

DIRECTIVE NO.	CEO DIRECTIVE 2023-004
Date	April 20, 2023
Date Revised	N/A
Subject	Electronic Poll Books
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 2, 13, 66, 71, 81, 85, 134, 135, 145, 159, 167, and 177
Intent	To direct the use of electronic poll books

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 use of electronic poll books for the purpose of searching the names of eligible voters on the voters list, striking off the names of voters after they have been issued a ballot paper and maintaining a record of voter information and interactions at the polling place instead of using a paper-based poll book and voters list.

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.

It is expected that the use of electronic poll books rather than the current paper-based, manual procedures described in the *Act*, will eliminate transcription errors and improve the efficiency of the voting process. Electronic poll books will be used at all voting locations which are established for the entirety of the polling period (see CEO Directive 2023-001). Electronic poll books will not be used at stand-alone voting locations on the final day of the polling period.

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:

- Clause 2(1)(dd) – “poll book” – definition
- Clause 2(1)(rr) – “voters’ list” – definition
- Section 13 – Poll clerk appointment, duties and responsibilities
- Subsection 36(6) – Dividing the voters’ list
- Section 38 – Voters’ lists for polling subdivisions and arranging the voters’ list
- Section 66 – Poll book – Information recorded in the poll book by poll clerk
- Subsection 71(4) – Signing the poll book
- Section 81 – Voting outside polling place
- Section 85 – Statement of all voter’s declarations
- Section 134 – Sealing ballot box after close of advance poll
- Section 135 – Procedures on close of advance poll
- Section 141 – Preliminary count after close of polls on polling day
- Section 145 – Final count by returning officer
- Subsection 145(7) – Inspection of poll book and voters’ list
- Section 159 – Election officers and others to attend
- Section 177 – Public inspection of election documents and voter data

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 – Electronic Poll Books

APPENDIX A

DIRECTIVE NO.	CEO DIRECTIVE 2023-004
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Intent	To direct the use of electronic poll books

Preamble – General Modifications

The following general modifications to the Act and Regulations apply with respect to the use of electronic poll books:

1. Any requirement in the *Act* for the signature of a person in the poll book is satisfied by an electronic signature that is in, attached to or associated with any part of the poll book in electronic form;
2. The furnishing of poll book entries after the closing of a polling place is satisfied by the provision of the entries in an electronic or printed format, at the option of the Chief Electoral Officer;
3. During voting, the Chief Electoral Officer will have access at all times to the electronic poll book and, in the Chief Electoral Officer's discretion, may provide electronic updates of unique voter identification information or other information from the poll book entries to candidates and registered political parties by secure transmission from the poll book;
4. Electronic forms may be completed and transmitted to the Chief Electoral Officer respecting voter registration at the polling place, with information supplied by the

- voter, if that registration is provided for by the *Act*;
5. After closing of the polling place, data from the electronic poll book will be securely stored and protected from loss, disclosure or unauthorized access, with any part of the poll book in a physical form being placed in a ballot box as required by the *Act*; and
 6. The Chief Electoral Officer may adapt any other section of the *Act* and the regulations that the Chief Electoral Officer considers necessary or advisable to facilitate the use of electronic poll books.

As identified in CEO Directive 2023-004, 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:

Other Modifications to *The Election Act, 1996*

In order to facilitate the use of Electronic Poll Books, the following definitions will apply, and the following sections of *The Election Act, 1996* will be modified.

1. Definitions:

- a. "Poll book" means a record containing the names of persons who have received ballot papers or who have applied for ballot papers at an election, whether in electronic form or otherwise.
- b. "Voters list" means the voters list for a constituency, or a polling division prepared by the Chief Electoral Officer pursuant to section 18.7, whether in electronic form or otherwise.
- c. "Voting Record" means a document which combines elements of the "poll book" (described in s. 2(1)(dd) of the *Act*) and the "voters list" (defined in s. 2(1)(rr) of the *Act*).

2. Section 13 – Poll clerk:

At polls where electronic poll books are 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. See CEO Directive 2023-003 for more information.

3. Section 66 – Poll book

At any polling place where an electronic poll book is used, the deputy returning officer will record all required voter information and interactions electronically in the poll book. This information will be used to create an electronic voting record which combines poll book and voters list information.

4. Section 71 – Taking voter’s declaration

At any polling place where an electronic poll book is used, the requirement for a signature of a person making a voter’s declaration will be satisfied by an electronic signature that is attached to or associated with any part of the poll book in electronic form.

5. Section 81 – Voting outside polling place

The duty to have the poll clerk remain with the unused ballot paper and the 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 the supervisory deputy returning officer. The deputy returning officer will deal with the voter in the manner described within the Act, with the exception of first verifying identification and eligibility, then returning to the polling location to strike the voter off electronically before returning to the voter with a ballot and a secrecy sleeve.

6. Section 85 – Statement of all voter’s declarations required

At any polling place where an electronic poll book is used, the statement of the name and address of all voters who made a voter’s declaration may be provided electronically to each candidate in the constituency.

7. Section 134 – Sealing ballot box after close of advance poll

At any polling place where an electronic poll book is used, the requirement for the deputy returning officer to sign the poll book after closing of the polling place will not be complied with.

8. Section 135 - Procedures on close of advance poll

- a. All entries in the poll book at polls featuring electronic poll books and vote counting equipment will be made electronically.
- b. A copy of the entries made in the electronic poll book during voting will be available to political parties and candidates in a manner determined by the Chief Electoral Officer.
- c. The counting and recording of the number of voters whose names appear in the poll book as having voted will be performed automatically by the electronic poll book.
- d. All entries for the purpose of completing the Ballot Paper Account and Poll Statement will be completed in electronic form and can be made available to candidates’ representatives in either paper or electronic form.
- e. The Ballot Paper Account and Poll Statement stored in the electronic poll book will be an electronic form.
- f. The name and address of every voter who made a voter’s declaration will be struck off the voters list electronically at the time the voter votes.

- g. The voters list used at stand-alone polling locations on the last day of voting will indicate the names of voters who have been struck off the voting record as having previously voted. For information on the voting record, see CEO Directive 2023-007.

9. Section 145 - Final count by returning officer

- a. For polling places using electronic poll books, the Ballot Paper Account and Poll Statement will be made available to candidates and candidates' representatives in either paper or electronic form. The Ballot Paper Account and Poll Statement will be made available in paper form for polling places not using electronic poll books.
- b. For polling places which have used electronic poll books, each candidate or candidate's representative present will be given an opportunity to view an electronic version of each poll book and the voters list used in voting at the polls.

10. Section 159 – Election officers and others to attend

- a. There will be no poll clerks at the polling places which feature electronic poll books and vote counting equipment.
- b. In the event of a judicial recount or addition, there will be no poll clerks from polling places using electronic poll books and vote counting equipment in attendance.
- c. The ballot paper accounts, poll statements and poll books supplied at a judicial recount or addition for a poll where an electronic poll book was used will be available in electronic or paper form.

11. Section 167 – If judge required to undertake recount or appeal

Election documents required for use at a judicial recount or addition that were created or maintained in electronic form at advance polling places using electronic poll books will be supplied in electronic or paper form at a recount or addition.

12. Section 177 – Public inspection of election documents and voter data

All documents the public is permitted to inspect that were created or maintained in electronic form at advance polling places using electronic poll books will be provided for inspection to the public in paper or electronic form.