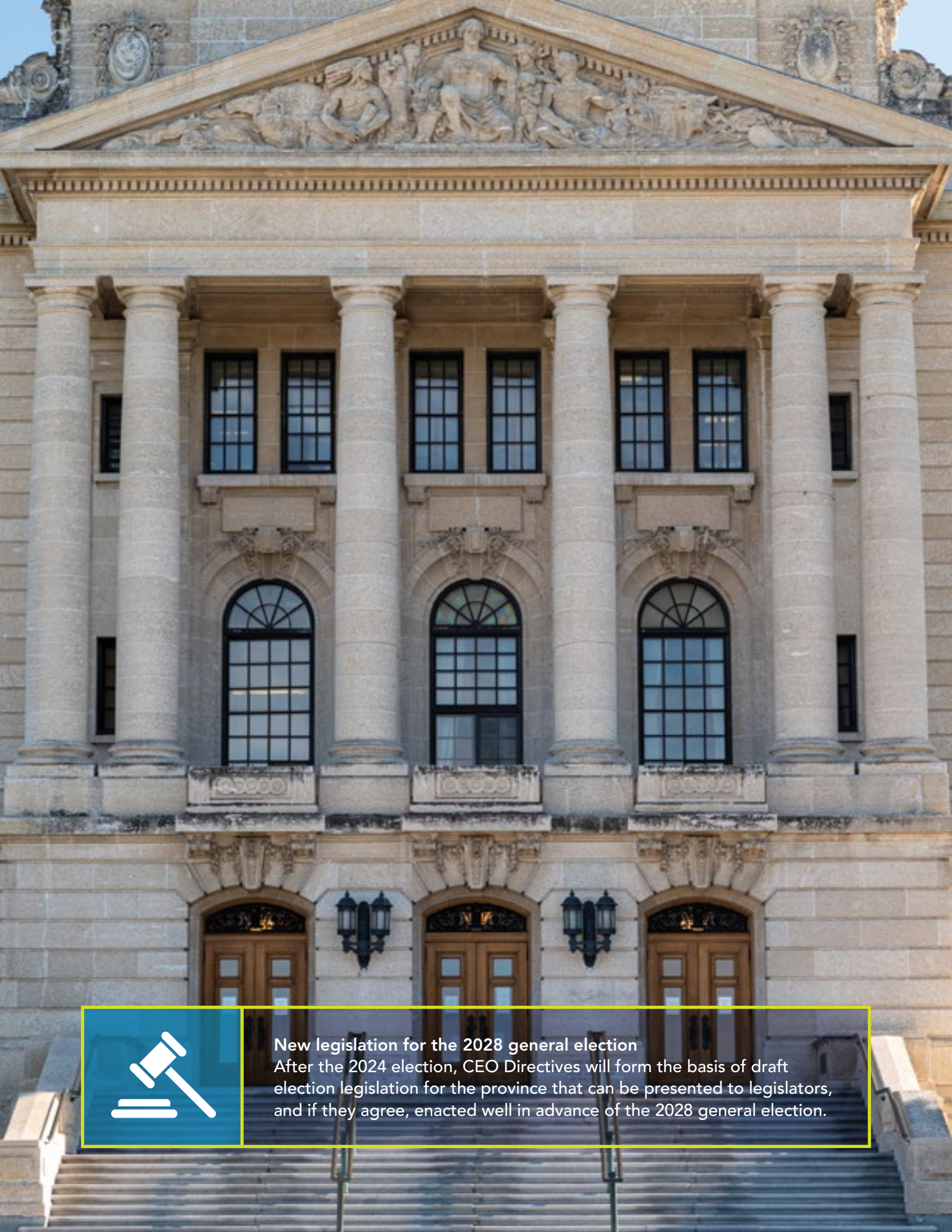
Beyond Phase Three

At present, the Chief Electoral Officer's vision for modernizing Saskatchewan's voting services model consists of three phases and would conclude after the province's 2028 election. Should all elements continue to move forward, the system in place in 2028 would look vastly different than how voting was administered in 2016, the last election before modernization was introduced.

The system would be more sustainable as it would not require the same "small army" of election workers to manually conduct their work and hand count ballots after the end of a long workday. Working conditions will improve and the decoupling of the election workers from their ballot box will allow for lunch breaks and standard shift lengths. Election costs will continue to be affected by inflationary pressures and outside forces but the significant cost increases between events should be lessened.

