



April 20, 2023

The Honourable Randy Weekes
Speaker of the Legislative Assembly
Chair, Board of Internal Economy
Room 129, Legislative Drive
Regina, SK S4S 0B3

Dear Mr. Speaker:

In anticipation of receiving Orders in Council for three by-elections, I am enclosing with this letter **seven Directives of the Chief Electoral Officer (CEO Directives)** in accordance with section 5.1 of *The Election Act, 1996* (the Act). This section allows the Chief Electoral Officer to direct the use of "alternate procedures, equipment or technology" during the administration of a by-election.

Submission Summary

The CEO Directives provided here constitute a framework that is consistent with the recommendations outlined in *A Report on the Twenty-Ninth General Election, Volume IV, Chief Electoral Officer's Recommendations for Legislative Reform*. These Directives authorize the following for the coming by-elections with respect to:

- **The Polling Period (CEO Directive 2023-001):** Authorizes a transition away from distinct advance and election day voting periods toward a unified "Voting Week."
- **Polling Divisions (CEO Directive 2023-002):** Directs changes to the traditional use of geographic sub-regions.
- **The Poll Clerk (CEO Directive 2023-003):** Establishes that this position will be eliminated at most, but not all, voting locations. This is possible due to the use of electronic poll books and vote counting equipment.

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- **Electronic Poll Books (CEO Directive 2023-004):** Introduces technology to make it faster and easier to process an increased number of voters while enabling real time data sharing with political stakeholders.
- **Vote Counting Equipment (CEO Directive 2023-005):** Directs the use of equipment to count ballots linked to the use of electronic poll books, allowing election officials to manage the higher number of ballots that comes when using electronic poll books. Vote counting equipment counts ballots faster and more accurately than hand counting.
- **Vote by Mail (CEO Directive 2023-006):** Continues use of the centralized Vote by Mail process developed for Saskatchewan's 29th General Election, held on October 26, 2020; and
- **Voting Record (CEO Directive 2023-007):** Introduces a voting record at locations that do not feature technology.

It should be clear that these CEO Directives will only be implemented should my office be instructed to issue a writ of election at least four weeks following their submission. They will be in effect for any by-election held on or before September 30, 2023, including the Regina Coronation Park by-election (must be held before August 10, 2023), Lumsden-Morse by-election (must be held before September 10, 2023) and the Regina Walsh Acres by-election (must be held before September 28, 2023).

Administration of Voting during Pending By-Elections

Before describing each Directive, it will be helpful to first understand the cohesion and efficiencies that are supported by the combination of Directives that are offered here with the aim of benefiting voters and political stakeholders alike.

- **Approach to voting locations:** For by-elections in Regina Coronation Park, Lumsden-Morse, and Regina Walsh Acres, the vocabulary of "advance voting" and "election day voting" will not be used. Instead, voters will access the polls during "Voting Week" (referred to within the Directive as a "polling period"). There will be an initial five days of voting from 12 noon to 8 p.m. During those five days, the typical footprint of voting locations will include more locations than were previously offered during advance voting but fewer than were traditionally available on election day. There will then be a one-day gap between the first five days of Voting Week and the final day of voting to allow for updating of lists that ensure the integrity of the election

system and to provide candidates and political parties with the list of voters that have been struck from the list as having voted. Voting will take place from 9 a.m. to 8 p.m. on the final day of voting. In Regina Coronation Park and Regina Walsh Acres (two more densely populated urban constituencies), the footprint of voting locations will remain the same on the final day of Voting Week—additional locations will not be added. In Lumsden-Morse (where the population is more dispersed because it is rural), additional voting locations will be added on the final day of voting. By enhancing the voting location footprint in this way, voters in less populated areas will not have to drive an unreasonable distance to gain access to the ballot if they have not visited a larger center over the course of the week.

- **Technology and Manual Voting Locations:** In Regina Coronation Park and Regina Walsh Acres (the two urban constituencies), electronic poll books and vote counting equipment will be used at “technology voting locations” established for the first five days of voting week and the final day of voting as well. The automation to be used at these locations will make it possible for any voter from the constituency to vote at the location that is most convenient to them during the week. In Lumsden-Morse (a rural constituency), voting locations with technology will also be used in major centers on every day of voting. Voters are free to visit any of these locations on every day of voting, including the final day of Voting Week. On that final day, however, the additional “manual voting locations” that are mentioned above will look like traditional polls. These poll locations will not use the automation present at technology voting locations, given that the efficiency of automation and ability to support such technology cannot be achieved in smaller locations.
- **Polling divisions:** Instituting a Voting Week approach will include altering the way that polling divisions have traditionally been used in a by-election. The flexibility that comes with this allows voters to participate in voting on all days of voting at any technology voting location in Regina Coronation Park and Regina Walsh Acres and in major centers in Lumsden-Morse. Voters will not be assigned to a single polling division on the last day of voting but will continue to have access to technology locations in each constituency on all days of voting. Lumsden-Morse will be the exception, however. To meet the needs of voters in small centers and rural areas, additional manual voting locations will be established. While voters assigned to these manual locations are still free to visit locations in major centers on the final day of voting, they (and these voters only) may also choose to vote at a manual location (within a set geographic region located closer to their residence) on the final day of voting.
- **Reduced reliance on human resources:** A key benefit of introducing automation at technology voting locations is that fewer election officials will be needed to

administer voting. It is clear that, moving forward, Elections Saskatchewan will no longer be able to recruit the number of officials it requires. Work that used to involve two election officials, a deputy returning officer and poll clerk, can now be achieved by just one, a deputy returning officer, operating an electronic poll book. An officer responsible for operating a ballot counting machine (facilitating voters' depositing paper ballots into the machine to be counted) will service a number of polling stations at each technology voting location. Manual voting locations are the exception to this. These locations will be staffed by the traditional deputy returning officer and poll clerk team, who will complete a Voting Record as opposed to using an electronic poll book.

- **Benefits of automation to candidates and political parties:** The introduction of automation provides significant benefits for candidates and registered political parties. Electronic poll books provide real-time data through a secure portal on who has voted and when (this is called "strike off" data), eliminating the need for candidate representatives to collect "bingo sheets" or view advance poll books to collect information on turnout. And, when voting ends, vote counting equipment provides results quickly, easily, and more accurately than election officials can. The small number of manual voting locations in Lumsden-Morse will not provide real time strike off data but, a barcode assigned to each voter on the Voting Record will allow my team to quickly create a record of who casts a ballot and provide it to the parties and candidates shortly after the final day of voting. Quite simply, there will be more data available in a much easier way than has ever been the case in the past. This is made possible due to the use of technology in the form of electronic poll books and vote counting equipment.
- **Advantages of the Vote by Mail process:** A centralized Vote by Mail process will be offered to voters. The process will use a system that has been used in all provincial election events since 2020, a system that has been well received by registered political parties and voters alike. The use of centralized VBM has increasingly offered voters greater and more flexible access to their ballot. In addition, the approach has allowed political stakeholders an even richer understanding of which voters have applied for and received VBM packages. Ultimately, the combination of automated voting locations and centralized VBM procedures allow candidates and political parties to be more effective in their campaigns.

In reviewing the package of Directives that follow, I would ask that you note the intentionality with which these Directives have been created. To be clear, the whole of the election system constitutes more than the sum of its parts. Further, each part of the framework is needed to

reinforce the integrity of the election system while providing efficiencies in areas where the province has seen and will increasingly see limitations. Finally, the lessons learned by instituting these Directives as part of these by-elections will prove invaluable to building Elections Saskatchewan's capacity for conducting a modernized general election in October 2024.

Directives Described

Specific information on each CEO Directive submitted as part of this package is provided here. It should be noted that each Directive includes language that will guide implementation for any by-election held on or before September 30, 2023. Hypothetically, this could include more than the three by-elections already required to be held during this period.

CEO Directive 2023-001 – Polling Period

This directive allows for a transition from distinct advance and election day voting periods to a unified voting week. The precise details are described above, with five days of voting (12 noon to 8 p.m.) followed by a one-day break and then a final day of voting (9 a.m. to 8 p.m.). During these days, at any location featuring technology, any voter from the constituency will be able to vote at whichever location is most convenient for them. A system of manual polls will be implemented on the last day of voting to ensure that no voter in rural or remote areas faces an unacceptably long distance to drive.

The transition away from distinct advance and election day voting opportunities does have an impact on many dates and time periods defined in the Act. For these by-elections, the instructions related to the creation of a polling period, which are found in section 5.3 of the Act have been relied on to determine certain deadlines and the timing of certain activities. The transition to a voting week will impact the regulated Election Proclamation, and this change is included within the Directive.

CEO Directive 2023-002 – Polling Divisions

Polling divisions have traditionally been used by election administrators to ensure every voting station in the province is only asked to serve a manageable number of voters on election day. In Saskatchewan, that number has been around 300 voters per polling division. A great many trends and changes in society, including a shift to voting in advance and by mail, have drastically impacted this number and polling divisions no longer hold as much value as they once did.

The use of technology, in the form of electronic poll books and vote counting equipment, make a transition away from polling divisions possible. An election worker working in a voting location outfitted with this technology can process many more voters than they could

manually. This means that, in urban constituencies which will have electronic poll books and vote counting equipment in all voting locations, polling divisions will no longer be created or used. In more rural or remote constituencies which will have manual voting stations on the last day of voting, a smaller geographic region similar in function to a polling division will only be introduced for that last day of voting in order to assign voters to a specific manual voting location in instances where their residence is unreasonably far from a larger center.

CEO Directive 2023-003 – Elimination of Poll Clerk Position

The elimination of the poll clerk position at most voting locations during the upcoming by-elections covered by these CEO Directives can be traced back to the presence of electronic poll books (CEO Directive 2023-004) and vote counting equipment (CEO Directive 2023-005). With this technology in place, it is feasible for one election official to administer voting throughout the entirety of voting week. This is a departure from the traditional model of election administration in the province which has always required two workers per voting station (a deputy returning officer and a poll clerk).

Traditionally, one of the responsibilities of the poll clerk has been to handwrite the name and address of every voter who casts a ballot into the poll book. With technology at all voting week locations, there is no longer a compelling reason to recruit poll clerks. This change, from two election officials to one has begun to be made in many jurisdictions across Canada as better designed processes and technology have made it possible for one worker to complete the required task of collecting data and providing a ballot to eligible voters. A new election official position, the Tabulation Officer, will supervise vote counting equipment and assist voters with inserting their market ballot into the vote counting equipment.

The one exception to the elimination of poll clerks will be at the small number of manual voting locations established in rural locations on the last day of voting. In these locations, the poll clerk will remain in place and will complete their required work on the voting record (see CEO Directive 2023-007 below).

CEO Directive 2023-004 – Electronic Poll Books

In the September 2022 Saskatoon Meewasin by-election, Elections Saskatchewan used electronic poll books during advance voting. At that time, section 135.1 allowed the Chief Electoral Officer to direct the use of this equipment outside of the Act's piloting framework and also provided specific instructions on its use. In December 2022, section 135.1 was repealed from the Act alongside a number of other changes. This means that rather than being able to rely on that section, the provisions found in section 5.1 must now be relied upon.

An electronic poll book is a type of software that runs on a laptop computer and allows an election official to complete activities such as voter strike off on the computer as opposed to on a paper form. A bar code reader attached to the computer can read the bar code

printed onto a Voter Information Card (VIC), allowing voters to be quickly looked up within the system. If a voter does not bring their VIC, their name can be manually searched.

One key benefit of the electronic poll book technology is that it allows real time data on which voters have cast a ballot to be relayed electronically to candidates and political parties. This assists with campaigning activities and means that candidate representatives can focus on observing voting activities and not on relaying information manually collected to campaign headquarters.

In the by-elections covered by these CEO Directives, electronic poll books will be used at all voting locations that are established for the entirety of voting week. In every location, the electronic poll book will be paired with vote counting equipment. This means that most voters will be served at a location using this technology and will have their ballot counted by a tabulator. It should be noted that the widespread use of electronic poll books is predicated on the widespread use of vote counting equipment – it is only by pairing these two types of technology that the greatest benefits can be realized and that risks can be mitigated.

CEO Directive 2023-005 – Use of Vote Counting Equipment

Vote counting equipment (also called ballot tabulators) is a form of technology that has been around for decades and has been well used throughout this country and many others. The cities of Regina and Saskatoon have both used vote counting equipment for multiple municipal elections and it has also been used in recent provincial general elections in Ontario and upcoming elections in Alberta, Manitoba, British Columbia, among others.

The upcoming by-elections will be the first to use vote counting equipment in a Saskatchewan provincial election event. This will necessitate a change to the form of the ballot (a regulated form) which must be readable by the equipment. The voting process for most voters will not change dramatically – they will receive a ballot from the deputy returning officer, mark their ballot behind a voting screen, but then, instead of traveling back to the voting station they came from, they will move to the vote counting equipment, where a Tabulation Officer will assist them with depositing the ballot into the tabulator. The use of vote counting equipment, along with additional changes created by other Directives, will also require that changes be made to the prescribed form commonly referred to as the Return to the Writ.

CEO Directive 2023-006 – Vote by Mail

Elections Saskatchewan relied on a modified form of absentee voting, branded as “Vote by Mail” in the province’s last general election. During that event, the volume of Vote by Mail voters increased to roughly 56,500 from 4,400 in 2016. The centralized process, which was designed in the few months between the onset of COVID-19 in the province (mid-March 2022) and the opening of the VBM application period (mid-August 2022) proved to be more

efficient and more convenient for voters than the system described in legislation. Vote by Mail has also proven to be a reliable option in by-elections in Athabasca and Saskatoon Meewasin.

In addition to the process changes, the existing absentee instructions, contained in section 88 of the Act will not be in force for this by-election, including the ability for voters to cast an absentee ballot in person at the returning office. This has always been a little used voting opportunity that increases costs and returning office staffing requirements. Any voters who attend the returning office and ask to vote in this manner will be assisted with applying to Vote by Mail or offered information on other in-person voting opportunities. This is consistent with our approach from the Saskatoon Meewasin by-election.

CEO Directive 2022-007 – Voting Record

By legislation, election officials currently work from two separate documents while administering voting – a voters list where voters are struck from and a poll book where the name of each voter is recorded, along with other information. The process is cumbersome, inefficient and involves a significant amount of writing, slowing down the voting process and resulting in errors.

A “voting record” which combines the voters list with the poll book was first tested in the Saskatoon Meewasin by-election. It proved to be an effective tool and was well received by election officials, as it meant less handwriting and faster processing of voters. In addition, this voting record includes bar codes that can be scanned after voting is complete. This helps to create a fully electronic list of who has voted. Not only does this increase the integrity of the electoral process, but the data can also be provided to candidates and registered political parties for their use in campaigns. For by-elections covered under these Directives, the voting record will be used only at the small number of manual polls offered on the final day of voting.

Conclusion

The sum total of these Directives will create a system of voting that is in line with what I described and proposed in *A Report on the Twenty-Ninth General Election*, Volume IV, Chief Electoral Officer’s Recommendations for Legislative Reform. I believe that when voters, candidates, and registered political party representatives see this system in action, they will recognize significant benefits. Every key stakeholder, from voters, to candidates and registered political parties, to election officials will benefit from an election system that improves access to ballots for voters, provides important data to political stakeholders, introduces needed efficiencies, and offers greater integrity to the system itself.

In accordance with subsection 5.1(4) of the Act, I am also providing a copy of the enclosed CEO Directives to the province's registered political parties and making a copy available on our website. Should you, or members of the Board of Internal Economy, have questions, I would be happy to provide more information.

Sincerely,

A handwritten signature in blue ink that reads "Michael D. Boda". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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

cc: Members of the Board of Internal Economy