

DIRECTIVE NO.	CEO DIRECTIVE 2023-001
Date	April 20, 2023
Date Revised	N/A
Subject	Polling Period
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted	Sections Clause 2(1)(a), Clause 2(1)(o), Clause 2(1)(ee), Clause 2(1)(mm), Subsection 5.1(6), Subsection 7(6), Subsection 10(3), Subsection 12(3), Subsection 13(4), Clause 16(1)(a), Clause 16(1)(b), Subsection 16(4.1), Clause 29(1)(c), Section 31, Section 32, Section 34, Clause 36(6)(c), Subsection 41(4), Clauses 42(2)(c) & (d), Clause 51(2)(c), Subsection 52(1), Section 53, Subsection 58(1), Subsection 60(1), Clause 61(2)(a), Subsection 62(1), Section 84, Section 85, Section 86, Section 87, Section 88, Section 89, Subsections 89.1(2) & (3), Subsection 89.2(2), Subsections 89.3(1) & (2), Subsection 91(1), Subsections 92(1), (2) & (10), Subsections 93(2) & (3), Subsection 122(1), Subsection 125(1), Subsection 126(2), Sections 129 – 135, Subsection 143(1), Clause 171(1)(a), Section 190, Clause 220(h)(iii), Subsection 221(6), Subsection 251(1), Subsection 256(1), Section 257, Subsections 261(1) & (5), and Subsection 267(4).
Intent	To combine polling day and the days of advance polling into a polling period which includes one day of non-voting before the final day of the polling period. The polling period will be referred to as Voting Week.

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These CEO Directives must be provided to the Speaker of the Legislative Assembly, the Board of Internal Economy and each registered political party at least four weeks before the writ for a by-election is issued.

For any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023, the Chief Electoral Officer hereby directs the establishment of a “polling period” as an alternate procedure for organizing and conducting voting in accordance with subsection 5.1(2) of the Act. The polling period, which may be referred to publicly as “Voting Week” will consist of five consecutive days of voting, followed by one-day of non-voting before resuming for the final day of voting in the polling period. The hours of voting for the first five days of the polling period will be 12 noon to 8 p.m. with voting taking place on the final day of the polling period from 9 a.m. to 8 p.m.

In accordance with subsection 5.1(4), this alternate procedure will be implemented if a by-election is called at least four weeks after the date of this CEO Directive.

The intent of moving to a polling period rather than having distinct days described as advance polls and polling day is to encourage greater voter participation and to simplify communications with voters. In densely populated constituencies, voting will take place in the same locations, supplemented by electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005), for the entire polling period. In constituencies that are geographically large and ones with lower population density, voting will also take place in the same locations, supplemented by electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005), for all six days of the polling period. However, on the final day of the polling period, a limited number of stand-alone voting stations will be established. These stand-alone voting stations will not have electronic poll books or vote counting equipment, but they will use the Voting Record (see CEO Directive 2023-007). The purpose of these stand-alone voting stations on the final day of the polling period is to minimize the distance that voters will need to travel to vote.

Section 5.3 of the Act provides additional instruction that the Chief Electoral Officer can follow to issue a directive, subject to approval by the Board of Internal Economy, in relation to the rules that must be followed relating to the calculation of dates when transitioning to a polling period. While the Chief Electoral Officer is relying on section 5.1 of the Act and not 5.3 to issue this directive, the timing instructions offered in subsection 5.3(3) have been followed throughout this CEO Directive.