There will still be issues to confront. While all of the changes contained in phases one through three are designed to improve the administration of voting, they are not necessarily designed to improve voter turnout. While voting in person would be a simple, fast process and Vote by Mail would be a robust opportunity for anyone who wants to use it, these will not on their own motivate the general public to engage with the election system and participate in their democracy. The issue of declining voter turnout and voter motivation is one that will remain a critical concern for the Chief Electoral Officer, but which can also only be confronted and addressed with cooperation from other key stakeholders such as registered political parties, candidates and MLAs, the media, and the academic community, to name only a few.

There will also very likely be continued issues, if not more, around disinformation and the effect it has on our democratic processes (discussed in Chapter 5). It is possible that this issue will get worse before it gets better. Despite these, and other challenges, the Chief Electoral Officer is committed to working with stakeholders to preserve and improve Saskatchewan's democratic traditions.



New legislation for the 2028 general election

After the 2024 election, CEO Directives will form the basis of draft election legislation for the province that can be presented to legislators, and if they agree, enacted well in advance of the 2028 general election.

Conclusion

Should legislators agree with this vision presented by the Chief Electoral Officer, the 2024 general election will prove to be an historic transition with respect to Saskatchewan's general elections. The existing provisions of *The Election Act, 1996* will be modified, where needed, by the Chief Electoral Officer through CEO Directives in order to deliver the type of election that voters and political stakeholders expect.

A variety of processes and procedures will be modified through CEO Directives. This includes, but may not be limited to:

- A new emphasis on voting week and voting at times and places convenient for the voter, and less emphasis on election day, which would simply serve as the last day to vote and the first day of vote counting.
- The widespread introduction of e-poll books and ballot tabulators in voting locations.
- If remoteness or internet availability makes technology infeasible, then paper forms will be redesigned to make the work of election officials easier and the voting process quicker.
- The limited introduction of Vote Anywhere locations, where any voter from any constituency, can vote.
- An updated and improved Vote by Mail process along with heightened integrity and security features.

And after the 2024 election, those CEO Directives will form the basis of draft election legislation for the province that can be presented to legislators, and if they agree, enacted well in advance of the 2028 general election. This will ensure that new election legislation reflects best practice from leading jurisdictions but also that the voting procedures described have been tested and proven to work in the Saskatchewan context. Given that while *The Election Act, 1996* may technically date to 1996, a great many of its clauses and sections remain unchanged from legislation dating back much further, a new election act for 2028 should serve the province well for at least the next several decades. The text of a new legislative section drafted by the Chief Electoral Officer for consideration by legislators that would provide the authority to make the changes described above can be found in Appendix A.

...CEO Directives will form the basis of draft election legislation for the province that can be presented to legislators, and if they agree, enacted well in advance of the 2028 general election.

The request by the Chief Electoral Officer for this type of authority to modify and adapt legislation is not without precedent. As described throughout this report, the Chief Electoral Officer asked for and received a similar authority in advance of the 2020 general election to ensure voting could be offered safely given the presence of the COVID-19 virus. In the lead up to that event, the Chief Electoral Officer issued a number of CEO Orders modifying and adapting the legislation to ensure the safety of voters and workers while also preserving the integrity of the election system. Vote by Mail, a voting opportunity adapted from the legislation's existing absentee provision, was created by CEO Order and successfully served more than 57,000 voters. Similar authority has been used in other jurisdictions across the country, most notably in Ontario and BC, to deliver modernized voting opportunities.

Beyond the modernized voting experience described by the Chief Electoral Officer are a number of smaller but still important changes to legislation that would improve the administration of elections in the province. These changes would make improvements to the administration of the province's political finance regime, in line with feedback received from Chief Official Agents and candidate business managers following the last general election. Two amendments have also been proposed by the Chief Electoral Officer that would ensure the appropriate authority is in place to deal with the growing problem of misinformation and disinformation as it relates to democratic processes and election administration.

Saskatchewan's 30th General Election – October 28, 2024

If the Chief Electoral Officer is able to pursue the type of modernization described throughout this report, the experience of the average voter, election worker and political stakeholder will be different than in past events.

