

ELECTIONS SASKATCHEWAN

Report of the Chief Electoral Officer  
pursuant to subsection 5.1(6) of *The Election Act*,  
1996 regarding actions taken during the  
constituency of Athabasca by-election

August 2022





## Table of Contents

Letter of Transmittal

Introduction	1
Assisted Telephone Voting Explained	1
Elections Saskatchewan’s Assisted Telephone Voting Pilot	2
Results of the Pilot Project & Overall Assessment of ATV	3
Notice to Required Stakeholders – Board of Internal Economy & Registered Political Parties	4
Appendix A – CEO Orders	7
Appendix B – Stakeholder Communications	13





August 8, 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 subsection 5.1(6) of *The Election Act, 1996*, (the Act), I submit to you, within six months of polling day, a written report respecting my actions pursuant to section 5.1 of the Act taken during the February 15, 2022 constituency of Athabasca by-election.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Michael D. Boda'.

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

---

**ELECTIONS SASKATCHEWAN**

#301 – 3303 Hillside Street  
Regina, Saskatchewan  
Canada S4S 6W9

**Telephone:** 306.787.4000  
**Toll Free:** 1.877.958.8683  
**Fax:** 306.787.4052

**Email:** [info@elections.sk.ca](mailto:info@elections.sk.ca)  
**Web:** [elections.sk.ca](http://elections.sk.ca)





## Introduction

This report is written as per subsection 5.1(6) of *The Election Act, 1996* (the Act), requiring submission to the Speaker, within six months of polling day, a written report with respect to actions taken pursuant to section 5.1 of the Act. It focuses on actions taken pursuant to that section, specifically the testing of an alternate procedure, equipment or technology during a by-election. In this case, the Chief Electoral Officer authorized the use of Assisted Telephone Voting as a pilot project during the constituency of Athabasca by-election.

Key dates for this by-election were:

January 18, 2022 – Writ of Election issued

January 29, 2022 – Nomination deadline

February 2, 2022 – Deadline to apply to Vote by Mail

February 9 – February 13, 2022 – Advance Voting

February 15, 2022 – By-Election Day & First Preliminary Count

February 17, 2022 – Second Preliminary Count

February 28, 2022 – Final Count

March 10, 2022 – Return to the Writ

## Assisted Telephone Voting Explained

Assisted Telephone Voting (ATV) is a voting opportunity that allows a voter, who meets a pre-defined set of criteria and who can confirm identity and residence, to cast a vote over the phone by relaying their choice of candidate to a team of election workers who mark the ballot on the voter's behalf. By using multiple teams of election workers, election administrators can ensure that no one knows both the voter's identity and the candidate they have selected. This ensures the secrecy of the ballot and guarantees that every ballot is marked in accordance with the voter's wishes.

While ATV had not been used in Saskatchewan previously, it had been used in other jurisdictions, most notably British Columbia. In BC, it has been used as an accessibility tool and a way to provide access to the ballot for a "limited set of voters who are unable to vote independently by other means" (according to the Elections BC website). Examples of voters who were eligible to use this option in BC's 2020 general election include those with vision loss, individuals with a health condition or disability that prevents voting independently, or someone forced to self-isolate due to COVID-19 in the last week of the campaign period.

## Elections Saskatchewan's Assisted Telephone Voting Pilot

The purpose of the pilot project that Elections Saskatchewan undertook in the Athabasca by-election was two-fold:

- First, to "bridge the gap" between the end of the Vote by Mail application period (Feb. 2) for voters who could not attend an advance or by-election day voting location (possibly due to COVID-19); and
- Second, to test this avenue of voting for possible inclusion in the CEO's recommendations for legislative change in advance of the 2024 general election. ATV could serve as an additional option for voters with disabilities or who have difficulties attending an in-person poll.

In the Athabasca by-election, ATV was an option for four groups of voters:

- A voter who was self-isolating due to COVID-19;
- A voter residing in a location under lockdown due to COVID-19;
- A voter with a disability that would prevent them from being able to vote at a physical polling location; or
- A voter in a circumstance that the Chief Electoral Officer determined Assisted Telephone Voting would be required as the voting opportunity of last resort or as was necessary operationally to ensure the viability of the pilot.

