

DIRECTIVE NO.	CEO DIRECTIVE 2023-009
Date	August 15, 2023
Date Revised	December 5, 2023
Subject	Polling Divisions
Reference	Section 5.2 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, 16, 18, 18.1, 18.7, 19, 25, 34, 36, 37, 38, 54, 61, 88, 89, 89.3, 93
Intent	To eliminate the division of constituencies into polling divisions and replace them, where needed, with catchment areas

The Chief Electoral Officer has the authority, under section 5.2 of *The Election Act, 1996* (the *Act*) to direct that an alternate procedure, equipment, or technology be used during a general election if he has received approval from the Board of Internal Economy. This CEO Directive was approved by the Board of Internal Economy on August 15, 2023, and distributed in accordance with section 5.2 of the Act. Subsequent amendments were approved by the Board of Internal Economy on December 5, 2023.

This CEO Directive applies to the 30th Provincial General Election in Saskatchewan, should that election be held on October 28, 2024, in accordance with *The Legislative Assembly Act, 2007*. The CEO Directive authorizes the use of a new voting procedure which directs that there will be no instruction given to returning officers to divide constituencies into polling divisions and that each constituency will be treated as a single polling division which will be divided into “catchment areas” as necessary.

Traditionally, constituencies have been divided into relatively small polling divisions containing no more than 350 voters 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. The use of technology (i.e., electronic poll books), modifications to voting procedures (i.e., introduction of the voting record) and the introduction of a polling period (see CEO Directive 2023-010) allows for the elimination of small polling divisions and for them to be

replaced by “catchment areas,” the exact size of which will differ constituency by constituency based on a number of factors, including the number of voting locations, distance to drive, geographic/topographical conditions, etc. The intent of all these modifications is to create a system of voting that is more convenient for voters and more efficient overall.

These changes will result in constituencies not being divided into small polling divisions limited to 350 voters but rather larger catchment areas for the 30th Provincial General Election in Saskatchewan.

The Chief Electoral Officer hereby identifies that the following provisions of the Act will be varied or not complied with during the general election 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 the 30th Provincial General Election held in the Province of Saskatchewan, should that election be held on October 28, 2024, in accordance with *The Legislative Assembly Act, 2007*. Should the 30th Provincial General Election not be held on that date, the Chief Electoral Officer will issue an update to this Directive.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
DECEMBER 8, 2023



CEO Directive – Polling Divisions - Appendix A

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Reference Section 5.2 of *The Election Act, 1996*

Provisions of *The Election Act, 1996* and *The Election Act Regulations* Impacted Sections 2, 16, 18, 18.1, 18.7, 19, 25, 34, 36, 37, 38, 54, 61, 88, 89, 89.3, 93

Intent To eliminate the division of constituencies into polling divisions and replace them, where needed, with catchment areas

Modifications to *The Election Act, 1996*

As identified in CEO Directive 2023-009 the Chief Electoral Officer hereby identifies that the following provisions of *The Election Act, 1996* will be modified or not complied with during the general election to facilitate the elimination of polling divisions:

1. Clause 2(1)(ff) – Interpretation:

(ff) "polling division" – the definition of polling division will not apply. Instead, a varying number of "catchment areas" will be established for the last day of voting in each constituency. The size of each catchment area and total number of catchment areas will depend on a variety of constituency-specific factors.

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(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 Proposed CEO Directive 2023-011 implementing electronic poll books and 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. Instead, catchment areas will be established in each constituency that will provide a specific voting location for every voter on the last day of voting.

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 Proposed CEO Directive 2023-010 which implements a polling period as opposed to distinct advance polls and polling day polls. Proposed CEO Directive 2023-010 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. On the last day of voting, however, voters will be assigned to vote at a specific polling location within a catchment area.

14. Sections 88 and 89 – Voting procedures and post voting procedures

These sections are substantially modified by Proposed CEO Directive 2023-014 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 2023-002 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