Voters will find that casting their ballot in-person is faster, especially if they remember to bring their Voter Information Card with them so that it can be scanned by a barcode reader. And even if they don't, they will not need to wait for the election official to handwrite their information but will instead be searched for electronically on a laptop computer. Many voters will also find that their voting location has a ballot tabulator rather than a ballot box at each voting station. After they mark their ballot, they will be directed to an election official who will assist them in depositing their ballot into the tabulator. Voters will find voting has been made easier, faster, and more efficient.

And voters who opt not to vote in person will find that they can easily vote by mail. The Vote by Mail opportunity will continue to expand with a dedicated advertising program, ensuring that everyone is aware of this option. Appropriate security protocols and protections will ensure that no voter can vote in person and vote by mail.

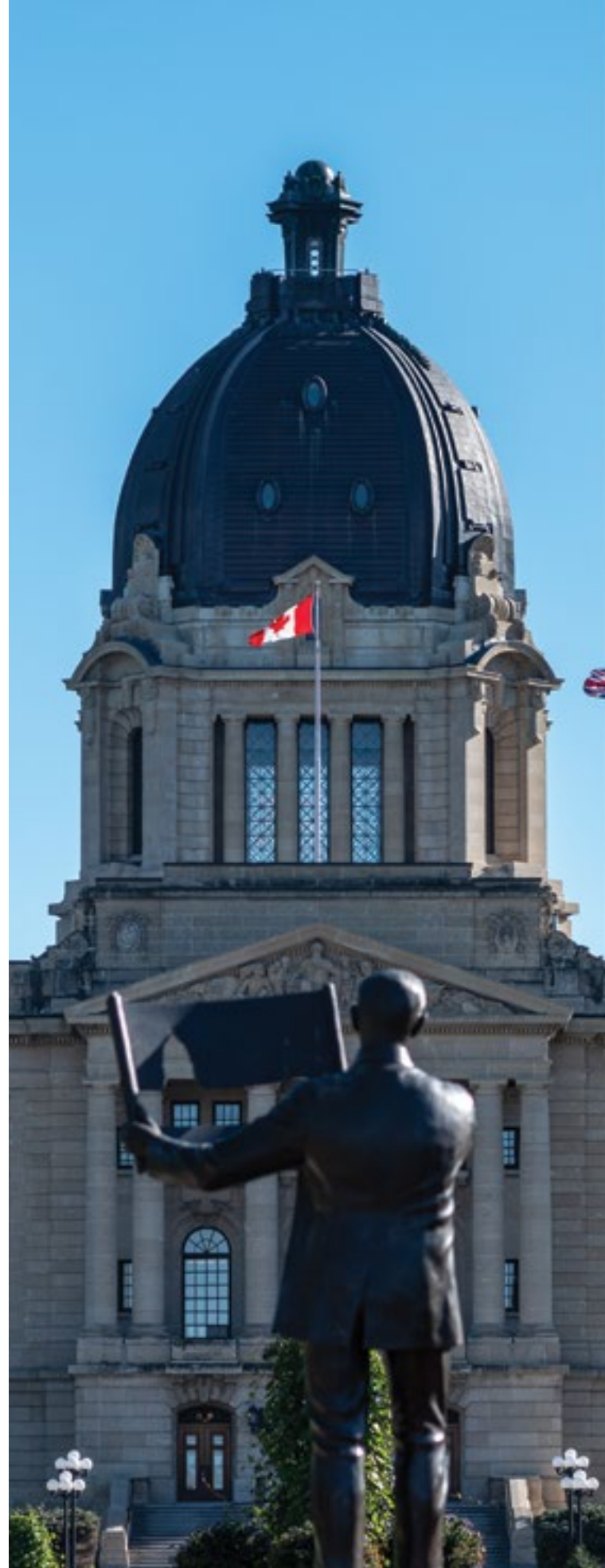
Election officials will likewise experience significant benefits. Introducing ballot tabulators at many locations will mean that a deputy returning officer no longer needs to be tied to their ballot box throughout voting - which will make shift work easier to implement, cutting down on 12+ hour days for election officials. The results reporting process will also be easier as ballots will not need to be hand counted. Instead, the official assigned to the tabulator will follow a set of instructions after voting closes and the results will be printed off from the machine. They can then be phoned to the returning office – making the end of the night process far easier.

Election officials may notice one significant change in that it is likely there will only be one person assigned to each voting station as opposed to two. During the Saskatoon Meewasin by-election, held on September 26, 2022, the poll clerk position was eliminated at both advance and by-election day voting opportunities. At advance voting, the presence of laptop computers and e-poll books made this possible, while on by-election day, a redesigned "voting record" combining the poll book with the voters list,

eliminated much of the work traditionally assigned to the poll clerk. While analysis of the impact of this change is being examined as of the time of this report's release, it seems likely to continue in 2024.