ATV allowed a voter, who met this specific set of eligibility criteria and who could confirm their identity and residence, to cast a vote over the phone by verbally relaying their choice of candidate to a team of election officials who mark a physical ballot and deposit it into the ballot box. ATV ballots were counted at the Final Count.

In order to maintain integrity, the following checks were put in place:

- Voters need to be registered to vote prior to use of ATV.
- Voters needed to provide name, address, and date of birth and this information needed to match the data in Elections Saskatchewan's voter register.
- Voters were required to provide an SGI customer number that could be verified against the SGI database.
- Voters' names were struck from the voters list as having voted by ATV and all ATV ballots cast were counted at the Final Count to allow for a final confirmation that voters had not also voted by mail, at an advance poll, or at a by-election day poll.

ATV was conducted in four stages:

- Initial intake;
- Ballot marking;
- Post ballot marking de-encryption process;
- Ballot counting.



Candidate representatives were invited to observe all aspects of the ATV process except for the marking of the ballot. Information on ATV was shared with the province's registered political parties several times in the lead up to the Athabasca by-election.

## **Results of the Pilot Project & Overall Assessment of ATV**

Elections Saskatchewan made ATV available to voters on by-election day, February 15, 2022, for the same hours that voting took place, from 9 a.m. to 8 p.m. Three voters contacted Elections Saskatchewan to vote this way and all three were able to provide the necessary information to cast their ballot. Due to the small number of ATV voters, these results were combined with other forms of voting for public results reporting.

The small number of ATV voters illustrates one of the key challenges with ATV – how to effectively communicate this option to potential voters while ensuring the system has the capacity to manage the volume of voters. Communicating with voters who were eligible for this option was made more difficult because, at the time of the by-election, public health officials were no longer conducting widespread COVID-19 testing (as rapid tests were widely available) or proactively contacting those infected.

Due to the relatively low number of voters who were able to use ATV during the Athabasca by-election, Elections Saskatchewan opted to conduct a live simulation of ATV after the completion of the by-election. This provided initial data on how the ATV process worked, how much time each stage of the ATV process should be expected to take and to better refine telephone operator scripts.

This internal simulation administered the voting process for an additional 37 voters. The simulation showed that the intake process, during which the voter needed to provide the necessary information to verify their identity, took an average of 3 minutes and 51 seconds. The ballot marking process took an average of 1 minute and 37 seconds. Given that there was a small wait at the beginning of each call for a pre-recorded message to play as well as a brief pause between voter intake and ballot marking, most voters would have completed the entire ATV process in less than 7 minutes.

ATV represents a significant opportunity to offer increased access to the ballot for Saskatchewan voters. As other jurisdictions have shown, it can function as an additional option for voters who are unable to easily leave their residence to visit a voting location. This could make it an effective tool to serve voters with disabilities or elderly voters alongside the already established option of homebound voting. It could also be used as an option for individuals who find themselves away from their home during advance/election day voting after the vote by mail application period has ended. An example of an individual in this category could be someone who is unexpectedly required to work at a remote location such as a mine or work camp.

The main challenge with ATV is how best to communicate the option to eligible voters. It needs to be communicated broadly enough that voters are aware the option exists but not so widely that demand overwhelms Elections Saskatchewan's capacity to serve voters. This must be considered when planning for future uses of ATV.

A secondary challenge is the idea of the "shared secret" and how best to verify a voter's identity. For this by-election, the SGI customer number was the shared secret, however not everyone will have a driver's license or an SGI photo ID card. Elections Saskatchewan is considering whether it is viable to pursue another identifying number, such as the Health Services Number (HSN) or a subset of the HSN that could serve as an additional shared secret. There are, of course, privacy concerns associated with the HSN and other identifying number that Elections Saskatchewan could acquire.

Moving forward, Elections Saskatchewan will consider how ATV fits into the "menu" of voting options that are available to the province's voters. It may have a place alongside homebound voting as a tool to provide access to the ballot to as many voters as possible while still ensuring integrity and security of the voting process. ATV could also serve as an additional avenue to offer "Extraordinary Voting," a voting opportunity which Elections Saskatchewan offered in the 2020 general election which offered voters impacted by COVID-19 and unable to vote in person a way to vote remotely by using a modified vote by mail procedure.

