

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-002</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Polling Divisions</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 2, 16, 18, 18.1, 18.7, 19, 25, 34, 36, 37, 38, 54, 61, 88, 89, 89.3, 93,
<b>Intent</b>	To eliminate the subdivision of the constituency into polling divisions

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 that there will be no direction given to the returning officer to subdivide the constituency into polling divisions where electronic poll books and vote counting equipment will be used and that the constituency will be treated as a single polling division.

Traditionally, during elections, constituencies were subdivided into polling divisions and on polling day voters were required to vote at a particular polling place designated for their polling division. This geographic grouping of voters was primarily for the benefit of election administrators since it ensured that a limited and manageable number of voters would be eligible to attend a particular polling place to vote. This also helped to ensure the integrity of the vote by restricting a voter to a single assigned voting place. The increased popularity of advance voting and Vote by Mail has made polling day voting less popular, meaning polling divisions currently serve less purpose than they once did.

The transition to a polling period (see CEO Directive 2023-001) along with the implementation of vote counting equipment (see CEO Directive 2023-005) and electronic poll books (see CEO Directive 2023-004) has made the transition away from polling divisions possible. The intent of all of these modifications is to create a system of voting that is more convenient for voters and more efficient overall. While this transition away from polling divisions will apply to most voters, a small number of voters in large geographic constituencies will be assigned to “catchment areas” or a single larger polling division and these catchment areas will host stand-alone polling locations on the final day of voting. Only voters who reside within these catchment areas will be able to vote at these stand-alone locations, however, these voters will also be able to vote at any voting location that has been established for the entirety of the polling period and where electronic poll books and vote counting equipment are being used.

In accordance with subsection 5.1(4), the elimination of polling divisions will be implemented if the by-election is called at least four weeks after the date of 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 CEO Directive: Sections 2, 16, 18, 18.1, 18.7, 19, 25, 34, 36, 37, 38, 54, 61, 88, 89, 89.3, and 93.

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 blue ink that reads 'Michael D. Boda'.

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



# CEO Directive – Polling Divisions

## Appendix A

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-002</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Polling Divisions</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 2, 16, 18, 18.1, 18.7, 19, 25, 34, 36, 37, 38, 54, 61, 88, 89, 89.3, 93,
<b>Intent</b>	To eliminate the subdivision of the constituency into polling divisions

As identified in CEO Directive 2023-002, the Chief Electoral Officer hereby directs that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) be modified in the following manner:

### Modifications to *The Election Act, 1996*

In order to facilitate the elimination of polling divisions, the following definitions will apply, and the following sections of *The Election Act, 1996* will be modified as shown below.

#### 1. Clause 2(1)(ff) – Interpretation:

(ff) "polling division" – the definition of polling division will not apply in voting locations where e-poll books and vote counting equipment are being used. In certain geographically large constituencies a number of "catchment areas" will be established with stand-alone voting locations so as to help ensure that every voter has a polling station within a reasonable traveling distance

#### 2. Subsections 16(4) and (4.1) – Who is entitled:

Subsections 16(4) and (4.1) are modified to read:

(4) An individual is entitled to be registered only on the voters' list for the constituency in which he or she ordinarily resided on the day on which the writ for that election was issued.

(4.1) Notwithstanding subsection (4) but subject to subsection 16(1)(c)(i), an individual is entitled to vote within the constituency in which the individual ordinarily resides on polling day, if that constituency is different than the constituency mentioned in subsection (4).

### **3. Section 18 - Rules respecting ordinary residence:**

Subsection 18(10), (11), (13), and (14) are modified to read:

(10) If an individual has left his or her place of residence in Saskatchewan to study at an educational institution outside Saskatchewan, the individual is deemed to be ordinarily resident in the constituency in which he or she was resident immediately before leaving Saskatchewan and is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies

(11) If an individual has left his or her place of residence in Saskatchewan to study at an educational institution in Saskatchewan, the individual is deemed to be ordinarily resident in the two following places:

(a) in the constituency in which he or she was residing immediately before leaving to pursue his or her studies, and the individual is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies;

(b) in the constituency to which he or she has moved for the purpose of pursuing his or her studies and in which he or she was residing on the day on which the writ was issued.

(13) A member of the Senate or the House of Commons of Canada who at the time of becoming a member was ordinarily resident in Saskatchewan, the member's spouse if living with the member and the member's unmarried dependent are deemed to be ordinarily resident in the constituency in which the member resided at the time of becoming a member, notwithstanding that the member may have established a residence outside Saskatchewan.

(14) If an individual 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, the individual must choose one of the following constituencies and, on that choice, is deemed to be ordinarily resident in that constituency:

(a) the constituency, if any, in which the individual was ordinarily resident before being in the correctional facility, jail or prison;

(b) the constituency, if any, in which a spouse, parent or dependent of the individual is ordinarily resident.

### **4. Subsection 18.1(2) – Ordinary residence – Canadian Forces**

Subsection 18.1(2) is modified to read:

(2) If a person leaves his or her residence in Saskatchewan to serve as a member of the Canadian Forces outside Saskatchewan, the person is deemed:

(a) to be ordinarily resident in the constituency in which he or she was resident immediately before leaving Saskatchewan; and

## 5. Subsection 18.7(1) and Clause 18.7(3)(e) – Use of register of voters – preparation of voters’ list

The use and format of the voters list will be affected by CEO Directive 2023-005 implementing electronic poll books and CEO Directive 2023-007 implementing a voting record. Subsection 18.7(1) and Clause 18.7(3)(e) are modified to read:

- (1) The Chief Electoral Officer shall use the register of voters to prepare a voters list for each constituency or subset of the constituency as the Chief Electoral Officer considers necessary for the administration of voting.
- (3)(e) This clause will not apply.

## 6. Section 19 – Polling divisions to be established

This section will not apply. The only exception will be in certain geographically large constituencies where, for the convenience of voters, a number of “catchment areas” may be established so as to help ensure that every voter has a voting location within a reasonable traveling distance. These will be referred to as “stand-alone” voting locations and will not feature technology in the form of electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005) but will use a Voting Record (see CEO Directive 2023-007).

In addition, the returning officer may also establish separate catchment areas for personal care facilities within their constituency.

## 7. Subsections 25(4) and (6) – Preparation of voters’ list

Subsections 25(4) and (6) are modified to read:

(4) If requested by a registered political party or candidate, the Chief Electoral Officer shall arrange the names on each voters list provided to the registered political party or candidate in geographical order by reference to streets and address numbers, sorted firstly by streets and secondly by address numbers.

(6) In producing a voters’ list for the constituency, the Chief Electoral Officer shall place on the voters list:

- (a) beginning on the line immediately following the last name on the voters’ list, the prescribed form of certificate; and
- (b) the date and, in the place provided for the signature of the returning officer, the name and phone number of the returning officer.

## 8. Subsection 34(2) – Election Proclamation

The content and format of the election proclamation are also modified in CEO Directive 2023-001 which implements a polling period as opposed to distinct advance polls and polling day polls. CEO Directive 2023-001 also makes modifications to the regulated Form C which is the Election Proclamation. Subsection 34(2) is modified to read:

- (2) An election proclamation must set out:
  - (b) the polling places at which the voting will be held;

## **9. Section 36 – Polling places**

Section 36 is modified in the following manner:

(1) Subject to subsections (2) to (8), on receiving the writ, a returning officer shall provide polling places in the constituency that the returning officer considers most convenient for voters. If the returning officer considers that it would be more convenient for voters, the returning officer may, with the approval of the Chief Electoral Officer, provide for a polling place in an adjacent constituency. The Chief Electoral Officer may offer direction as to the placement and location of any polling place.

(2) This subsection will not apply.

(3) If a returning officer considers it advisable, the returning officer may establish a central polling place where the polling places of any constituency may be centralized. A returning officer may also establish stand-alone polling places which will serve only a smaller geographic area.

(5) This subsection will not apply.

(6) This subsection will not apply.

(7) This subsection will not apply.

## **10. Section 37 – Supervisory deputy returning officer**

This section is modified to read:

(1) The returning officer may appoint a supervisory deputy returning officer for each polling place.

(2) Subject to the direction of the returning officer, the supervisory deputy returning officer shall supervise the polling place on behalf of the returning officer and shall inform the returning officer with respect to all matters that take place at the polling place.

(3) For the purpose of performing his or her responsibilities, a supervisory deputy returning officer may do all those things he or she considers necessary to preserve peace and maintain order at the polling place, including requesting the assistance of a police officer.

## **11. Section 38 – Polling subdivisions**

This section will not apply.

## **12. Subsection 54(2) – Candidate’s representative**

Subsection 54(2) is modified to read:

(2) A candidate may have, at any time, a maximum of two candidate’s representatives for each polling place or other place.

## **13. Section 61 - Where voters are to vote**

This section is modified so that all voters can vote at any polling location within their constituency for the first five days of the polling period. In constituencies which do not have stand-alone polling stations established on the final day of voting, voters can vote in any location within their constituency on the final day of voting as well. However, in constituencies which have stand-alone polling stations on the last day of voting (which will not have electronic poll books or vote counting equipment), voters assigned to a stand-

alone polling station can vote either at their assigned location or at any of the other locations established for the polling period which use technology, such as electronic poll books and vote counting equipment. Voters who are not assigned to a stand-alone polling station cannot vote at a stand-alone polling location unless they live within the catchment area described above under modifications to section 19.

#### **14. Sections 88 and 89 – Voting procedures and Post voting procedures**

These sections are substantially modified by CEO Directive 2023-006 implementing a Vote by Mail process. The minor change made as a result of the elimination of polling divisions is included within that CEO Directive.

#### **15. Subsection 89.3(11) – Voting procedures – homebound voters**

Subsection 89.3(11) is modified to read:

(11) As soon as is practicable after all homebound voters have voted pursuant to this section, the returning officer shall provide the name and address of each homebound voter to the deputy returning officers for the constituency where the homebound voter is eligible to vote.

#### **16. Clauses 93(1)(e) and 93(3)(a) – Duties of deputy returning officer at mobile poll**

Clause 93(1)(e) will not apply. Slight modifications were made to subsection 93(3) by CEO Directive 2023-001 which implemented a polling period. Clause 93(3)(a) is modified to read:

- (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; and