Registered political parties and candidates will find that they receive far more data and information than they have in the past. Electronic poll books allow for data on who has voted to be relayed to stakeholders that have signed the necessary privacy and information sharing agreements throughout the voting period. This will eliminate the need for candidate representatives to visit voting locations and pick up “bingo sheets” and manually enter that data. This will free candidate representatives to observe the voting process and ballot counting, continuing to serve as an important piece of the total system that guarantees election integrity and security. Parties and candidates will find that they receive far more data and information than they ever have in the past, allowing them to make better use of limited campaign resources and to plan accordingly.

The Chief Electoral Officer has presented a vision for October 2024 of a provincial election that would be far different from previous events. It would be better for voters, for election officials and for political stakeholders. It would take advantage of modern technology but preserve important integrity, secrecy and security requirements. While it is an ambitious plan, it is possible with support from legislators in the form of legislative modernization that allows the Chief Electoral Officer to define a vision and adapt to changing circumstances and conditions. And the end result will exist long after the administration of the 2024 general election in the form of a proposed Election Act that can serve Saskatchewan for decades into the future.



AMENDMENTS TO THE *ELECTION ACT*, 1996 PROVIDING THE CHIEF ELECTORAL OFFICER WITH THE AUTHORITY TO MODIFY LEGISLATION VIA DIRECTIVES

Chapter Four details the Chief Electoral Officer's plans for modernizing Saskatchewan's voting administration processes.

As described at the end of that chapter, it is not possible or practical for discrete amendments to *The Election Act*, 1996 to be made that would allow the type of modernization planned for by the Chief Electoral Officer to move forward. It would be easier and more effective to draft entirely new election legislation. Instead, the Chief Electoral Officer is proposing an enabling amendment that would allow legislation to be modified through CEO Directives. These directives would then form the basis of a new, modern Election Act that would be presented to legislators in 2025. This type of legislation, which provides enabling authority, has been used in other jurisdictions across the country, most notably in Ontario. It is also very similar to the authority that was granted to the Chief Electoral Officer during the 2020 general election to mitigate the risks and concerns posed by the COVID-19 virus.

Below is proposed draft language for the type of amendment to *The Election Act*, 1996 that would provide the Chief Electoral Officer with this type of authority.

- (1) In this section, "***alternate methods, equipment, technology and procedures***" means a method, equipment, technology or procedure that is different from that required by this Act.
- (2) Notwithstanding any other provision of this Act, the Chief Electoral Officer may direct the use of an alternate method, equipment, technology or procedure for the purpose of administering a by-election or a general election.
- (3) The Chief Electoral Officer may direct the use of alternate methods, equipment, technology and procedures to be used for voting and ballot counting during a by-election and a general election, including:
 - (a) the design of prescribed forms and the method of printing ballots;
 - (b) the method, equipment, technology and procedures used to search, record and strike off the names of persons who have applied for ballot papers at an election;
 - (c) the method of delivering a ballot paper to a voter;
 - (d) the number and size of polling divisions and the polling division or subdivision where a voter is permitted to vote;
 - (e) the method, equipment, technology and procedures used by a voter to cast a ballot; and
 - (f) the method, equipment, technology and procedures used to count ballots.

- (4) If the Chief Electoral Officer determines that alternate methods, equipment, technology, or procedures will be used at a by-election or a general election, the Chief Electoral Officer must make a directive:
- (a) describing in detail the method, equipment, technology and procedures to be used at the election;
 - (b) referring to the provisions of this Act that will be varied or not complied with during the election;
 - (c) for elections held in accordance with fixed election date legislation or where the date of the election is known in advance, provide copies of the directive to every registered political party at least eight weeks before polling day;
 - (d) for elections held in accordance with fixed election date legislation or where the date of the election is known in advance, publish a copy of the directive on the Election Saskatchewan website at least eight weeks before polling day.
 - (e) for by-elections and elections not held in accordance with fixed election date legislation, publish a copy of the directive no later than seven days after the writ is issued.
- (5) The Chief Electoral Officer's directive under subsection (4) may apply to any one or more of the following:
- (a) one or more polling division or constituency; and
 - (b) any polling place or location where voting occurs during an election.
- (6) An election held in accordance with a directive made under this section is not invalid by reason of any non-compliance with this Act where the non-compliance is related to the method, equipment, technology or procedures set out in the directive.
- (7) To the extent of any conflict between this Act and a directive made under this section, the directive prevails.
- (8) The Chief Electoral Officer shall include a summary of the use of any method, equipment, technology or procedures authorized by a directive issued under this section in the report that the Chief Electoral Officer makes with respect to that by-election or election.

