



CEO By-Election Directive – Ballot Count Confirmation

DIRECTIVE NO.	CEO BY-ELECTION DIRECTIVE 2023-008
Date	June 13, 2023
Date Revised	N/App
Subject	Vote Counting Equipment - Ballot Count Confirmation
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 156 & 178 of <i>The Election Act, 1996</i>
Intent	To inspect ballots from each constituency for the purpose of confirming the accuracy of ballot counting by vote counting equipment.

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 By-Election Directives must be provided to the Speaker of the Legislative Assembly, the Board of Internal Economy and each of the registered political parties 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 procedure involving an inspection of ballots be implemented as an alternate procedure in accordance with the Act subsection 5.1(2). In accordance with subsection 5.1(4), this alternate procedure will be implemented should the by-election be called at least four weeks after the date of this CEO Directive.

The purpose of this ballot count confirmation process is to verify the accuracy of vote counting equipment used in the by-elections and to learn how vote counting can be improved in advance of the next general election in October 2024.

An inspection of ballots from each constituency which have been counted by vote counting equipment will be conducted for the purpose of confirming the count accuracy following the preliminary counting of ballots on the final day of the polling period. This inspection will occur between Day +3 and Day +6 following the final day of voting (Day 0). A minimum of one ballot box from a voting location within each constituency where vote counting equipment was used will be



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randomly selected, opened and the ballots inspected under the supervision of independent election audit officials. Within the constituency with the closest margin of victory between the candidate with the most votes and the candidate with the second most votes, all ballots counted by vote counting equipment will be inspected. The results of the ballot count confirmation process will be reported by the Chief Electoral Officer prior to the final count of votes by the Returning Officer.

Candidates will be informed of the date, time and place of this ballot count confirmation within each constituency and will be permitted to attend along with up to two candidate's representatives for each candidate. The independent audit election officials will inspect machine counted ballots in the presence and in full view of the candidates or candidate's representatives who are present.

In the event there is a difference between the results obtained by vote counting equipment and the ballot count confirmation, the Chief Electoral Officer will be immediately notified. In such a case, the Chief Electoral Officer may, at his discretion, order a subsequent hand-counting of the ballots originally considered in the ballot count confirmation. If, in the opinion of the Chief Electoral Officer, the difference between the results obtained by vote counting equipment and the ballot count confirmation is material, the Chief Electoral Officer may order that the ballots from one or more additional voting locations within the constituency be hand-counted.

A candidate or the financial agent of a candidate may consider the results of the ballot count confirmation process reported by the Chief Electoral Officer in their decision to apply to a judge of the court for a recount or an addition pursuant to ss. 156(1)(a) of the Act.

The Chief Electoral Officer hereby directs that section 178 of the Act shall be modified to permit the Chief Electoral Officer to authorize the inspection of ballots following the preliminary count for the purpose of verifying the accuracy of results obtained by vote counting equipment.

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 W. Boda'.

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JUNE 13, 2023