

ELECTIONS SASKATCHEWAN

Report of the Chief Electoral Officer

pursuant to subsection 7(6) of *The Election Act, 1996*

regarding actions taken during the constituency of

Athabasca by-election

April 2022



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April 13, 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 7(6) of *The Election Act, 1996*, (the Act), I submit to you, within 60 days of Polling Day, a written report respecting my actions pursuant to Section 7 of the Act taken during the February 15, 2022 constituency of Athabasca by-election.

Respectfully submitted,

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

ELECTIONS SASKATCHEWAN

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Introduction

This report is written as per subsection 7(6) of *The Election Act, 1996*, requiring submission to the Speaker, within 60 days of polling day, a written report with respect to actions taken pursuant to subsection 7(1) of *The Election Act, 1996* (the Act). It focuses on actions taken pursuant to Section 7 during the constituency of Athabasca by-election.

Key dates for this by-election include:

- 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 – Election Day & First Preliminary Count
- February 17, 2022 – Second Preliminary Count
- February 28, 2022 – Final Count
- March 10, 2022 – Return to the Writ

Impact of COVID-19 on Use of Section 7

In early-May 2020, with COVID-19 present in Saskatchewan and a general election scheduled for October, the Chief Electoral Officer (CEO) provided a paper to the Premier of Saskatchewan describing how a general election could be safely administered. That document outlined several recommendations for the Government of Saskatchewan and the Legislative Assembly.

Key to this plan was a recommendation that the Act be amended to provide the CEO with explicit authority to adapt election processes under circumstances where a serious disease such as COVID-19 is present.¹ This recommendation would have provided certainty that the CEO had the ability to use the emergency authority contained in section 7 of the Act to account for the exceptional circumstances brought about by the COVID-19 pandemic.

The Government of Saskatchewan opted to pursue changes to *The Election Act Regulations* in lieu of amendments to the Act. These regulatory changes clarified interpretations of the following phrases found in section 7 of the Act:

- “adapt any other provision of this Act”;
- “emergency order”; and
- “an emergency exists.”

¹ Dr. Michael Boda. *Conduct of Saskatchewan’s 29th General Election in the Context of Novel Coronavirus Disease: Recommendations*. Elections Saskatchewan, May 19, 2020.

These expanded and clarified definitions provided the CEO with clear authority to adapt legislative provisions found in the Act to best ensure the health and safety of voters, election workers and political stakeholders. In a news release published May 13, 2020, CEO Dr. Michael Boda said of the changes, "From an operational standpoint, it is my view that Elections Saskatchewan can now proceed with planning for a safe general election on October 26, 2020."²

In the end, several changes were made to the Act to allow voting to move forward for Saskatchewan's October 26, 2020, general election. By all accounts, the result was a safe experience for voters, election officials, and political stakeholders. COVID-19 was still present in Saskatchewan in early 2022 when the constituency of Athabasca by-election was called and once again, the CEO relied on Section 7 to adapt legislation. Again, by all accounts, the result was once again a safe experience for voters, election officials, and political stakeholders. The CEO applied Section 7 during the constituency of Athabasca by-election through the use of CEO Orders.

Use of Section 7 – CEO Orders

CEO Orders were used primarily to make two types of adaptations to the Act: first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic. This approach, using CEO Orders to document adaptations to the Act as a result of COVID-19, is consistent with the approach followed in the October 2020 general election.

Through the course of the by-election, 10 CEO Orders were issued making adaptations to the Act. All 10 Orders, along with a brief description of the contents and the effects of the Order on the administration of the by-election, are listed below. A copy of each CEO Order is included in Appendix A.

CEO Order 2022-001 Adjusting the Absentee Voter Application Deadline (issued January 18, 2022): This CEO Order adjusted the deadline for voters to apply for absentee voting (Vote by Mail). The deadline was moved up four days, from February 6 to February 2. This provided more time for ballot kits to be mailed to voters (and for voters to return ballot kits to Elections Saskatchewan) and assisted with managing an increased number of applications to vote by mail.

CEO Order 2022-002 Cleaning Fees – Polling Place Rentals (issued January 18, 2022): This CEO Order allowed Elections Saskatchewan to pay increased amounts for polling location rentals for COVID-19 related cleaning after Elections Saskatchewan used a facility. The amounts that Elections

² *Regulatory changes provide clarification on Chief Electoral Officer Authority.* May 13, 2020. Elections Saskatchewan News Release.

Saskatchewan traditionally pays are set in regulation and state that the prescribed fee is to include janitorial services. This Order allowed for an additional payment of up to \$200 per location with the CEO able to authorize a higher payment on an as needed basis.

CEO Order 2022-003 Voter Information Cards – Advance Voting Direction (issued January 18, 2022): This CEO Order allowed Elections Saskatchewan to direct voters to a specific advance poll in their constituency on their Voter Information Card as opposed to listing every advance poll in the constituency. This allowed for a more even balance of voters at each advance voting location which aided in providing the appropriate amount of physical space for voters and workers. A voter was still able to vote at any advance poll in their constituency – the Order only amended Voter Information Card’s content.

CEO Order 2022-004 Election Proclamations – Personal Care Facility, Hospital and Remand Centre Polls (issued January 18, 2022): This CEO Order adjusted the contents of the required-election proclamation to allow more time and flexibility for Elections Saskatchewan to confirm polling locations in personal care facilities, hospitals, and remand centres. The proclamation instead indicated that information on these polls could be found on the Elections Saskatchewan website.

CEO Order 2022-05 Limits on Candidates’ Representatives (issued January 18, 2022): This CEO Order allowed Elections Saskatchewan to limit the number of candidates’ representatives present during the hours of voting and for the counting of votes at polling places. This helped to limit the number of people in any one location and allowed for greater physical distancing. This Order also restricted candidates’ representatives from attending personal care facility, hospital, and remand polls. As well, candidates’ representatives were required to physically distance while in a polling location or at the counting of votes, and to wear a mask at all times.

CEO Order 2022-006 Ballot Counterfoil Handling (issued January 18, 2022): This CEO Order allowed the Deputy Returning Officer to remove the counterfoil from the ballot before handing both the ballot and the detached counterfoil to the voter. This helped to minimize the handling and passage of materials back and forth between voter and deputy returning officer. The voter would keep the counterfoil to have access to the instructions and deposit both ballot and counterfoil into the ballot box after voting.

CEO Order 2022-007 Trainers – Authority to Administer Oaths and Declarations (issued January 18, 2022): This CEO Order provided the Trainer position with the authority to administer the necessary oaths and/or

declarations to election officials such as deputy returning officers and poll clerks. This Order was necessary because, due to physical distancing requirements, election official training was held outside of the returning office, which meant that the Returning Officer and Election Clerk, who have the legislated authority to administer oaths and declarations, were not in attendance at training sessions.

CEO Order 2022-008 Absentee Voting (Vote by Mail) and Homebound Voting (issued January 21, 2022): This CEO Order allowed Elections Saskatchewan to modify the existing absentee voting provisions of the Act to implement a greatly expanded, centralized Vote by Mail (VBM) process. This Order also clarified that all VBM processes, including the adjusted deadline of February 2, applied for homebound voting.

CEO Order 2022-009 Adjusting the Deadline for Elections Saskatchewan to Receive Absentee (Vote by Mail) Ballots by Mail (issued February 11, 2022): This CEO order extended the deadline for receiving absentee (Vote by Mail) ballot packages returned to Elections Saskatchewan and extended the deadline for the ballot boxes to be sealed. The deadline was extended three days from noon on February 25 to noon on February 28. This Order provided more time for voters to return their ballot package.

CEO Order 2022-010 Attendance of Candidate Representatives at Vote by Mail Count (issued February 15, 2022): This CEO Order set out the rules and processes by which candidate representatives could observe the count of Vote by Mail ballots. Vote by Mail ballots were counted in two stages: one count began on February 17 and a second took place at the Final Count on February 28. Registered political parties and independent candidates were able to appoint one candidate representative to attend each of the preliminary and final Vote by Mail counts. This helped to limit the number of people in attendance and allowed for greater physical distancing.

Notice to Required Stakeholders – Registered Political Parties and Candidates

Section 7(3) of the Act requires the CEO to give notice of actions taken pursuant to section 7 as well as the reasons for taking this action to every registered political party and to every candidate in a constituency affected by the actions.

For this by-election, the CEO gave notice to the registered political parties of each CEO Order through a “communique” – the principal tool used by the CEO to communicate with the Chief Official Agents of the province’s six registered political parties. A signed copy of each Order was attached to the communique and a copy was placed on the Elections Saskatchewan website: <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/#ceo-orders>. In turn, Chief Official Agents were instructed to share this information with all candidates and candidate business managers. Communiques were also sent to independent candidates and their business managers. Copies of relevant communiques are included in Appendix B.

All communiques are posted to the Elections Saskatchewan website shortly after being distributed to the registered political parties and independent candidates. They can be found here: <https://www.elections.sk.ca/candidates-political-parties/communiques/>.

Appendix A

CEO Orders



ORDER No. CEO ORDER 2022-001

Date January 18, 2022

Date Revised N/App

Subject Adjusting the Absentee Voter Application Deadline

Reference Section 87 of *The Election Act, 1996*

Intent To adjust the absentee voter application deadline from 9 days before polling day to 13 days before polling day

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the Act) and section 2 of *The Election Act Regulations* (the Regulations) to declare that an emergency exists and that the Act does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

The Chief Electoral Officer hereby declares that pursuant to section 7(1)(c) of the Act and 2(2)(a)(ii) of the Regulations an emergency exists for which no adequate provision is made by the Act to abridge the deadline for receiving absentee voter applications under section 87(2)(a) and 87(2)(b) of the Act from nine days before polling day to thirteen days before polling day to ensure there is sufficient time to process an increased volume of absentee voter applications in light of the emergency and comply with sections 87(4) and 88 of the Act.

Therefore, the Chief Electoral Officer hereby orders that a measure be taken to amend the absentee voter application deadline from nine days before polling day (Sunday, February 6) to thirteen days before polling day (Wednesday, February 2).

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on Tuesday, February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JANUARY 18, 2022

ORDER No. CEO ORDER 2022-002

Date January 18, 2022

Date Revised N/App

Subject Cleaning Fees – Polling Place Rentals

Reference Section 36 of *The Election Act, 1996* and Section 4.2 of *The Election Act Regulations*

Intent To provide Elections Saskatchewan with the authority to pay additional cleaning fees for polling place rentals

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the Act) and section 2 of *The Election Act Regulations* (the Regulations) to declare that an emergency exists and that the Act does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

The Chief Electoral Officer hereby declares that pursuant to section 7(1)(c) of the Act and 2(2)(a)(iii) of the Regulations an emergency exists for which no adequate provision is made by the Act to fulfil the requirement under section 36 of the Act to secure polling places in a COVID-19 environment based on the rental rates prescribed for doing so in the Regulations while reducing a health risk to the public.

Therefore, the Chief Electoral Officer hereby orders that an additional measure be taken by providing for the payment of a fee for "COVID-19 disinfection and sanitization cleaning services" to landlords of any polling places following their use as advance polls or for polling day. This payment will be in an amount up to a maximum of \$200 unless otherwise approved by the Chief Electoral Officer.

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JANUARY 18, 2022

ORDER No. CEO ORDER 2020-003

Date January 18, 2022

Date Revised N/App

Subject Voter Information Cards – Advance Voting Direction

Reference Section 29 of *The Election Act, 1996*

Intent To allow Elections Saskatchewan to direct voters to a specific advance poll in their constituency as opposed to all advance polls in their constituency

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the Act) and section 2 of *The Election Act Regulations* (the Regulations) to declare that an emergency exists and that the Act does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

The Chief Electoral Officer hereby declares that pursuant to section 7(1)(c) of the Act and 2(2)(a)(ii) of the Regulations an emergency exists for which no adequate provision is made by the Act to adapt the contents of the voter information card under section 29(2)(c) to direct voters to a specific advance polling station in their constituency as opposed to all advance polling stations in their constituency to ensure there is adequate space for physical distancing at all advance polling stations.

Therefore, the Chief Electoral Officer hereby orders that a measure be taken to amend the contents of the voter information card to indicate only one advance polling station and not all advance polling stations in the constituency. A voter may still vote at any advance polling station in their constituency.

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JANUARY 18, 2022

ORDER No. CEO ORDER 2022-004

Date January 18, 2022

Date Revised N/App

Subject Election Proclamations – Personal Care Facility, Hospital and Remand Centre Polls

Reference Section 34 of *The Election Act, 1996*

Intent To adjust the contents of the election proclamations to provide more flexibility for the finalization and confirmation of personal care facility, hospital and remand centre polls

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the *Act*) and section 2 of *The Election Act Regulations* (the *Regulations*) to declare that an emergency exists and that the *Act* does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

The Chief Electoral Officer hereby declares that pursuant to section 7(1)(c) of the *Act* and 2(2)(a)(ii) of the *Regulations* an emergency exists and there is a circumstance for which no adequate provision is made by the *Act* and in the opinion of the Chief Electoral Officer, it is necessary and advisable to do the things mentioned in section 7 of the *Act* to safely prepare for and conduct an election.

The Chief Electoral Officer further declares that pursuant to section 7(1)(c) of the *Act* and section 2(2)(a) of the *Regulations*, the complications created by the COVID-19 pandemic regarding confirmation of polling locations in personal care facilities, hospitals and remand centres are a circumstance for which no adequate provision is made by the *Act* because the *Act* requires the returning officer to include these locations and the hours of the polling centres thereat in the election proclamation issued pursuant to section 34(2)(c) of the *Act*. The Chief Electoral Officer thereby invokes the emergency powers pursuant to section 7 of the *Act* to respond to the circumstance. The Chief Electoral Officer hereby orders that a measure be taken such that the requirement for the election proclamation set forth in section 34(2)(c) will be satisfied where the contents of the election proclamation indicate only that information on personal care facility, hospital and remand centre polls can be found on the Elections Saskatchewan website.



CEO Order

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JANUARY 18, 2022

ORDER No. CEO ORDER 2020-05

Date	January 18, 2022
Date Revised	N/App
Subject	Limits on Candidates' Representatives
Reference	Sections 57, 63(1)(f), 63(3)(f), 77(3)(a), 89(7)(a), 89.3(5), 92(5), 101(2.1)(b), and 144 of <i>The Election Act, 1996</i>
Intent	To limit the number of candidates' representatives who are present during voting at polling locations, at the counting of ballots, and require physical distancing between candidates' representatives, election officials and voters

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the Act) and section 2 of *The Election Act Regulations* (the Regulations), to declare that an emergency exists and that the Act does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

In the context of the COVID-19 pandemic occurring during the Athabasca by-election it is necessary that changes be made to the number of candidates' agents present to scrutinize vote proceedings at polling locations, observe the count of ballots at the close of voting at polling locations and the tally of votes at constituency returning offices, and witnessing the count of absentee ballots during the final count at returning offices.

The Chief Electoral Officer hereby declares that, pursuant to section 7(1)(c) of the Act and section 2(2)(a)(ii) of the Regulations, an emergency exists for which no adequate provision is made by the Act to limit the number of candidates' representatives present at voting locations and where ballot counting occurs, nor are there adequate provisions in the Act to require physical distancing between candidates' representatives election officials and voters to ensure public health safety.

Therefore, the Chief Electoral Officer hereby orders that:

- a maximum of one representative per candidate per polling division will be permitted at polling places;
- candidates' representatives will no longer be able to attend voting at personal care facilities;
- candidates' representatives will no longer be able to attend homebound voting;
- candidates' representatives will no longer be able to attend voting at hospital, remand or temporarily displaced voters polls;

- on election night a maximum of one representative per candidate will be permitted to attend the counting of ballots per ballot box;
- no candidates' representatives will be allowed in the returning office on election night unless personal care facility ballots are being counted at the returning office. In that circumstance, one candidate representative per candidate may be present.
- at the final count in the returning office a maximum of one representative per candidate will be permitted to attend the count of in-person absentee ballots and the final tallying of votes in the constituency; and
- candidates' representatives will be required to wear a mask (non-medical grade disposable or cloth) and to remain at least two meters away from each other, from poll officials and from voters at polling places and locations where ballot counting, or vote tallying, is being performed.

In the interests of greater certainty, this order does not apply to the counting of ballots received as part of the absentee "Vote by Mail" process. For instructions and restrictions on the role and presence of candidate representatives during that process, see the CEO Order specifically dedicated to the presence and role of candidates' representatives during Absentee Voting (Vote by Mail) processes.

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JANUARY 18, 2022

ORDER No. CEO ORDER 2022-006

Date	January 18, 2022
Date Revised	N/App
Subject	Ballot Counterfoil Handling
Reference	Sections 74(4)(a), 74(4)(b)(ii), 75(b)(i), 75(b)(ii), 77(3)(b), 77(3)(c), 99(10)(b)(i), 99(10)(b)(iii), 107(10)(b)(i), 107(10)(b)(iii), 115(10)(b)(i), 115(10)(b)(iii), 123(10)(b)(i) and 123(10)(b)(iii) of <i>The Election Act, 1996</i>
Intent	To minimize handling of the ballot after it has been issued to the voter, the Deputy Returning Officer will remove the counterfoil prior to issuing the ballot to the voter

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the Act) and section 2 of *The Election Act Regulations* (the Regulations), to declare that an emergency exists and that the Act does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

In the context of the COVID-19 pandemic occurring during the Athabasca by-election it is necessary that efforts be made to minimize the possibility of any viral transmission occurring during the handling of ballots and minimize surface touch interaction between voters and deputy returning officers.

The Chief Electoral Officer hereby declares that, pursuant to section 7(1)(c) of the Act and section 2(2)(a)(ii) of the Regulations, an emergency exists for which no adequate provision is made by the Act to adapt requirements for each deputy returning officer to issue a folded ballot with the counterfoil still attached into the hands of each qualified voter who applies to vote, and then, after the voter has marked their ballot in a voting station, have the voter return their folded ballot into the hands of the deputy returning officer for verification of the ballot's authenticity and removal of the counterfoil, and then have the deputy returning officer return the folded ballot back into the hands of the voter for insertion into the ballot box.

Therefore, the Chief Electoral Officer hereby orders that:

- The deputy returning officer will remove the ballot counterfoil before the ballot is issued to the voter and hand both the ballot and the detached counterfoil to the voter;

- The deputy returning officer will verbally provide voting instructions to the voter that are inclusive of any instructions printed on the counterfoil and the voting instructions contained on the E-307 Directions for the Guidance of Voters shall be posted in the voting station;
- After the voter returns from having voted in a voting station, the deputy returning officer will ask the voter to hold up their folded ballot and detached counterfoil in order to allow the deputy returning officer to verify the presence of specific initials on the back of the ballot paper and the counterfoil number, per section 73(2) and 74(3) of the Act; and
- Once the deputy returning officer has verified that the ballot is the one they issued to the voter, they shall instruct the voter to deposit their folded ballot along with the detached counterfoil into the ballot box.

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JANUARY 18, 2022

ORDER No. CEO ORDER 2022-007

Date January 18, 2022

Date Revised N/App

Subject Trainers – Authority to Administer Oaths and Declarations

Reference Sections 9(7), 10(8), 12(11), 13(13) and 37(9) of *The Election Act, 1996*

Intent To provide Field Trainers with the authority to administer oaths and declarations to election officials during required training sessions.

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the *Act*) and section 2 of *The Election Act Regulations* (the *Regulations*) to declare that an emergency exists and that the *Act* does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

In the context of the COVID-19 pandemic occurring during the Athabasca by-election it is necessary that changes be made to allow Trainers, as they are defined in the *Regulations*, to be able to administer any oaths or declarations required by the *Act*, the *Regulations* or organizational policy to other Election Officials, other than to a Returning Officer or Election Clerk ("Specified Election Officers"), that are required during Election Official training leading up to the election. Due to the pandemic and the need for increased physical distance between Election Officials, election training will not take place in the Returning Office. This means that the Specified Election Officers, who are provided with the authority to administer oaths and declarations under the *Act*, will not be present for Election Official training, which will be overseen by a dedicated Trainer.

The Chief Electoral Officer hereby declares that pursuant to section 7 of the *Act* and sections 2(2)(b) and (c) of the *Regulations* an emergency exists for which no adequate provision is made by the *Act* and in the opinion of the Chief Electoral Officer, it is necessary and advisable to do the things mentioned in section 7 of the *Act* to safely prepare for and conduct an election.

The Chief Electoral Officer further declares that, pursuant to section 7(1)(c) of the *Act* and section 2(2)(a) of the *Regulations*, the necessity of physical distancing as a result of the emergency is a circumstance for which no adequate provision is made by the *Act* because there is no adequate provision that would allow additional Election Officials, specifically Trainers, to administer oaths and declarations to Election Officials, other than to Specified Election Officers, as required by the *Act* or the *Regulations* or by organizational policy.

Therefore, the Chief Electoral Officer hereby orders that a measure to be taken to allow Trainers to administer any oaths and declarations as required by the *Act* or the *Regulations* or by organizational policy to Election Officials, other than to Specified Election Officers, during Election Official training leading up to the election.

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JANUARY 18, 2022

ORDER No.	CEO ORDER 2022-008
Date	January 21, 2022
Date Revised	N/App
Subject	Absentee Voting (Vote by Mail) and Homebound Voting
Reference	Sections 86 – 89.3 of <i>The Election Act, 1996</i>
Intent	To adjust the Absentee Voter Procedures to Enable Greater Access to Vote by Mail

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the *Act*) and section 2 of *The Election Act Regulations* (the *Regulations*) to declare that an emergency exists and that the *Act* does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

The Chief Electoral Officer hereby declares that pursuant to section 7 of the *Act* and paragraphs 2(2)(b) and (c) of the *Regulations* an emergency exists due to the COVID-19 pandemic for which no adequate provision is made by the *Act* and, in the opinion of the Chief Electoral Officer, it is necessary and advisable to do the things mentioned in section 7 of the *Act* to safely prepare for and conduct an election.

The Chief Electoral Officer further declares that pursuant to paragraph 7(1)(c) of the *Act* and paragraph 2(2)(a) of the *Regulations*, the current necessity for physical distancing, small public gatherings, and self-isolation in some circumstances, will result in greatly increased numbers of persons wishing to use absentee Vote by Mail provisions as a result of the public health emergency. This is a circumstance for which no adequate provision is made by the *Act* to centralize the absentee Vote by Mail procedures and make absentee voting available for any voter during the Athabasca by-election. The Chief Electoral Officer thereby invokes the emergency powers pursuant to section 7 of the *Act* to respond to the circumstance.

The Chief Electoral Officer hereby declares that pursuant to paragraph 7(1)(c) of the *Act* and subparagraph 2(2)(a)(ii) of the *Regulations* an emergency exists for which no adequate provision is made by the *Act* to adapt the absentee and homebound voting provisions under sections 86, 87, 88, 89, 89.1, 89.2 and 89.3 of the *Act* as set out in Appendix "A" to this Order. In the opinion of the Chief Electoral Officer, these adaptations will achieve the purposes of the respective sections and the *Act* because they will ensure Saskatchewan voters have greater access to Vote by Mail absentee ballots, maintains the integrity of the

absentee voting procedure, preserves the integrity of the electoral process, allows for the efficient conduct of an election and assists in ensuring all eligible voters have the opportunity to vote while helping ensure the health and safety of voters and the Saskatchewan public as a whole.

Therefore, the Chief Electoral Officer hereby orders that measures be taken to implement the adaptations to the Vote by Mail absentee voting procedures in the manner set out in Appendix "A".

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JANUARY 21, 2022

CEO ORDER – APPENDIX A

ORDER NO.	CEO ORDER 2022-008 (APPENDIX A)
Date	January 21, 2022
Date Revised	February 11, 2022
Subject	Absentee Voting (Vote by Mail) and Homebound Voting
Reference	Sections 86 – 89.3 of <i>The Election Act, 1996</i>
Intent	To adjust the Absentee Voter Procedures to Enable Greater Access to Voting By Mail

As identified and ordered in CEO Order 2022-008, the Chief Electoral Officer hereby adapts the following provisions of specified sections of *The Election Act, 1996* (the *Act*):

1. Section 86:

- a. For greater clarity, the definition of “absentee voter” in subsection 86(1) will include voters who vote through the Vote by Mail (“VBM”) procedure established in CEO Order 2022-008.
- b. For greater clarity, for the purposes of subsection 86(2), evidence satisfactory that a voter will be unable to vote at an advance poll or on polling day may include evidence that:
 - i. a voter is required by an order of the Chief Medical Health Officer to be in mandatory self-isolation;
 - ii. a voter has decided to enter voluntary self-isolation; or
 - iii. a voter considers in-person attendance at an advance poll or on polling day to pose a public threat due to the probability for the transmission of COVID-19, which has been designated as a category 1 communicable disease pursuant to clause 3(1) of *The Disease Control Regulations*.
- c. For greater clarity, any eligible voter who applies to Vote by Mail as an absentee voter at the Athabasca by-election, and whose application is received no later than thirteen days before polling day, that being not later than February 2,

2022, shall be considered to have met the evidentiary requirements of subsection 86(2) of the *Act*.

2. Definition of "Returning Officer" and "Deputy Returning Officer"

- a. For the purposes of sections 86 to 89 and Part IV, Division E and Part V, "returning officer" and "deputy returning officer" includes the centralized "VBM Team" established by the Chief Electoral Officer and located at the head office and any additional off-site location of Elections Saskatchewan used for the purpose of administering the absentee Vote by Mail voting process. This administration shall include managing VBM-related software; receiving VBM applications; providing support and assistance to voters wishing to Vote by Mail; adjudicating VBM applications; coordinating and overseeing compliance with required VBM voting and ballot acceptance procedures; reconciling and accepting or rejecting VBM ballot packages submitted by voters, and counting accepted VBM ballots.

3. Section 87:

- a. For the purpose of subsection 87(1), satisfactory evidence of a voter's identity and ordinary residence pursuant to section 72.1 must include one original piece of identification that:
 - i) shows the voter's or individual's photograph, name and address that matches the address listed on the application under subsection 87(1); and
 - ii) is issued by the Government of Saskatchewan, the Government of Canada or an agency of those governments;

provided, however, if the government issued piece of identification does not include an address, then a secondary piece of prescribed information must be provided which establishes the voter's or individual's name and the voter's or individual's address which matches the address listed on the application under subsection 87(1).

- b. In addition to those procedures established in subsection 87(3), voters accessing the Vote by Mail absentee voter procedures may apply to the Chief Electoral Officer on the Election Saskatchewan's external website through the Vote by Mail Application Portal (the "**Portal**").
- c. Applications to be considered an absentee voter may be received by the Chief Electoral Officer no earlier than 7 months before polling day and at least 13 days before polling day (per subsection 87(2); CEO Order 2022-001).

- d. Upon receipt of an application to Vote by Mail pursuant to subsection 87(1) of the *Act*, the returning officer and the Chief Electoral Officer shall forward that application to the VBM Team for processing.

4. Section 88:

- a. Where the VBM Team is satisfied that the applicant is an absentee voter, the VBM Team shall comply with section 88, except that subparagraph 88(1)(a)(ii) shall not apply.

5. Section 89:

- a. Where the VBM Team is satisfied that the Vote by Mail applicant is an absentee voter, the VBM Team shall comply with section 89 of the *Act*, with the following exceptions:
 - i) with respect to paragraph 89(2)(c) and subsections 89(4) and (5), a VBM certificate envelope shall be opened and the contained ballot envelope (which contains a marked ballot) shall be deposited by the VBM Team in the ballot box maintained at Elections Saskatchewan Head Office;
 - ii) with respect to paragraph 89(2)(c) and subsections 89(4) and (5), all VBM certificate envelopes that are accepted and opened, and have their contained ballot envelope removed and placed in a ballot box, shall be retained and sorted and tracked;
 - iii) with respect to paragraph 89(2)(d) and subsections 89(3) and (9), any unopened certificate envelope that is received before the deadline for receiving VBM ballots and is retained pursuant to paragraph 89(2)(d) will be placed in a separate secured container clearly labelled "rejected" maintained at Elections Saskatchewan Head Office and these unopened certificate envelopes shall be sorted and tracked;
- b. With respect to subsections 89(7)-(8), there will be two separate counts of VBM absentee ballots:
 - i) the Preliminary Count will include all VBM absentee ballots received up to the end of polling day (Day 0) and will take place from Day +2 to Day +9;
 - ii) the Final Count will include all VBM absentee ballots received from Day +1 to 12:00 noon on Day +13 ~~the end of Day +10~~ following polling day and will take place on Day +13;

- iii) the counting of VBM ballots at the Final Count shall continue for as long as is required for completing the count of all accepted ballots in accordance with sections 147 and 151 of the *Act*;
 - iv) except as modified by CEO Order, the VBM Team shall comply with the requirements of subsections 89(6)-(8) with respect to the Preliminary Count and the Final Count;
- c. For greater certainty, the VBM team will comply with the applicable requirements of Part V with respect to absentee ballots received through the VBM procedures, including subsection 141(15-22) and subsection 141(24-26).

6. Sections 89.1, 89.2 and 89.3 Homebound Voters

- a. It has been determined that personal attendance by an election officer pursuant to subsection 89.3(2) is not reasonably practicable in the circumstances of the emergency and therefore for the purposes of sections 89.1, 89.2 and 89.3, the amended absentee application and Vote by Mail voting procedure established by this CEO Order and by CEO Order 2022-001 shall apply to all homebound voters;
 - b. The deadline for a homebound voter to make an application pursuant to section 89.2 of the *Act* shall be consistent with the deadline associated with making a Vote by Mail application, as set out in CEO Order 2022-001, and all such applications must be received thirteen days before polling day (February 2, 2022).
7. For greater clarity, by this CEO Order, the Chief Electoral Officer has made no adaptations of absentee voter procedures that allow for absentee ballots to be cast in-person at Returning offices and in regard to in-person voting at Advance and Regular polls.
8. For greater clarity, by this CEO Order, the Chief Electoral Officer has made no adaptations of voter identification requirements for in-person voting whether absentee at Returning Offices or at Advance or Regular polls.

ORDER No.	CEO ORDER 2022-009
Date	February 11, 2022
Date Revised	N/App
Subject	Adjusting the Deadline for Elections Saskatchewan to Receive Absentee (Vote by Mail) Ballots by Mail
Reference	Section 89 of <i>The Election Act, 1996</i>
Intent	To adjust the deadline to receive absentee (Vote by Mail) ballots back from voters from 10 days after polling day (Friday, February 25) to 13 days after polling day (Monday, February 28)

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the Act) and section 2 of *The Election Act Regulations* (the Regulations) to declare that an emergency exists and that the Act does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

The Chief Electoral Officer hereby declares that pursuant to section 7(1)(c) of the Act and 2(2)(a)(ii) of the *Regulations* an emergency exists and there is a circumstance for which no adequate provision is made by the *Act* and in the opinion of the Chief Electoral Officer, it is necessary and advisable to do the things mentioned in section 7 of the *Act* to safely prepare for and conduct an election.

The Chief Electoral Officer further declares that pursuant to section 7(1)(c) of the *Act* and 2(2)(a)(ii) of the *Regulations*, the complications created by the COVID-19 pandemic will result in the increased use of absentee (Vote by Mail) voting in the constituency of Athabasca, for which most communities in the constituency are considered “remote” by Canada Post and involve longer mail or courier delivery times, and is a circumstance for which no adequate provision is made by the Act because the Act requires absentee (Vote by Mail) packages to be returned to Elections Saskatchewan by regular mail, registered mail, or courier, under section 89(5)(b)(ii) by 12:00 noon on the 10th day after polling day, and under section 89(6) requires the ballot boxes to be sealed at that time.

The Chief Electoral Officer thereby invokes the emergency powers pursuant to section 7 of the Act to respond to the circumstance. The Chief Electoral Officer hereby orders that a measure be taken so as to extend the deadline for receiving absentee (Vote by Mail) ballot packages returned to Elections Saskatchewan by regular mail, registered mail, or courier, under section 89(5)(b)(ii), and so as to extend the deadline for the ballot boxes to be sealed

under section 89(6), from 12:00 noon on the 10th day following polling day (Friday, February 25) to 12:00 noon on the 13th day following polling day (Monday, February 28). This will assist in ensuring there is sufficient time for voters to return their absentee (Vote by Mail) ballot package to Elections Saskatchewan, a voting option promoted as an opportunity to vote without visiting a physical polling location given the presence of COVID-19. The CEO hereby further orders that paragraphs 5(b)(ii) and (iv) of Appendix A to the CEO Order 2022-08 dated January 21, 2022 be amended to read as follows:

ii) the Final Count will include all VBM absentee ballots received from Day +1 to 12:00 noon on Day +13 following polling day and will take place on Day +13;

(iv) except as modified by CEO Order, the VBM Team shall comply with the requirements of subsections 89(6)-(8) with respect to the Preliminary Count and the Final Count.

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on Tuesday, February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
FEBRUARY 11, 2022

ORDER No.	CEO ORDER 2022-010
Date	February 15, 2022
Date Revised	n/app.
Subject	Attendance of Candidate Representatives at Vote by Mail Count
Reference	Sections 2(1)(s), 7(1)(c), 54, 55, 56, 63(3), 101(2), (2.1) and (9), 109(2), (2.1) and (9), 117(2), (2.1) and (9), 141, 144, 145(2), (7), (9) and 11(c), 146(2), (3), (5)(b), (5.1)(b) and (12), 147(3) of <i>The Election Act, 1996</i>
Intent	To limit attendance of candidate representatives at the preliminary and final count of VBM ballots.

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the *Act*) and section 2 of *The Election Act Regulations* (the *Regulations*) to declare that an emergency exists and that the *Act* does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

The Chief Electoral Officer hereby declares that pursuant to section 7 of the *Act* and sections 2(2)(b) and (c) of the *Regulations* an emergency exists due to the COVID-19 pandemic for which no adequate provision is made by the *Act* and, in the opinion of the Chief Electoral Officer, it is necessary and advisable to do the things mentioned in section 7 of the *Act* to safely prepare for and conduct an election.

The Chief Electoral Officer further declares that, pursuant to section 7(1)(c) of the *Act* and section 2(2)(a) of the *Regulations*, the current necessity of physical distancing and small public gatherings will necessitate limitations on the overall numbers of persons and increased distance between candidate representatives and elections officials attending the Preliminary Count and the Final Count of Vote by Mail ballots by the VBM Team: see CEO-Order-2022-008, "Absentee Voting (Vote by Mail) and Homebound Voting". This is a circumstance for which no adequate provision is made by the *Act* because the *Act* does not contemplate how many candidate representatives may attend a central Preliminary Count and Final Count of VBM ballots when physical distancing is required. The Chief Electoral Officer thereby invokes the emergency powers pursuant to section 7 of the *Act* to respond to the circumstance.

Therefore, the Chief Electoral Officer hereby declares that pursuant to paragraph 7(1)(c) of the *Act* and subparagraph 2(2)(a)(ii) of the *Regulations* an emergency exists for which no adequate provision is made by the *Act* to allow for physical distancing of candidate representatives and elections officials during the Preliminary Count and Final Count.

In the opinion of the Chief Electoral Officer, these adaptations will achieve the purposes of the respective sections and the *Act* because they will ensure candidate representatives may attend the Preliminary Count and the Final Count of VBM ballots while ensuring the health and safety of these candidate representatives and of elections officials, maintaining the integrity of the ballot counting procedures and preserving the integrity of the electoral process.

Therefore, the Chief Electoral Officer hereby orders that the following adaptations be implemented:

- For the purposes of sections 54, 55, 56, 101(2), (2.1) and (9), 109(2), (2.1) and (9), 117(2), (2.1) and (9), 141, 145(2), (7) and 11(c), 146(2), (3), (5)(b), (5.1)(b) and (12), of the *Act*, and notwithstanding sections 63(3) and 144, a candidate may only have one person in attendance on his or her behalf during the Preliminary Count and the Final Count of VBM ballots, whether himself or herself or a candidate representative, and that person may do any of the things that a candidate or candidate representative may do when in attendance during the Preliminary Count and Final Count pursuant to the *Act*.
- For the Preliminary Count of the Vote by Mail ballots:
 - The Preliminary Count will begin at 1:00 p.m. on February 17, 2022.
 - Each party may appoint one candidate representative to attend the Preliminary Count of VBM ballots, subject to the following:
 - Each party must submit the names of their candidate representatives along with the Appointment Form by 12:00 p.m. on February 17, 2022, to oceo.admin@elections.sk.ca.
 - Where a candidate representative attends, the candidate representative shall obey all COVID-19 related precautions, including wearing a face mask, using hand sanitizer when entering the room and practicing physical distancing.

- For greater clarity, an independent candidate or his or her representative may attend the Preliminary Count of VBM ballots, subject to the limitations applicable to candidate representatives.
- For greater clarity, candidates who attend the Preliminary Count of VBM ballots are subject to the same restrictions applicable to candidate representatives who attend the Preliminary Count of ballots at a polling station at the close of polls on polling day.
- For the Final Count of Vote by Mail ballots:
 - The Final Count of VBM ballots shall begin on Monday, February 28 at 1:00 p.m.
 - Each party may appoint one candidate representative to attend the Final Count subject to the following:
 - Each party must submit the names of their candidate representatives along with the Appointment Form by 12 noon on Monday, February 28.
 - Where a candidate representative attends, the candidate representative shall obey all COVID-19 related precautions, including wearing a face mask, using hand sanitizer when entering the room and practicing physical distancing.
 - For greater clarity, an independent candidate or his or her representative may attend the Final Count of VBM ballots, subject to the limitations applicable to candidate representatives.
 - For greater clarity, candidates who attend the Final Count of VBM ballots are subject to the same restrictions applicable to candidate representatives who attend the Preliminary Count of ballots at a polling station at the close of polls on polling day.

- For greater clarity, in this CEO Order the Chief Electoral Officer has made adaptations to the *Act* with respect to the central counting of Vote by Mail ballots only, which includes the accepted ballots of voters that applied to vote using Homebound Voting.
- For greater clarity, apart from the adaptations made in this CEO Order and in any other Order, elections officials shall comply with the *Act* and the *Regulations*.

This order is in effect for the constituency of Athabasca by-election, scheduled to be held on February 15, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
FEBRUARY 15, 2022

Appendix B

Stakeholder Communications



ELECTIONS SASKATCHEWAN



Athabasca By-Election Communique for Chief Official Agents Issue Three: January 18, 2022

Athabasca By-Election set for Tuesday, February 15

By-Election Called

Earlier today, I received an order from the Lieutenant Governor in Council instructing me to issue a writ of election to our returning officer in the Constituency of Athabasca. By-election day will be Tuesday, February 15, 2022.

An election calendar listing key dates is [attached](#).

Returning Office Contact Information

The returning officer for the constituency of Athabasca is Ms. Marlene Daigneault. I know that Marlene and her returning office team will offer excellent service to you, your candidates and the voting public. Contact information for the returning office is below:

Address: Lavoie Street, Lot 9, Block C, Beauval
Telephone: 1-833-678-6460
Fax: 306-288-6463
Email: ro2@elections.sk.ca

Nomination Deadline

As shown on the election calendar, the nomination deadline is 2 p.m. on Saturday, January 29. For this by-election, given the state of COVID-19, I am requiring that candidates contact the returning officer and make an appointment to review the nomination package and to clarify any questions or issues. Our legislation *does not allow the Chief Electoral Officer to provide for an extension of the nomination deadline* so please ensure that all of your candidates are aware of this important deadline. Also, please ensure that your candidates are aware that our returning office will have COVID-19 protocols in place – including a requirement to wear a mask and to physically distance from others.

Update to Register of Political Parties - Section 226

Section 226 of *The Election Act, 1996* required registered political parties to update (or to confirm) the information found in the register of political parties within ten days of the writs of election being issued. Your leader or chief official agent is also required to inform the Chief Electoral Officer as to how they wish the name of the party or its abbreviation (or both) to appear on the ballot and other election documents. This notice can be completed using the E-515 Confirmation of Party Details/Designation of Representatives for an Election Period form, which is attached and can also be found on our website [here](#).

This is also an opportunity for your party leader to designate a representative to endorse candidates for the by-election if they wish to do so. I will send one more reminder of this requirement closer to the deadline. Contact Aaron Thompson at Aaron.Thompson@elections.sk.ca if you have questions on this process or on the requirement to inform the CEO as to how your party should appear on the ballot.

CEO Orders

In advance of our last general election, regulatory changes were made that clarified and better defined the emergency powers provided to the Chief Electoral Officer in section 7 of *The Election Act, 1996* (the Act). This was in response to recommendations that I had made to the Government of Saskatchewan in advance of that event seeking explicit authority to be able to adapt electoral processes given the presence of COVID-19. The adaptations that I made in 2020 could be broken down into two categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic. Given the current state of COVID-19 in the province, I will again be adapting legislation for those same two reasons.

The changes being made using the authority found in section 7 of the Act will be recorded and communicated to you through *CEO Orders*. Section 7(3)(a) requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Order along with this Communiqué as that notice. I would also ask that you communicate this information to your staff, candidates and other party officials. 7 CEO Orders are attached here:

CEO Order 2022-01 Adjusting the Absentee Voter Application Deadline: This CEO Order adjusts the deadline for voters to apply for absentee voting (Vote by Mail). The deadline will be moved up four days, from February 6 to February 2 (13 days before election day). This will provide more time for ballot kits to be mailed to voters (and for voters to return ballot kits to Elections Saskatchewan). This is a change from the general election where the deadline was moved from nine days before election day to eleven days before election day.

CEO Order 2022-02 Cleaning Fees – Polling Place Rentals: This CEO Order allows for Elections Saskatchewan to pay increased amounts to polling locations for COVID-19 related cleaning after Elections Saskatchewan uses a facility. The amounts that we traditionally pay are set in regulation and state that the prescribed fee is to include janitorial services. This Order allows for an additional payment of up to \$200 with the CEO being able to authorize a higher payment.

CEO Order 2022-03 Voter Information Cards – Advance Voting Direction: This CEO Order allows Elections Saskatchewan to direct voters to a specific advance poll in their constituency on their Voter Information Card as opposed to listing

every advance poll in the constituency. This should provide for a more even balance of voters at each advance voting location. A voter may still vote at any advance poll in their constituency – this Order only amends the content of the Voter Information Card.

CEO Order 2022-04 Election Proclamations – Personal Care Facility, Hospital and Remand Centre Polls: This CEO Order adjusts the contents of the election proclamation to allow more time and flexibility for Elections Saskatchewan to confirm polling locations in personal care facilities, hospitals, and remand centres. The proclamation will instead indicate that information on these polls can be found on the Elections Saskatchewan website.

CEO Order 2022-05 Limits on Candidate Representatives: This CEO Order allows Elections Saskatchewan to limit the number of candidates' representatives who are present during the hours of voting and for the counting of votes. This will help to limit the number of people in any one location and allow for greater physical distancing. This Order also restricts candidates' representatives from attending personal care facility, hospital and remand polls. As well, candidates' representatives will be required to physical distance while in a polling location or at the counting of votes and to wear a mask at all times.

CEO Order 2022-06 Ballot Counterfoil Handling: This CEO Order allows the Deputy Returning Officer to remove the counterfoil from the ballot before handing both the ballot and the detached counterfoil to the voter. This will help to minimize the handling and passage of materials back and forth between voter and deputy returning officer. The voter keeps the counterfoil to have access to the instructions and deposits both ballot and counterfoil into the ballot box after voting.

CEO Order 2022-07 Trainers – Authority to Administer Oaths and Declarations: This CEO Order allows Elections Saskatchewan to have the Trainer position administer necessary oaths and declarations to election officials such as deputy returning officers and poll clerks. This Order is necessary because, due to physical distancing requirements, election official training will often be held outside of the returning office, which means that the Returning Officer and Election Clerk, who have the legislated authority to administer oaths and declarations, will not be in attendance at training sessions.

Questions on CEO Orders can be directed to Aaron Thompson. Please be aware that CEO Orders will be posted on our website here: <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/>.



Dr. Michael Boda
Chief Electoral Officer
Province of Saskatchewan

ELECTIONS SASKATCHEWAN



Athabasca By-Election Communique for Chief Official Agents Issue 8: February 11, 2022

Advance Voting, Contact Info & CEO Orders

Advance Voting Underway

Two days of advance voting are complete and the third is underway. Advance voting will continue in all six locations on Saturday, February 12, and Sunday, February 13, from 12 noon to 8 p.m. each day.

I'm happy to report that, through two days, vote totals in this by-election are relatively close to the general election. The table below shows totals from all five days of advance voting in 2020 compared against the first two days so far in this by-election.

	Advance Day 1	Advance Day 2	Advance Day 3	Advance Day 4	Advance Day 5
Athabasca - 29th GE (October 26, 2020)	199	239	186	284	163
Athabasca By-Election (February 15, 2022)	215	188	TBD	TBD	TBD

Reminder – Contact during By-Election

This is a reminder that, for this by-election, any questions and concerns from you, as Chief Official Agents, can be directed to Aaron Thompson, Director of Finance. Aaron can be reached at 306.570.2134 or aaron.thompson@elections.sk.ca. You are also welcome to contact me directly at any time.

ATV Observation - Correction

Last week, I provided you with information on how you could observe the initial intake portion of the Assisted Telephone Voting process. *Our apologies, it has come to my attention that there was an error in the email address that we provided to RSVP your attendance.*

If you would like to observe the initial intake process, which will take place at our head office from 9 a.m. to 8 p.m., please email Sarah Wright at oceo.admin@elections.sk.ca. Sarah will prepare the necessary paperwork that will allow you to enter the ATV polling place. All other conditions and information from my February 4 Communique continue to apply.

CEO Orders

In advance of the 2020 general election, regulatory changes were made that clarified and better defined the emergency powers provided to the Chief Electoral Officer in section 7 of *The Election Act, 1996* (the Act). This was in response to recommendations that I had made to the Government of Saskatchewan in advance of that event seeking explicit authority to be able to adapt electoral processes given the presence of COVID-19. The adaptations that I made in 2020 could be broken down into two categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic. Given the current state of COVID-19 in the province, I will again be adapting legislation for those same two reasons.

The changes being made using the authority found in section 7 of the Act will be recorded and communicated to you through *CEO Orders*. Section 7(3)(a) requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Order along with this Communique as that notice. I would also ask that you communicate this information to your staff, candidates and other party officials. One new CEO Order and one amended Order are attached here:

CEO Order 2022-09 Adjusting the Deadline for Elections Saskatchewan to Receive Absentee (Vote by Mail) Ballots by Mail: This CEO Order adjusts the deadline for voters to return their Vote by Mail package back to Elections Saskatchewan from 10 days (Friday, February 25) after the by-election to 12 noon on the thirteenth day after the by-election (Monday, February 28). Given that many communities in Athabasca are considered “remote” by Canada Post and have lengthy delivery schedules, this will provide one additional day for ballots to be returned to my office while not affecting the Final Count. This does not affect the requirement for ballots to be in the mail before 8 p.m. on polling day, Tuesday, February 15. This Order also amends CEO Order 2020-08, Appendix A to clarify that the deadline for ballots to be received by Elections Saskatchewan is day 13 after polling day and not day 10 after polling day.

CEO Order 2022-08 Absentee Voting (Vote by Mail and Homebound Voting) Appendix A: I am attaching an amended version of the Appendix to the Order that was provided to you on January 21 describing the changes made to allow the expanded Vote by Mail opportunity to take place. This version contains the amendment mentioned above, changing the deadline for my office to receive Vote by Mail packages from day 10 after polling day to day 13 after polling day.

Thank you for your cooperation through this by-election thus far. I look forward to continuing to work with you through voting day, the Final Count and the Return to the Writ.

A handwritten signature in black ink that reads "Michael". The script is cursive and fluid.

Dr. Michael Boda
Chief Electoral Officer
Province of Saskatchewan

**All information related to the Athabasca by-election can be found online at
www.elections.sk.ca/athabasca.**

ELECTIONS SASKATCHEWAN



Athabasca By-Election Communique for Chief Official Agents Issue 12: February 16, 2022

Preliminary Results & Second Preliminary Count Info

Preliminary Results

Jim Lemaigre of the Saskatchewan Party has gained the most votes following last evening's First Preliminary Count in the Athabasca by-election. The vote count is as follows:

Clint Arnason	Buffalo Party of Saskatchewan	12
Georgina Jolibois	New Democratic Party	900
Jim Lemaigre	Saskatchewan Party	1,146
Darwin Roy	Independent	157
Rejected Ballots		13

These are only the preliminary results. We will be holding a Second Preliminary Count of Vote by Mail ballots received before the end of by-election day tomorrow, February 17 (more information below). On Monday, February 28, the Final Count will take place, both at the returning office and at our head office in Regina. More information on the Final Count to come next week.

ESK Returning Office Team

Administering a by-election at any time can be a challenge. Administering a by-election, in February, during the COVID-19 pandemic, in a constituency as geographically large as Athabasca, is especially challenging. I want to take a moment and highlight the good work that our team, led by **Returning Officer Marlene Daigneault** and **Election Clerk Anita Corrigan**, did in the returning office.

While I have a very good team in place at head office, I could not administer election events without strong, capable leaders in the field like Marlene and Anita. I would appreciate it if you could mention the work of these individuals as you discuss the by-election results within your party. A healthy democracy needs strong administrative leadership centrally and in the field.

Second Preliminary Count

A few days ago, I informed you that we would once again be holding a Second Preliminary Count of Vote by Mail (VBM) ballots. You'll remember that, during the general election, we implemented this Count due to the large number of VBM ballots that needed to be counted, which otherwise would have been outstanding until the Final Count, 12 days after election day. The Second Preliminary Count provided additional certainty to candidates, registered political parties and the voting public by counting all VBM ballots received at my office by election day. The remainder of VBM ballots were counted as part of the Final Count.

In this by-election, we are not hosting a Second Preliminary Count due to the volume of Vote by Mail ballots that are outstanding, but rather to offer an opportunity for my team to refine our internal processes as we look toward a general election in 2024. As of yesterday, we have 9 VBM ballots that will be adjudicated for possible inclusion at the Second Preliminary Count on Thursday, February 17 beginning at 1 p.m. at our head office in Regina, 301 – 3303 Hillsdale Street.

The process for this Second Preliminary Count will be much simpler than it was for the general election as there is only one constituency being counted. Candidates and registered political parties are able to appoint candidate representatives to observe the counting of ballots. To facilitate this, I have attached an E-417C candidate's representative appointment form. If you, or a representative from your party, would like to attend this Count, please complete the form and email it to Sarah Wright at oceo.admin@elections.sk.ca. Ballot counting will begin promptly at 1 p.m.

ATV De-Encryption Process

A very brief note to let you know that we will be undertaking the Assisted Telephone Voting de-encryption process tomorrow as well. This will involve comparing the ATV number and comparing it against the poll books, completing a certificate envelope and striking off the voter as having voted. The certificate envelope will then be placed into a ballot box. You are welcome to observe this activity if you wish – it will begin at 10 a.m. in our head office, 301 – 3303 Hillsdale Street.

Returning Office - Verification

I want you to be aware that later this week, the returning officer will be opening a number of ballot boxes for the constituency and completing a verification activity. I have asked that we check to ensure that no voter who cast a ballot by mail, by telephone or as an absentee voter, also voted in person at an election day poll. This will involve opening the ballot boxes for affected polling divisions in order to check the voter's list (or poll book) to see if the individual listed is struck off as having voted in person. If they did vote in person, we will not count the VBM or ATV vote.

Normally, we have a form on which our officials record all voters who take an oath, allowing them to vote in person after having applied for VBM. However, for this by-election, I am asking our officials take an extra verification step via the poll book (or voters list). This will help to better protect the integrity of the voting process and ensure that no voter could vote twice. The reason I am undertaking this activity is because of the significant length of time it has taken for mail to arrive in Athabasca – a voter may have decided to vote in person after applying to vote by mail if their ballot kit did not arrive in time. If you have any questions at all, I would be happy to speak with you about this process.

Upcoming Key Dates

Just a few key dates to add to your calendar:

- **Monday, February 28** – Final Count to be held in Athabasca returning office and at Elections Saskatchewan head office
- **Thursday, March 10** – Return to the Writ for the Athabasca by-election
- **Monday, May 2** – Deadline for registered political parties to file their annual election expense return (not a by-election deadline but an important date to be aware of)
- **Monday, May 16** – Deadline for candidates to file their by-election expense return
- **Monday, August 15** – Deadline for registered political parties to file their election expense return for the Athabasca by-election

CEO Orders

In advance of the 2020 general election, regulatory changes were made that clarified and better defined the emergency powers provided to the Chief Electoral Officer in section 7 of *The Election Act, 1996* (the Act). This was in response to recommendations that I had made to the Government of Saskatchewan in advance of that event seeking explicit authority to be able to adapt electoral processes given the presence of COVID-19. The adaptations that I made in 2020 could be broken down into two categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic. Given the current state of COVID-19 in the province, I will again be adapting legislation for those same two reasons.

The changes being made using the authority found in section 7 of the Act will be recorded and communicated to you through *CEO Orders*. Section 7(3)(a) requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Order along with this Communique as that notice. I would also ask that you communicate this information to your staff, candidates and other party officials. One new CEO Order is attached here:

CEO Order 2022-010 Attendance of Candidate Representatives at Vote by Mail

Central Count: This CEO Order sets out the rules and processes by which candidate representatives can observe the count of Vote by Mail ballots. Vote by Mail ballots will be counted in two stages: one count beginning on February 17 and a second taking place at the Final Count on February 28. Registered political parties and independent candidates will be able to appoint one candidate representative to attend each of these counts.



Dr. Michael Boda
Chief Electoral Officer
Province of Saskatchewan

All information related to the Athabasca by-election can be found online at
www.elections.sk.ca/athabasca.