APPENDIX B

AMENDMENTS TO THE ELECTION ACT, 1996 – ADDRESSING ISSUES IN THE ACT FOR SASKATCHEWAN’S 30TH GENERAL ELECTION

As with many pieces of legislation that have been in place over several decades and amended from time to time, there are numerous administrative policy issues which have developed, as well as errors, omissions, incorrect references and inconsistencies in *The Election Act, 1996* and its regulations. While some of these issues may be considered minor housekeeping issues, others have more significant consequences for those who are charged with administering the law, as well as those who are subject to it.

The table below describes a number of amendments to *The Election Act, 1996* that would improve the administration of voting or the administration of the province’s political finance regime. For each, the section number and heading along with either the verbatim text from the legislation or a description of the relevant section is included along with the Chief Electoral Officer’s proposed changes. More information on the reasoning behind many of these proposed changes can be found in Chapter 5.

Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
Interpretation - Definition of business manager	2(f) and throughout the Act	“business manager” means a business manager that a candidate or potential candidate is required by this Act to appoint	Change position title of “business manager” to a more accurate description that better matches the actual responsibilities and functions performed. “Financial agent” is a term used in other jurisdictions that better matches the responsibilities and would help to ensure that those selected are willing and capable of carrying out the required duties.
Chief Electoral Officer - powers and responsibilities	5	NEW	Provide the Chief Electoral Officer with the authority to acquire goods and services from other federal and provincial Chief Electoral Officers or municipal election administrators without needing to issue tenders or put forward a request for proposal.
Establishment and maintenance of register of voters	18.2(4)	(4) The register of voters may only contain the following voter data about persons ordinarily resident in Saskatchewan who are voters or who will be eligible to vote at the next general election after the date the information is collected:	The reference to individuals “who will be eligible to vote at the next general election” should be amended to individuals who are 16 years of age. This would simplify the data sharing process with external partners.
Use of voters lists restricted to electoral purposes & Public inspection of election documents and voter data	18.8 & 177	NEW	The Act should be amended in sections 18.8 and 177 to provide clarity that the Chief Electoral Officer may provide periodic updates of voters list data to registered political parties on a schedule agreed to by the parties and the Chief Electoral Officer.

Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
Applications for Revision	27 & 29.1	These two sections of the Act describe revision processes and how a revision process could work.	This language reflects a revision process that does not contemplate the ongoing registration that takes place within the Permanent Register of Voters. These two sections should be repealed as they no longer serve any purpose.
Qualifications of Candidates	42	This section describes the qualifications to be a candidate and lists a number of persons who are not qualified to be candidates.	<p>Two changes are proposed to this section.</p> <p>First, any candidate who has failed to file their election expense return in accordance with section 261 during a previous election should be disqualified from running in a future election. This provision is in place in several other Canadian provinces.</p> <p>Second, the list of individuals who are disqualified from serving as a candidate should include the Chief Official Agent of a registered political party. This restriction is already contained in subsection 234(2) but adding it here would make it more prominent.</p>
Business Manager Required & Candidate's Auditor	43 & 238	These sections contain references to "potential candidates" and activities that a potential candidate needs to undertake.	The references to "potential" candidates are unnecessary and serve little purpose. The word "potential" could be removed with little impact on the administration of the Act and would facilitate the appointment of potential candidates before an election event. Candidates must include the business manager and auditor appointment forms at the time they present their nomination papers to the returning officer so this requirement only serves to add unnecessary administration to the process.
Filing and form of nomination paper	44(4)	(4) Every person who signs a nomination paper as a nominator shall sign in the presence of another voter resident within the constituency in which the election is to take place.	The Act should be amended to remove the restriction that the witness to the nominator's signature must reside within the constituency. The nominators must continue to reside within the constituency.
Deposit required	46	A nomination paper is valid only if it is accompanied by a deposit of \$100.	The nomination deposit should be increased to \$500. The amount of the deposit has not changed in many years and has increased beyond \$100 in most Canadian jurisdictions. All candidates who complete their election expense return receive their nomination deposit back. For clarity, any candidate who fails to file their election expense return by the deadline automatically forfeits their nomination deposit.

Section Heading &/ or Description	Section/ Subsection	Current Language or Brief Description	Proposed Changes
Filing and form of nomination paper	44(8)	The returning officer may, in the case of an emergency, accept a nomination paper by fax, if the originals and the deposit required by subsection 46(1) are subsequently provided to the returning officer within 48 hours after the end of the period mentioned in subsection (1).	Fax machines have become less common. The Act should be amended so as to allow other means of electronic transmission in emergency situations (e.g., email).
Absentee Voters – Voting Procedures	88(6)	(6) An absentee voter shall mark the ballot paper by inserting the name or political affiliation of the candidate for whom the absentee voter intends to vote.	The Act should be amended so as to allow a voter to also insert the name of a political party leader on their ballot. This change has been proposed in other jurisdictions, most notably BC, and would help to decrease the number of rejected ballots during absentee voting.
False Statements before or during an election	204	<p>(1) Before or during an election, no person shall knowingly make or publish a false statement of the withdrawal of a candidate at the election for the purpose of promoting or securing the election of another candidate.</p> <p>(2) Before or during an election, no person shall knowingly make or publish any false statement in relation to the personal character or conduct of a candidate for the purpose of affecting the return of the candidate at the election.</p> <p>(3) A contravention of this section is a corrupt practice.</p>	<p>Online disinformation and misinformation is becoming an increasing problem for election administrators around the world. The Act should be amended to provide the Chief Electoral Officer with additional authority to counter disinformation and misinformation against the electoral process.</p> <p>The Chief Electoral Officer would propose that the following text be considered by legislators for inclusion within the Act.</p> <p>No person or entity, including foreign persons and entities, shall knowingly make false statements about the voting process, including about voting, vote counting procedures, voting eligibility, or the dates, times, and locations of voting, in order to disrupt the conduct of the election or to undermine the legitimacy of the election or its results.</p> <p>No person or entity shall intentionally impersonate or making false statements about political parties, candidates or the Chief Electoral Officer or his office.</p>
Definition of “election expenses”	220(f)	“election expenses” means the cost of goods and services used during an election....	The phrase “during an election” limits election expenses to those that occur during the writ period. The time period for eligible election expenses should be increased to up to 30 days before the writ is issued to better allow for expenses such as setting up campaign offices, telecom connection fees, etc.

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Application for registration	224(3)	A political party may apply to be registered at any time during the period commencing on the day fixed for the return to a writ for a general election and ending on the day that is five days after the issue of the writ commencing the next general election.	While a political party is restricted from submitting an application for registration within a certain timeframe before a general election, there is no such provision that applies to by-elections. The Act should be amended so as to provide the Chief Electoral Officer with 3 months to verify an application – this would clarify that a political party cannot submit an application and then endorse a candidate in a future by-election in advance of approval by the CEO.
Alterations in Registration	226	If at any time any information required to be set out in an application mentioned in section 224 is altered, the registered political party shall deliver a written notice to the Chief Electoral Officer of the alteration within 30 days of that alteration	The Act should be clarified to specify who can act on behalf of the “registered political party” to deliver written notice. The Chief Official Agent and party leader should be provided with this authority.
Registered political parties to file information	230	This section lays out certain requirements for registered political parties to file information with the Chief Electoral Officer.	The Act should be amended to state that a registered political party cannot have a vacancy in either the party leader or Chief Official Agent position for longer than 30 days. This requirement should be added to subsection 227(1)(c) as an item the Chief Electoral Officer can consider when deregistering a political party.
Auditors	237(2), 238(4)	<p>The Act provides a list of individuals who cannot act as an auditor for a registered political party or a candidate. The text of 237(2) for a registered political party is below:</p> <p>No election officer, candidate, business manager of a candidate or chief official agent of a registered political party, or a partner, employee or student of any of them, shall act as auditor for a registered political party.</p>	<p>These sections should be edited. Currently the “partner” of an election official cannot be an auditor. Elections Saskatchewan hires many thousands of people who qualify as election officials (every deputy returning officer and poll clerk for example) and it is impossible to determine who their partners are and whether they are serving as an auditor for a party or candidate.</p> <p>The Act could be amended by removing “election officer” from the mentioned sections and adding the “spouse or common law spouse/partner” in place of “partner.” A new subsection specifying that no election officer can serve as an auditor can be added.</p>