The Chief Electoral Officer hereby directs that the following provisions of the *Act* be modified as set out in Appendix “A” to this Directive:

- Clause 2(1)(a) – “advance poll” – definition
- Clause 2(1)(o) – “during an election” – definition
- Clause 2(1)(ee) – “polling day” – definition
- Clause 2(1)(mm) – “spoiled ballot” - definition
- Subsection 5.1 - Authority to direct the use of alternate procedures, equipment or technology during by-election
- Subsection 7(6) – Chief Electoral Officer – emergency powers
- Subsection 10(3) – Deputy returning officer
- Subsection 12(3) – Election clerks
- Subsection 13(4) – Poll clerk

- Clause 16(1)(a) and (b) – Who is entitled
- Subsection 16(4.1)– Who is entitled
- Clause 29(1)(c) – Voter information card
- Section 31 - Lieutenant Governor in Council to commence elections
- Section 32 – Issuing a writ
- Section 34 – Election proclamation
- Clauses 42(2)(c) & (d) – Qualifications of candidates
- Clause 51(2)(c) – If more than one candidate nominated
- Subsection 52(1) – Withdrawal of candidate
- Section 53 – Death of candidate – new nomination
- Subsection 58(1) – Posting of notices
- Subsection 60(1) – Employees entitled to vote
- Subsection 62(1) – Hours of voting
- Sections 84 to 89 – Absentee Voting
- Subsections 89.1(2) & (3) – Homebound voting
- Subsection 89.2(2) – Application – homebound voting
- Subsections 89.3(1) & (2) – Voting procedures – homebound voters
- Subsection 91(1) – When mobile polls are to be held
- Subsections 92(1), (2) & (10) – Voting at mobile polls
- Subsections 93(2) & (3) – Duties of deputy returning officer at mobile poll
- Subsection 122(1) – Alternative hours of voting
- Subsection 125(1) – Statement of voters making a voter’s declaration
- Subsection 126(2) – Dealing with ballot boxes
- Sections 129 – 135 – Advance polls
- Subsection 143(1) – Returning officer to receive and deal with ballot boxes
- Clause 171(1)(a) – Return to writ of election
- Section 190 - Prohibited displays, devices and actions on polling day
- Clause 220(h)(iii) – exempt election expenses – definition
- Subsection 221(6) – Calculation of adjusted amounts
- Subsection 251(1) - Party’s election expenses return
- Subsection 256(1) – Time limit to enforce claims against candidate
- Section 257 – Time limit to pay bills
- Subsections 261(1) & (5) – Candidate’s election expenses
- Subsection 267(4) – Reimbursement of auditing expenses



CEO Directive – Polling Period

This Directive is in effect for any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
APRIL 20, 2023



CEO Directive – Polling Period

Appendix A

DIRECTIVE NO.	CEO DIRECTIVE 2023-001
Date	April 20, 2023
Date Revised	N/A
Subject	Polling Period
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Regulations</i> Impacted	Sections Clause 2(1)(a), Clause 2(1)(o), Clause 2(1)(ee), Clause 2(1)(mm), Subsection 5.1(6), Subsection 7(6), Subsection 10(3), Subsection 12(3), Subsection 13(4), Clause 16(1)(a), Clause 16(1)(b), Subsection 16(4.1), Clause 29(1)(c), Section 31, Section 32, Section 34, Clause 36(6)(c), Subsection 41(4), Clauses 42(2)(c) & (d), Clause 51(2)(c), Subsection 52(1), Section 53, Subsection 58(1), Subsection 60(1), (2) & (3), Clause 61(2)(a), Subsection 62(1), Section 84, Section 85, Section 86, Section 87, Section 88, Section 89, Subsections 89.1(2) & (3), Subsection 89.2(2), Subsections 89.3(1) & (2), Subsection 91(1), Subsections 92(1), (2) & (10), Subsections 93(2) & (3), Subsection 122(1) & (2), Subsection 125(1), Subsection 126(2), Sections 129 – 135, Subsection 143(1), Clause 171(1)(a), Section 190, Clause 220(h)(iii), Subsection 221(6), Subsection 251(1), Subsection 256(1), Section 257, Subsections 261(1) & (5), and Subsection 267(4).
Intent	To combine polling day and the days of advance polling into a polling period which includes one day of non-voting before the final day of the polling period. The polling period will be referred to as Voting Week.