The Chief Electoral Officer will include a recommendation related to the future use of ATV in his forthcoming fourth volume in *A Report on the Twenty Ninth General Election*, Chief Electoral Officer's Recommendations for Legislative Reform. That report will be published in late summer 2022.

## **Notice to Required Stakeholders – Board of Internal Economy & Registered Political Parties**

Subsection 5.1(4)(a) of the Act requires the CEO to advise the Speaker and the Board of Internal Economy (BOIE) of the intention to proceed with the use of alternate procedure, equipment or technology during a by-election at least four weeks before the writ for the by-election is issued.

On December 7, 2021, the CEO provided the Speaker and the BOIE with a copy of a CEO Order containing a directive allowing for the testing of Assisted Telephone Voting in the pending Athabasca by-election. On that same day, the province's registered political parties were informed and provided a copy of the Order attached to a CEO Communique.

A copy of the CEO Order was also placed, as required by legislation, on the Elections Saskatchewan website at <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/#ceo-orders>. A copy of the relevant CEO Order and communique are included in Appendix A and Appendix B.



# Appendix A

## CEO Orders





<b>ORDER No.</b>	CEO ORDER 2021-001
<b>Date</b>	December 7, 2021
<b>Date Revised</b>	N/App
<b>Subject</b>	Assisted Telephone Voting
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Regulations</i> Impacted</b>	Divisions D and E of <i>The Election Act, 1996</i>
<b>Intent</b>	To pilot the use of Assisted Telephone Voting during the Athabasca by-election

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* to direct the use of an alternate procedure, equipment or technology during a by-election. These directives are made through CEO Orders.

For the pending constituency of Athabasca by-election, which must be held, in accordance with *The Legislative Assembly Act, 2007* subsection 46(1) by February 15, 2022, the Chief Electoral Officer hereby directs that a new method of voting, called Assisted Telephone Voting, be piloted as an alternate procedure in accordance with *The Election Act, 1996* subsection 5.1(2). Assisted Telephone Voting will allow a voter, who meets the eligibility criteria and can prove their identity and ordinary residence, to vote over the telephone by verbally relaying their choice of candidate to a team of election officials who will physically mark the ballot on the voter's behalf.

The purpose of this Order and of this pilot is twofold:

- First, to “bridge the gap” between the end of the Vote by Mail application period for voters who cannot attend an advance or by-election day voting location (possibly due to COVID-19).
- And second, to test this avenue of voting for possible inclusion in the Chief Electoral Officer's set of recommendations for legislative change in advance of Saskatchewan's 2024 general election.

In order to use this voting opportunity, voters must be registered in Elections Saskatchewan's Permanent Register of Voters prior to the close of registration for the by-election. In addition, the Chief Electoral Officer directs that only voters meeting the following criteria will be eligible to vote using Assisted Telephone Voting:

- A voter who is self-isolating due to COVID-19;
- A voter residing in a location that is under lockdown due to COVID-19;
- A voter with a disability that would prevent them from being able to vote at a physical polling location; or
- A voter in a circumstance that the Chief Electoral Officer determines Assisted Telephone Voting would be required as the voting opportunity of last resort or as is necessary operationally to ensure the viability of the alternate procedure/pilot.

The Chief Electoral Officer further directs that Assisted Telephone Voting will be available to eligible voters on the day of the by-election from 9 a.m. to 8 p.m. In order to protect the integrity of the electoral process, voters will be required to provide their full name, date of birth and address to an election official. These elements must match the data contained in the Permanent Register of Voters. In addition, the Chief Electoral Officer hereby directs that electoral integrity be preserved through the use of a shared secret between the voter and Elections Saskatchewan. For this by-election, an example of a possible shared secret would be the customer number found on a driver's license or photo identification card issued by Saskatchewan Government Insurance. If the required data elements do not match, or if the voter cannot provide the shared secret, the voter will be informed they are ineligible to vote using Assisted Telephone Voting and must vote in person at their assigned by-election day polling location.

The Chief Electoral Officer further directs that step-by-step procedures be developed that, through the use of multiple election officials, ensure the privacy and secrecy of the voter's intentions, by creating a process whereby no election official knows both the voter's identity and the voter's choice of candidate.