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Loans and guarantees by financial institutions	238.1(3)	(3) If a loan mentioned in subsection (2) is made at a rate of interest that is less than the prime rate of interest of that financial institution as at the date the loan is fixed, the benefit of the difference between the amount of interest that would be payable at that prime rate and the amount of interest being charged for the loan is a contribution.	This subsection of the Act refers to "imputed interest." Following changes made to the Act in recent years, this subsection is no longer needed and should be repealed.
Limits on election and advertising expenses	243(5)	(5) in this section, "advertising expenses" means expenses for advertising in any newspaper or magazine published in Saskatchewan or for acquiring the right to use time on the facilities of any broadcasting undertaking.	<p>This section provides a very narrow definition of the term "advertising," essentially restricting it to advertising in newspapers and magazines and broadcasts on radio and TV.</p> <p>The term "advertising" should be expanded to include all forms of advertising. S. 215(1) (a) and (b) provide more comprehensive definitions of advertising and distribution.</p>
Limit on candidate's election expenses	252(5)	A candidate may exclude from the candidate's election expenses all or any part of the candidate's campaign expenses if including the campaign expenses or part of the campaign expenses would result in the candidate exceeding the limits prescribed in subsection (1).	There is no clear reason for including this subsection, which allows candidates to exceed their spending limits by excluding certain campaign expenses from their return. Clauses that allow candidates to include or exclude their campaign expenses should be repealed.
Candidate's election expense return	261	NEW	<p>Currently, the Act requires that every election expense return, regardless of whether it includes any contributions or expenses, to be audited.</p> <p>The Act should be amended so that any return which has both total expenses and total contributions of less than \$1,000 does not require an audit. Candidate election expense returns not subject to an audit would still be subject to review by Elections Saskatchewan.</p>
Candidate's election expense return	261(8)	(8) Within 30 days of the filing of any election expenses return or any supplementary election expenses return, the Chief Electoral Officer shall publish a summary of the return, in the prescribed form, in one newspaper published or circulated in the constituency in which the election was held.	This subsection, which requires Elections Saskatchewan to place ads in a variety of newspapers across the province should be repealed. There is little value in distributing information in this manner and there are better, more efficient methods to communicate with the public.

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Late filing fee	263.1	NEW	The Act should be amended to allow the Chief Electoral Officer to register a “late filing fee” as a judgement or order of the Court. This would assist with collecting unpaid fees.
Expenses that are not reimbursable	266(1)(a)	(1) The following election expenses are not reimbursable pursuant to section 264, 265 or 268: (a) any commercial value claims for items totaling \$200 or less;	This section should be amended to prohibit reimbursement for all donations in kind and not just those under \$200.
If contributions exceed election expenses	269 & 270	Sections 269 and 270 describe the treatment of surpluses.	Amendments should be made that clarify what happens to surplus funds. Candidates that are endorsed by registered political parties should be required to turn excess funds over to the constituency association or to the registered political party. Independent candidates should be required to turn surplus funds to the Minister of Finance.
Statement by advertisers	279	(1) Within two months of the polling day for an election, every broadcaster and every publisher of a newspaper, magazine or periodical shall file with the Chief Electoral Officer a statement setting out....	<p>This section makes it an offence for a broadcaster or publisher to fail to file a statement with the Chief Electoral Officer.</p> <p>The filing requirement applies whether or not the broadcaster or publisher has anything to report. Most broadcasters and publishers are unaware of this provision and in practice, there are usually no reports filed by private advertisers. This provision should be repealed as it provides no value.</p>



**“ The Chief Electoral
Officer has presented
a vision for October 2024 of
a provincial election that
would be far different from
previous events. It would be
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officials and for political
stakeholders. ”**



OFFICE OF THE CHIEF ELECTORAL OFFICER
(ELECTIONS SASKATCHEWAN)
#301 – 3303 HILLSDALE STREET, REGINA, SASKATCHEWAN
CANADA S4S 6W9
TELEPHONE: (306) 787-4000 / 1-877-958-8683
FAX: (306) 787-4052 / 1-866-678-4052
EMAIL: info@elections.sk.ca
WEBSITE: www.elections.sk.ca