Modifications to *The Election Act, 1996* and *The Election Act Regulations*

As identified in CEO Directive 2023-001, the Chief Electoral Officer hereby directs that the following provisions of *The Election Act, 1996* (the *Act*) and *The Election Act Regulations* (the *Regulations*) be modified in the manner described below to facilitate the establishment of a polling period. Certain sections of the *Act* which are not applicable during by-elections have not been included herein.

1. General Modifications with respect to Polling Period

Except where otherwise stated herein:

- (a) anything required by the *Act* to occur before polling day must occur before the first day of the polling period;

- (b) anything required by the Act to take place on a specific date that is counted before, from or after the polling day shall be counted before, from or after the final day of the polling period;
- (c) anything required by the Act to take place before, on or after the close of voting on polling day or the close of a polling place must occur before, on or after the close of voting on the final day of the polling period;
- (d) anything that is prohibited by the Act from occurring on polling day is prohibited from occurring during the polling period;
- (e) anything that is prohibited by the Act from occurring during a specific time on polling day is prohibited during that specific time on each day of the polling period;
- (f) reference to a polling day:
 - (i) in subsection 16(1) refers to the final day of the polling period;
 - (ii) in subsection 16(4.1) refers to the date on which the individual votes;
 - (iii) in subsection 42(2) refers to the polling period; and
 - (iv) in subsection 60(1) refers to any single day of the polling period;
- (g) the provisions of the Act respecting advance polls do not apply.

2. Clauses 2(1)(a), (o), (ee), & (mm):

Clauses 2(1)(a), (o), (ee) and (mm) are modified to read:

- a. (a) "advance poll" means a poll taken on any of the first five (5) days of the polling period.
- b. (o) "during an election" means the period commencing the day a writ is issued for an election and ending on the final day of the polling period.
- c. (ee) "polling day" means the final day of the polling period fixed pursuant to clause 31(3)(c) for taking the votes of voters.
- d. (mm) "spoiled ballot" means a ballot that on any day of the polling period has not been deposited in the ballot box but has been:
 - i. found by the deputy returning officer to be soiled or improperly printed; or
 - ii. handed by the deputy returning officer to a voter to cast his or her vote, spoiled in marking by the voter and handed back to the deputy returning officer and exchanged for a replacement ballot.

3. Subsection 5.1(6) - Authority to test alternate procedures, equipment or technology during by-election

Subsection 5.1(6) shall be modified to read:

If the Chief Electoral Officer takes any action pursuant to this section during a by-election, the Chief Electoral Officer shall prepare and submit to the Speaker, within six months after the final day of the polling period, a written report that:

- (a) deals with the alternate procedure, equipment or technology used; and
- (b) if appropriate, makes recommendations with respect to amending this Act to allow for the adoption of the alternate procedure, equipment or technology on a permanent basis.

4. Subsection 7(6) – Chief Electoral Officer – emergency powers

Subsection 7(6) shall be modified to read:

If the Chief Electoral Officer takes any action pursuant to this section during an election, the Chief Electoral Officer shall prepare and submit to the Speaker, within 60 days of the final day of the polling period, a written report respecting actions taken pursuant to this section.

5. Subsection 10(3) – Deputy returning officer

Subsection 10(3) shall be modified to read:

A returning officer shall appoint deputy returning officers before the first day of the polling period and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.

6. Subsection 12(3) – Election clerks

Subsection 12(3) shall be modified to read:

The Chief Electoral Officer shall appoint an election clerk before the first day of the polling period and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.

7. Subsection 13(4) – Poll clerk

The returning officer will not be appointing poll clerks at polling places where electronic poll books (implemented in accordance with CEO Directive 2023-005) and vote counting equipment (implemented in accordance with CEO Directive 2023-004) are being used during the polling period. Further information can be found in CEO Directive 2023-004 related to the elimination of the Poll Clerk.