The Chief Electoral Officer further directs:

- That, for the purposes of *The Election Act, 1996*, a “returning officer” and “deputy returning officer” shall include the election officials assigned to administer the Assisted Telephone Voting process by the Chief Electoral Officer.
- That election officials will comply with sections 89 and 146 of *The Election Act, 1996* following the completion of the telephone call with the voter, with any necessary modifications.

This Order is in effect for the constituency of Athabasca by-election, which must be held, in accordance with *The Legislative Assembly Act, 2007* subsection 46(1) by February 15, 2022.

A handwritten signature in blue ink that reads 'Michael D. Boda'.

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
DECEMBER 7, 2021



# Appendix B

## Stakeholder Communications





# ELECTIONS SASKATCHEWAN



## Athabasca By-Election Communique for Chief Official Agents Issue One: December 7, 2021

---

### Piloting Directive & VBM Information

---

#### **Piloting Directive – Assisted Telephone Voting**

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996*, to direct the use of “an alternate procedure, equipment or technology” during the administration of a by-election. During the upcoming Athabasca by-election, which must be held by legislation no later than February 15, 2022, I have determined that Elections Saskatchewan will be piloting Assisted Telephone Voting (ATV).

While ATV will be new to Saskatchewan, it has been used in many other jurisdictions, most notably in British Columbia. ATV allows a voter, who meets a strict set of criteria, to phone Elections Saskatchewan and verbally relay their candidate of choice to a team of election workers who physically mark the ballot. By using multiple workers, we can ensure that no one knows both the voter’s identity as well as the candidate they wish to vote for. This preserves the secrecy of the ballot.

I am pursuing this pilot project for two principal reasons:

- First, given the possible presence of COVID-19 within the jurisdiction during the upcoming by-election, to “bridge the gap” between the end of the Vote by Mail application period for voters who cannot attend an advance or by-election day voting location.
- And second, to test this avenue of voting for possible inclusion in my set of legislative recommendations for changes in advance of our 2024 general election. Even if COVID-19 is no longer present in 2024, there are always voters who have difficulty attending their assigned voting location – ATV would provide a way for Elections Saskatchewan to serve these voters and by piloting during this by-election we can gain real world data on how the process works in our context.

ATV will not be widely available to all voters, but it will be used as an accessibility tool to help those who may be forced to quarantine due to COVID-19 or have difficulty attending a physical

voting location. I have also provided an option within the Order to ensure that I have flexibility to offer ATV to a voter who has no other option to vote and also if we need to increase numbers to test the viability of this voting method. My intent is not to open this opportunity up to the general public, but I must also ensure that, in investing resources into testing this form of voting, that we learn enough to make an informed decision.

The CEO Order authorizing the use of Assisted Telephone Voting is attached. In the new year, I plan to provide you with additional details, including a step-by-step breakdown of the process we will follow for each voter and how these ballots will be secured and counted. If you have any immediate questions, however, I would be pleased to hear from you.

## **Vote by Mail - Accepting Applications**

In mid-November, Elections Saskatchewan opened its online portal so that it could begin accepting applications to Vote by Mail in the Athabasca by-election. Right now, throughout the constituency, advertisements are airing on local radio stations and appearing in print publications as well as on social media platforms, promoting the opportunity to Vote by Mail.

I know that Vote by Mail may not be as popular in Athabasca as it is in larger, urban centres but given the continued presence of COVID-19 and the yet to be determined impact of the Omicron variant, I believe it is important that voters understand that this opportunity exists. I would appreciate it if you could share information on Vote by Mail with your party's supporters, volunteers, and networks throughout the constituency.

Anyone who wishes to apply to Vote by Mail can visit our website at <https://www.elections.sk.ca/voters/voting-by-mail/> to learn more. The link provides information on how to apply online, by phone, or through the mail. Again, I firmly believe that given the unpredictable nature of COVID-19, that any voter who may have concerns about being able to vote in person, should know about this opportunity. When we receive applications in advance of the election being called, we can ensure these are processed as soon as the writ is issued and provide as much time as we are able to for voters to receive, and send back, their ballot kits. I appreciate your cooperation with this.

Wishing you all the best this holiday season and a Happy New Year. I look forward to working with you in 2022.



Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan