



PROPOSED CEO Directive – Electronic Poll Books/Voting Record

DIRECTIVE NO. CEO DIRECTIVE 2023-011

Date DATE

Date Revised N/A

Subject Electronic Poll Books/Voting Record

Reference Section 5.4 of *The Election Act, 1996*

Provisions of *The Election Act, 1996* and *The Election Act Regulations* Impacted Sections 2, 5.4, 13, 38, 63, 66, 71, 72, 74, 75, 77, 78, 81, 82, 85, 134, 135, 141, 142, 445, 159, 167, 177, 205, and 206.

Intent To direct the use of electronic poll books and voting record forms

The Chief Electoral Officer has the authority, under section 5.4 of *The Election Act, 1996* (the Act) to direct that the poll book used at a voting location be in electronic format and may adapt any other section of the Act and the regulations to facilitate the use of the electronic poll book. CEO Directive 2023-011 was approved by the Board of Internal Economy on DATE and distributed in accordance with section 5.6 of the Act.

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 electronic poll books at selected voting locations in place of the current paper-based poll book and voters list. In locations where electronic poll books are used, the poll clerk election officer position will not be needed. The Directive also authorizes the use of a new form called the Voting Record which will take the place of the traditional poll book and voters list at voting locations where electronic poll books are not being used. After the Board of Internal Economy rejected the use of vote counting equipment in August 2023, changes were made to this CEO Directive to facilitate counting ballots in an efficient manner. This includes allowing the Chief Electoral Officer to adapt certain detailed sections describing the processes that take place after the close of voting locations, both after the first five days of voting and after the close of voting locations on the last day of voting.

PROPOSED CEO Directive – Electronic Poll Books/Voting Record

The electronic poll book incorporates the content of the current poll book with a searchable database of voters. The electronic poll book ~~functions to find the names of eligible voters~~ **allows election workers to use a laptop computer to search for the** names of eligible voters on the voters list, strike off the names after they have been issued a ballot paper, and maintain an electronic record of voter information and interactions at the voting location. At voting locations where electronic poll books are used, there will no longer be a need for a poll clerk to record voter data. At voting locations where it is not feasible to use electronic poll books a new Voting Record form will be used. The voting record is a paper-based form that combines elements of the poll book and the voters list. Both the electronic poll book and the voting record form will speed up the voting process and reduce or eliminate data entry and transcription errors. ~~At all locations that use the Voting Record, poll clerks will work alongside the deputy returning officer and maintain the Voting Record.~~

Electronic poll books will be used at every voting location for each constituency that includes, in whole or in part, a city having a population of more than 20,000 inhabitants, and may be used in additional voting locations. The voting record will be used at all voting stations which do not use electronic poll books. These voting stations will typically be located in areas where it is not feasible **or practical** to use electronic poll books.

This CEO Directive also provides for certain other changes to the Act to allow for the proper functioning of voting given the introduction of electronic poll books and/or a voting record. This includes the introduction of a new “special election officer” position in accordance with section 5.4 of the Act called the “ballot box officer.” The ballot box officer will be responsible for monitoring the ballot box during voting, assisting with depositing ballots into the ballot box during voting and assisting the deputy returning officer during the counting of ballots.

This CEO Directive also allows for adaptations to be made to section 135 related to the close of polls after the first five days of voting and to section 141 related to the preliminary count after the close of polls on the last day of voting to facilitate the counting of votes by deputy returning officers. This includes the ability for the Chief Electoral Officer or for a returning officer to appoint additional deputy returning officers (along with a second election official) to assist with counting ballots on the last day of voting.

PROPOSED CEO Directive – Electronic Poll Books/Voting Record

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:

- Section 2 – Interpretation
- Section 5.4 – Directives re: voting modifications, electronic poll book, etc.
- Section 13 – Poll clerk
- Section 38 – Polling subdivisions
- Section 63 – Who is entitled to be in polling place and at counting of votes
- Section 66 – Poll book
- Section 71 – Taking voter’s declaration
- Section 72 – When individual not entitled to ballot paper or to vote
- Section 74 – Marking ballot
- Section 75 – Examination and deposit of ballot
- Section 77 – Voter may request assistance in marking ballot
- Section 78 - Interpreters
- Section 81 – Voting outside polling place
- Section 82 – If impersonation alleged
- 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 142 – What are rejected ballots
- ~~Section 145 – Final count by returning officer~~
- Section 159 – Election officers and others to attend
- Section 167 – If judge required to undertake recount or appeal
- Section 177 – Public inspection of election documents and voter data
- Section 205 – False returns
- Section 206 – Unlawfully destroying documents



Elections SK

PROPOSED CEO Directive – Electronic Poll Books/Voting Record

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.



DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN

DATE

PROPOSED



PROPOSED CEO Directive – Electronic Poll Books/Voting Record - APPENDIX A

DIRECTIVE NO.	CEO DIRECTIVE 2023-011
Date	DATE
Date Revised	N/A
Subject	Electronic Poll Books/Voting Record
Reference	Section 5.4 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, 5.4, 13, 38, 63, 66, 71, 72, 74, 75, 77, 78, 81, 82, 85, 134, 135, 141, 142, 145, 159, 167, 177, 205, and 206.
Intent	To direct the use of electronic poll books and voting record forms

Preamble – General Modifications

According to subsection 5.4(5) of *The Election Act, 1996*, the following rules 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 poll 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 voting location, with information supplied by the voter, if that registration is provided for by the *Act*;

5. After closing of the poll, 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 the electronic poll book.

As identified in CEO Directive 2023-011, the Chief Electoral Officer hereby identifies that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) be modified or not complied with in the following manner:

Other Modifications to *The Election Act, 1996*

In order to facilitate the use of electronic poll books and the voting record form, the following definitions will apply and the following sections of *The Election Act, 1996* will be modified.

1. Section 2 – Interpretation

- 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 5.4 – Directive re: voting modifications, electronic poll book, etc.

In accordance with subsection 5.4(3), a "special election officer" position will be created called a "ballot box officer." The ballot box officer may be present at voting locations that have an electronic poll book or use a voting record and will monitor the ballot box while voting takes place. The ballot box officer will also assist with the counting of votes in the same manner that the poll clerk traditionally has. The requirements of clause 5.4(4)(a) will be followed with respect to the appointment of individuals as ballot box officers. In addition, an "information officer," currently an "election official" in accordance with *The Election Act Regulations* will also be considered a "special election officer" in accordance with section 5.4(3) to provide them with the ability to assist with the counting of votes in the same manner that the poll clerk traditionally has.

3. Section 13 – Poll clerk

- a. At any voting location where electronic poll books are used, there will not be a poll clerk. At such voting locations, all duties and responsibilities of the poll clerk described in the *Act* will be performed by a deputy returning officer and/or a ballot box officer or other election officer.
- b. During the first 5 days of the voting period, rural voting locations will also be staffed with a deputy returning officer (or officers) and a ballot box officer or other election officer. During this period and in these voting locations, deputy returning officers will use a voting record form rather than an electronic poll book to record voter information.

On the final day of the voting period, rural voting locations will be staffed with a deputy returning officer and a poll clerk (as well as possibly a supervisory deputy returning officer or information officer). At these voting locations where electronic poll books are not used, the deputy returning officer or poll clerk will use a voting record form rather than a paper-based poll book and voters list to search and strike off the names of eligible voters and record voter information. The voting record will be used by a deputy returning officer and poll clerk at personal care facility voting. Homebound, hospital, remand centre and temporarily displaced voter voting will be administered by a deputy returning officer and poll clerk with a traditional poll book as described in the *Act*.

4. Section 38 – Polling subdivisions

At any voting location using electronic poll books, the voters list will contain the names of all eligible voters in the province constituency. It will not be necessary for the returning officer to divide the voters list or subdivide the polling division. The voters list in the electronic poll book can be arranged and searched either alphabetically or geographically.

5. 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. At voting locations where electronic poll books are being used there are no poll clerks, the deputy returning officer will be assisted with these duties by a poll clerk a second election officer, such as a ballot box officer or information officer. These duties will continue to be performed by the poll clerk at voting locations where electronic poll books are not being used poll clerks are present. In addition, the ballot box officer and the information officer are also allowed to be present in polling places and during the counting of votes.

6. Section 66 – Poll book

At any voting location where ~~an electronic poll book is used~~ **a poll clerk is not present**, ~~the~~ **a** deputy returning officer will record all required voter information and interactions **either electronically or manually in the voting record**. ~~At voting locations that do not use electronic poll books where a poll clerk is present, the poll clerk will record all required voter information in the voting record.~~

7. Section 71 – Taking voter's declaration

At any voting location where ~~an electronic poll book is being used~~ **a poll clerk is not present**, the **duties** 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. **At voting locations where an electronic poll book is used**, ~~and~~ 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.

At any voting locations where ~~electronic poll books are not being used~~ **a voting record is being used**, the **deputy returning officer** will ~~continue to~~ perform the above duties and required information will be recorded in the voting record.

8. Section 72 – When individual not entitled to ballot paper or to vote

At any voting locations where electronic poll books are used, 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.

At voting locations using the voting record, the deputy returning officer will ~~or poll clerk will continue to assist in~~ **handle** the process of taking a voter's declaration. ~~at any voting locations which do not use electronic poll books.~~

9. Section 74 – Marking ballot

At any voting location where there is no poll clerk present, the voter will deliver their folded ballot paper to the ballot box officer and not to the deputy returning officer. The ballot box officer will deposit the ballot paper into the ballot box if requested to do so by the voter.

10. Section 75 – Examination and deposit of ballot

At any voting location where there is no poll clerk present, the ballot box officer will fulfill the responsibilities assigned to the deputy returning officer in this section, including examining the initials on the ballot paper, removing the counterfoil and assisting the voter in depositing the ballot into the ballot box or returning the ballot to the voter (or voter's friend) for deposit into the ballot box.

11. Section 77 – Voter may request assistance in marking ballot

At any voting location where ~~electronic poll books are used~~ there is no poll clerk present, ~~the~~ a deputy returning officer will record in the electronic poll book or the voting record, 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. After the ballot has been marked, the deputy returning officer will, at the request of the voter, provide the ballot to the ballot box officer or return it to the voter or to the voter's friend to deposit the ballot in the ballot box.

~~At any voting location where electronic poll books are not used the poll clerk will record the required voter information in the voting record.~~

12. Section 78 – Interpreters

At any voting location where ~~electronic poll books are used~~ there is no poll clerk present, the deputy returning officer will record in the electronic poll book or the voting record 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.

~~At any voting location where electronic poll books are not used the poll clerk will record the required voter information in the voting record.~~

13. Section 81 – Voting outside polling place

At any voting location where ~~electronic poll books are used~~ there is no poll clerk present, 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 voting location, will be performed by a second election officer inside of the voting location, such as another deputy returning officer, the supervisory deputy returning officer or ballot box officer. The deputy returning officer will deal with the voter in the manner described within the Act, with the exception of first verifying the voter's identification and eligibility, then returning to the voting station to strike the voter off the voters list electronically before returning to the voter with a ballot paper.

At any voting location where ~~electronic poll books are not used~~ a poll clerk is present, the poll clerk will remain inside with the election materials and ballot box while the deputy returning officer deals with the voter, as described in legislation.

14. Section 82 – If impersonation alleged

At any voting location where ~~electronic poll books are being used~~ there is no poll clerk, the duty of the poll clerk to record voter information 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, will be performed by the deputy returning officer and the required information will be recorded in the electronic poll book or voting record.

~~At any voting location where electronic poll books are not used the poll clerk will record the required voter information in the voting record.~~

15. Section 85 – Statement of all voter's declarations required

At any voting location 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. The electronic statement will not be signed by the deputy returning officer or by any candidate or candidate's representative.

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

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

17. Section 135 - Procedures on close of advance poll

At any voting location using electronic poll books:

- a. All entries in the poll book 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 in electronic form~~ will be produced and completed on paper.

- 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.

~~At any voting location where electronic poll books are not being used, the voting record used on the last day of voting will indicate the names of voters who have been struck off the voting record as having previously voted.~~

In addition, certain changes may be made by the Chief Electoral Officer to the things described within this section in order to allow for votes to be counted by deputy returning officers.

18. Section 141 – Preliminary count after close of polls on polling day

At any voting location using electronic poll books or a voting record, changes may be made by the Chief Electoral Officer to the things described within this section in order to allow for votes to be counted by deputy returning officers. This includes the ability for a returning officer or for the Chief Electoral Officer to appoint additional deputy returning officers and assistants to assist with counting votes in accordance with instructions provided by the Chief Electoral Officer. Deputy returning officers must ensure that ballot counting is done in the presence and in full view of the persons entitled pursuant to subsection 63(3) to be present, including candidates and candidate representatives. In the event that more than one deputy returning officer (and a second election officer) are counting votes in the same location, a candidate will be able to assign not more than two candidate's representatives to each counting team.

19. Section 142 – What are rejected ballots

At any voting location where ~~an electronic poll book is being used~~ there is no poll clerk, the poll clerk will not be present to witness the deputy returning officer's treatment of an uninitialed ballot. At these locations another election officer present, such as another deputy returning officer, the supervisory deputy returning officer or ballot box officer, will act as witness.

In addition, when counting votes, the deputy returning officer shall not reject ballots that have been supplied by any deputy returning officer in the polling place. If a ballot paper does not have deputy returning officer initials on the back, the deputy returning officer shall not reject the ballot if he or she is satisfied that it is one that was supplied by a deputy returning officer in the polling place. If this condition is met, the deputy returning officer shall place his or her initials on the ballot, in the presence of candidate representatives and any election officials observing the count, and then count the ballot as if it had been initialed in the first place.

~~20. Section 145 – Final count by returning officer~~

- ~~a. At any voting location 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 voting locations not using electronic poll books.~~
- ~~b. At any voting location using electronic poll books, each candidate or candidate's representative present will be given an opportunity to inspect an electronic version of each poll book and the voters list used in voting at the polls.~~
- ~~c. At any voting location not using electronic poll books, each candidate or candidate's representative present will be given an opportunity to inspect the voting record used in voting at the polls.~~

21. Section 159 – Election officers and others to attend

- a. There will be no poll clerks at any of the voting locations using electronic poll books. **In rural voting locations during the first 5 days of the voting period, there may be a poll clerk. If no poll clerk is present, a second election officer, such as a ballot box officer, will be present.**
- b. In the event of a judicial recount or addition, there may be no poll clerks in attendance from **the above** voting locations. ~~using electronic poll books.~~
- 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 either electronic ~~or~~ paper form.
- d. The **materials** ~~ballot paper accounts, poll statements and poll books~~ supplied at a judicial recount or addition for a poll where an electronic poll book was not used will be available in paper form.

22. 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 using electronic poll books will be supplied in either electronic or paper form at a recount or addition.

23. 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 using electronic poll books will be provided for inspection to the public in either paper or electronic form.

24. Section 205 – False returns

This offence also applies to electronic poll books and voting records.

25. Section 206 – Unlawfully destroying documents

This offence also applies to electronic poll books and voting records.

PROPOSED