8. Clauses 16(1)(a) & (b) – Who is entitled

Clauses 16(1)(a) and (b) are modified to read:

An individual is entitled to vote during an election if he or she:

- (a) on the final day of the polling period is a Canadian citizen;
- (b) on the final day of the polling period is at least 18 years old;

9. Subsection 16(4.1) - Who is entitled

Subsection 16(4.1) is modified to read:

Notwithstanding subsection (4), an individual is entitled to vote within the polling division in which the individual ordinarily resides on the date on which the individual votes, if that polling division is different than the polling division mentioned in subsection (4).

10. Clause 29(1)(c) – Voter information card

The voter information card will be modified to indicate the dates of the polling period and the voting hours and locations of polling places in the voter's constituency at which the voter is able to vote.

11. Section 31 - Lieutenant Governor in Council to commence elections

In this section all references to "polling day" will refer to the final day of the polling period. References to "advance polls" will refer to the 5 days of voting within the polling period prior to the final day of the polling period. In addition, the restriction within 31(3)(d)(i) regarding the holding of an advance poll on a holiday will not be in effect.

12. Section 32 – Issuing a writ

In this section all references to "polling day" will refer to the final day of the polling period. References to "advance polls" will refer to the 5 days of voting within the polling period prior to the final day of the polling period.

13. Section 34 – Election proclamation

In this section all references to "polling day" will refer to the final day of the polling period. References to "advance polls" will refer to the 5 days of voting within the polling period prior to the final day of the polling period. These changes will also apply to Form C - *Proclamation of the Returning Officer Declaring the Time and Place for the Nomination of Candidates and the Day of Opening the Polling Place* in *The Election Act Regulations*.

14. Subsection 41(4) – Delay in nomination

Subsection 41(4) is modified to read:

Notwithstanding any other provision of the *Act*, the final day of the polling period must be 16 days after the nomination day set pursuant to this section.

15. Clauses 42(2)(c) & (d) – Qualifications of candidates

Clauses 42(2)(c) and (d) are modified to read:

The following persons are not qualified to be candidates:

- c. a person who, at any time during the polling period, is in a correctional facility, jail or prison because of being convicted of an offence against an Act or an Act of the Parliament of Canada;
- d. a person who, at any time during the polling period, is subject to a disposition of a review board established pursuant to section 672.38 of the *Criminal Code*;

16. Clause 51(2)(c) – If more than one candidate nominated

Clause 51(2)(c) is modified to read:

On or immediately after nomination day, the returning officer shall publish the following information:

- c. the dates of the polling period and the hours during which voting will take place.

17. Subsection 52(1) – Withdrawal of candidate

Subsection 52(1) is modified to read:

A candidate who is nominated may withdraw at any time after his or her nomination and before the close of voting on the final day of the polling period by filing with the returning officer a written declaration in the prescribed form.

18. Section 53 – Death of candidate – new nomination

Section 53 is modified to read:

If a candidate dies after being nominated and before the close of voting on the final day of the polling period, the returning officer shall:

- (a) fix a new nomination day, which must be the earliest practicable day following the required delay between the posting of the new election proclamation and the nomination day;
- (b) fix a final day of the polling period, which must be 16 days after nomination day or, if that day is a holiday, Saturday or Sunday, on the first following day that is not a holiday, Saturday or Sunday;
- (c) advise the Chief Electoral Officer of the new nomination day and the new dates of the polling period; and
- (d) make a written report to the Chief Electoral Officer of the cause of postponing the election and forward that report together with the return to the writ.

19. Subsection 58(1) – Posting of notices

Subsection 58(1) is modified to read:

Prior to opening the polling place for voting on the first day of the polling period, a deputy returning officer shall post:

20. Subsection 60(1), (2) & (3) – Employees entitled to vote

Subsections 60(1), (2) & (3) are modified to read:

- (1) Every employee who is a voter is entitled, while the polling places are open for voting during the polling period, to three consecutive hours on any single day when voting occurs during the polling period for the purpose of casting his or her vote.
- (2) If the hours or days of employment do not allow for three consecutive hours during the polling period, the employee's employer shall allow the employee the additional time to vote that may be necessary to provide those three consecutive hours.
- (3) The hours or day for voting must be granted at the convenience of the employer.

21. Subsection 62(1) – Hours of voting

Subsection 62(1) is modified to read:

Subject to subsection (2) and except where special hours are prescribed pursuant to Division E [Special Voting Provisions], every polling place is to be open for voting between the hours of 12:00 p.m. and 8:00 p.m. for the first five days of the polling period and from 9 a.m. to 8 p.m. on the final day of the polling period.

22. Sections 84, 85, 86, 87, 88 and 89

These sections are substantially modified by CEO Directive 2023-006 implementing a Vote by Mail process. The minor changes made as a result of the transition to a polling period are included within that CEO Directive.

23. Subsections 89.1(2) & (3) – Homebound voting

Subsection 89.1(2) and (3) are modified to read:

(2) A voter is eligible to vote as a homebound voter if that voter presents evidence satisfactory to the returning officer of the constituency in which the voter is eligible to vote that the voter:

- (a) is unable to vote during the polling period in the constituency due to a disability; or
- (b) is providing care to a person mentioned in clause (a).

(3) Except where otherwise provided in this section and sections 89.2 and 89.3, the provisions of the Act and the regulations apply, with any necessary modification, to homebound voting.

24. Subsection 89.2(2) – Application – homebound voting

Subsection 89.2(2) is modified to read:

An application pursuant to this section must be received by the returning officer at least eight days before the final day of the polling period.

25. Subsections 89.3(1) & (2) – Voting procedures – homebound voters

Subsections 89.3(1) and (2) are modified to read:

(1) If the returning officer is satisfied that the applicant is a homebound voter and that it is reasonably practicable to do so, the returning officer shall ensure that the applicant is contacted to schedule an appointment at an agreed time for two election officers to attend on the homebound voter between the first day of the polling period and the close of voting on the final day of the polling period for the purposes of voting in accordance with this section.

(2) If personal attendance by an election officer is not reasonably practicable, the returning officer shall:

- (a) advise the homebound voter to vote by mail; and
- (b) not less than four days before the final day of the polling period, deliver the vote by mail voting ballot and other voting materials to the homebound voter.

26. Subsection 91(1) – When mobile polls are to be held

Subsection 91(1) is modified to read:

Mobile polls are to be open at any hours during the polling period that the returning officer considers necessary and that the Chief Electoral Officer has approved.

27. Subsections 92(1), (2) & (10) – Voting at mobile polls

Subsections 92(1) and (10) are modified to read as shown below. Subsection 92(10) will not apply and is shown struck through below.

(1) Voting at mobile polls is to be conducted in the same manner as voting at polls during the polling period.

~~(2) The provisions of this Act and the regulations with respect to voting:~~

~~(a) at advance polls apply, with any necessary modification, to mobile polls open on advance polling days;~~

~~(b) at polls on polling day apply, with any necessary modification, to mobile polls open on polling day.~~

(10) A voter who votes at a mobile poll is not entitled to vote at any other poll.

28. Subsections 93(2) & (3) – Duties of deputy returning officer at mobile poll

Subsections 93(2) and (3) are modified to read:

(2) At the close of any mobile poll held during the first 5 days of the polling period, the deputy returning officer shall immediately return the prescribed form to the returning officer.

(3) Before the opening of polling places on the final day of the polling period:

(a) the returning officer shall send to each deputy returning officer responsible for the polling place a copy of each form mentioned in subsection (1) that contains the names of voters who have been noted as being eligible to vote at the polling place for the polling division; and

(b) the deputy returning officer shall strike from the voters' list the names of voters whose names are on forms sent pursuant to clause (a).

29. Subsection 122(1) – Alternative hours of voting (Hospital & Remand Centres during by-elections)

Subsection 122(1) & (2) are modified to read:

The period of four consecutive hours mentioned in subsection (1) is to be between the hours of 12:00 p.m. and 8:00 p.m. if during the first five days of the polling period and between 9 a.m. and 8:00 p.m. if during the final day of the polling period.

