



CEO Directive – Elimination of Poll Clerk Position

DIRECTIVE NO.	CEO DIRECTIVE 2023-003
Date	April 20, 2023
Date Revised	N/App
Subject	Elimination of Poll Clerk Position
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 13, 63, 66, 71, 72, 77, 78, 81, 82, 84, 85 and 142 of <i>The Election Act, 1996</i>
Intent	To eliminate the poll clerk position and have the duties of the poll clerk performed by the deputy returning officer at all polling places during the first five days of the polling period and at polling places on the final day of polling where electronic poll books and vote counting equipment are used. The poll clerk position will remain at polling places on the last day of voting at any locations where electronic poll books and vote counting equipment are not used.

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, 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 an alternate voting procedure be implemented whereby the poll clerk position is eliminated at all polling places during the first five days of the polling period and at polling places on the final day of voting (a polling period was implemented via CEO Directive 2023-001 in place of traditional advance and polling day voting) where electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005) are used. The poll clerk position will remain for any polling places on the last day of polling at any locations where electronic poll books and vote counting equipment are not used. In accordance with subsection 5.1(4), this alternate procedure will be implemented if the by-election is called at least four weeks after the date of this CEO Directive.



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The legislated duties of the poll clerk will be performed by the deputy returning officer. This change can be made due to the implementation of electronic poll books and vote counting equipment.

The purpose of this modification is to continue to learn how the administration of voting can be improved in advance of the next general election in October 2024. A secondary purpose is to determine what efficiencies could be introduced in the administration of the voting process due to the implementation of technology.

The Chief Electoral Officer hereby directs that the duties assigned to a “poll clerk” under sections 13, 63, 66, 71, 72, 77, 78, 81, 82, 84, 85 and 142 will be assigned to the deputy returning officer with necessary modifications during the first five days of the polling period and at polling places on the final day of voting where electronic poll books and vote counting equipment are used. The duties assigned to a “poll clerk” under sections 13, 63, 66, 71, 72, 77, 78, 81, 82, 84, 85 and 142 will remain unchanged for any polling places on the last day of voting at any locations where electronic poll books and vote counting equipment are not used.

For further clarity, references in the *Act* to a “poll clerk” not included above, including during other voting opportunities such as Homebound voting, Hospital/Remand centre voting and personal care facility voting are not impacted by this CEO Directive.

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 – Elimination of Poll Clerk Position

Appendix A

DIRECTIVE NO.	CEO DIRECTIVE 2023-003
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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 13, 63, 66, 71, 72, 77, 78, 81, 82, 84, 85 and 142
Intent	To eliminate the poll clerk position and have the duties of the poll clerk performed by the deputy returning officer at all polling places during the first five days to the polling period and at polling places on the final day of polling where electronic poll books and vote counting equipment are used. The poll clerk position will remain at polling places on the last day of polling at any locations where electronic poll books and vote counting equipment are not used.

As identified in CEO Directive 2023-003, 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*

The poll clerk position will be eliminated at all polling places during the first five days of the polling period and at polling places on the final day of voting (a polling period was implemented via CEO Directive 2023-001 in place of traditional advance and polling day voting) where electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005) are used. The poll clerk position will remain for any polling places on the last day of polling at any locations where electronic poll books and vote counting equipment are not used. In order to facilitate these changes, the following sections of *The Election Act, 1996* will be modified.

1. Section 13 – Poll clerk:

At any polling place where an electronic poll book and vote counting equipment are being used, there will not be a poll clerk. At such polling places, all duties and responsibilities of the poll clerk described in the Act will be performed by the deputy returning officer. Poll clerks will be present at other voting opportunities including at polling places on the last day of polling that do not have electronic poll books and vote counting equipment as well as homebound voting, hospital voting, remand centre voting and personal care facility voting.

2. Section 63 - Who is entitled to be in polling place and at counting of votes

While it is not specified in the Act as a duty of the poll clerk, typically the poll clerk will observe the ballot count, record data in the poll book and assist the deputy returning officer as needed while the ballots are being counted. If electronic poll books and vote counting equipment are being used at the polling place, the ballots will be counted automatically by the vote counting equipment under the supervision of a special election officer operating the vote counting equipment. For more information on vote counting equipment, see CEO Directive 2023-005.

3. Section 66 – Poll book

At any polling place where an electronic poll book and vote counting equipment are being used, the deputy returning officer will record all required voter information and interactions electronically. This information will be used to create an electronic voting record which combines poll book and voters list information. At locations on the final day of polling which do not have electronic poll books and vote counting equipment, a voting record which combines the traditional poll book and voters list will be used – for more information on the voting record, see CEO Directive 2023-007.

4. Section 71 – Taking voter’s declaration

At any polling place where an electronic poll book and vote counting equipment are being used, the duty of the poll clerk to confirm identification, complete a voter’s declaration form and record voter information in the poll book will be undertaken by the deputy returning officer.

5. Section 72 - When individual not entitled to ballot paper or to vote

Satisfactory evidence of a voter’s identity and ordinary residence will be provided to the deputy returning officer and failure of a voter to do so or to make a voter’s declaration will be recorded in the electronic poll book by the deputy returning officer.

6. Section 77 - Voter may request assistance in marking ballot

The deputy returning officer will record in the electronic poll book, the reason a voter's ballot was marked for the voter, whether the ballot was marked by the deputy returning officer or the name of the friend who marked the ballot, and whether the required oaths or declarations were made.

7. Section 78 – Interpreters

The deputy returning officer will record in the electronic poll book if the voter was accompanied in the voting station by a friend, the name of the friend, and whether the required oaths or declarations were made.

8. Section 81 – Voting outside polling place

The duty to have the poll clerk remain with the unused ballot paper and ballot box while the deputy returning officer conducts voting outside the polling place, will be performed by a second election official inside of the polling place, such as a supervisory deputy returning officer, an information officer or a special election officer.

9. Section 82 – If impersonation alleged

In a situation where an individual claiming to be a voter applies for a ballot paper after another individual has voted under that voter's name, the duty of the poll clerk to record the voter's name, that a second ballot was issued in the name of that voter, that the required voter's declaration was made, the name of any candidate or candidate's representative that objected to the issuing of a second ballot, and the nature of the objection, will be performed by the deputy returning officer and the required information will be recorded in the electronic poll book.

10. Section 84 – When voting is deemed to be done

Significant changes to this section are made in CEO Directive 2023-005 affecting all polling places which feature vote counting equipment (which therefore also do not have poll clerks). See CEO Directive 2023-005 for more information.

11. Section 85 – Statement of all voter's declaration required

The statement of the names and addresses of all voters who have made a declaration will be signed only by the deputy returning officer and may also be signed by any candidate or candidate's representative who wishes to sign the statement.

12. Section 142 – What are rejected ballots

At polling places where an electronic poll book is being used, the poll clerk will not be present to witness the deputy returning officer's treatment of an uninitialed ballot.