30. Subsection 125(1) – Statement of voters making a voter's declaration

Subsection 125(1) is modified to read:

Immediately after the close of a polling place established pursuant to section 121, the deputy returning officer shall complete a statement in the prescribed form that sets out the name and address of every voter who made a voter's declaration during the polling period.

31. Subsection 126(2) – Dealing with ballot boxes

Subsection 126(2) is modified to read:

Within two days after the final day of the polling period, the deputy returning officer shall personally deliver the ballot box mentioned in subsection 123(10) and the ballot box mentioned in subsection 124(11) to the returning officer or to a person appointed by the returning officer to receive the ballot boxes.

32. Sections 129 – 135 – Advance polls

The provisions of the Act respecting advance polls (sections 129 – 135) do not apply.

33. Subsection 143(1) – Returning officer to receive and deal with ballot boxes

Subsection 143(1) is modified to read:

Within two days after the final day of the polling period, the deputy returning officer shall personally deliver the ballot box to the returning officer or to a person appointed by the returning officer to receive the ballot box.

34. Clause 171(1)(a) – Return to writ of election

Clause 171(1)(a) is modified to read:

The returning officer shall make a return to the writ in the prescribed form:

- (a) 23 days after the final day of the polling period or, if that day is a Sunday or a holiday, the first following day that is not a Sunday or a holiday; or

35. Subsections 190(1), (2) and (5) - Prohibited displays, devices and actions during the polling period

Subsections 190(1), (2) and (5) are modified to read:

(1) No person shall use or cause to be used a public address system or other loud-speaker device during the polling period for the purpose of:

- (a) promoting or securing the election of any candidate; or
- (b) opposing the election of any candidate.

(2) During the polling period, no person shall post or display any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or device that could be taken as an indication of support of or for a candidate or political party or group:

(5) During the polling period, prior to the close of the polling places for voting, no person shall participate in any parade or demonstration or in view of the public arrange, organize, promote or prepare for a parade or demonstration.

36. Clause 220(h)(iii) – exempt election expenses – definition

Clause 220(h)(iii) is modified to read:

“exempt election expense” means:

(iii) expenses for goods and services incurred at any time and used after 8:00 p.m. the final day of the polling period for:

- (A) social functions, meetings or gatherings; or
- (B) communicating with voters and campaign workers;

37. Subsection 221(6) – Calculation of adjusted amounts

Subsection 221(6) is modified to read:

If a writ is issued in one year and the polling period is in the next year, the adjusted amount for any item related to the election is the adjusted amount for the year in which the writ was issued.

38. Subsection 251(1) - Party's election expenses return

Subsection 251(1) is modified to read:

Within six months after the final day of the polling period for the election to which the election expenses return relate, the chief official agent of a registered political party shall file with the Chief Electoral Officer:

39. Subsection 256(1) – Time limit to enforce claims against candidate

Subsection 256(1) is modified to read:

Every person who issues a bill to, or makes any charge on or claim against, a candidate with respect to a good or service used during an election shall deliver the bill, charge or claim to the candidate or to the candidate's business manager within 60 days after the final day of the polling period.

40. Section 257 – Time limit to pay bills

Section 257 is modified to read:

Every candidate and the business manager of the candidate shall ensure that every bill, charge or claim with respect to a good or service used during an election and delivered to the candidate within the period mentioned in section 256 is paid within 90 days after the final day of the polling period.

41. Subsections 261(1) & (5) – Candidate's election expenses

Subsections 261(1) & (5) are modified to read:

(1) Within three months after the final day of the polling period, the business manager of each candidate shall file with the Chief Electoral Officer:

(5) Within three months after the final day of the polling period, each candidate shall file with the Chief Electoral Officer a solemn oath or declaration, in the prescribed form, with respect to the election expenses incurred by the candidate.

42. Subsection 267(4) – Reimbursement of auditing expenses

Subsection 267(4) is modified to read:

A candidate is eligible to be reimbursed for auditing expenses if the candidate or the candidate's business manager files with the Chief Electoral Officer, within three months after the final day of the polling period: