

DIRECTIVE NO.	CEO DIRECTIVE 2023-0014
Date	August 15, 2023
Date Revised	TBD
Subject	Vote by Mail
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 84, 86, 87, 88, 89, 89.3, 141, 145, 146 & 287 of <i>The Election Act, 1996</i>
Intent	To implement a Vote by Mail process

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 DATE.

This CEO Directive applies to the 30th Provincial General Election in Saskatchewan. The CEO Directive authorizes the use of a new voting procedure which directs that an alternate procedure, called Vote by Mail be implemented as an alternate procedure in accordance with section 5.2 of the Act.

The Vote by Mail process to be implemented will be substantially similar to the Vote by Mail processes used during the Saskatoon Meewasin by-election held on September 26, 2022, the Athabasca by-election held on February 15, 2022, the Saskatoon Meewasin, Regina Coronation Park, Regina Walsh Acres and Lumsden-Morse by-elections scheduled to be held in the summer of 2023 and the October 26, 2020, general election. For the Athabasca by-election and the 2020 general election, the amended procedures were authorized by the Chief Electoral Officer under section 7 of the *Act* and section 2 of *The Election Act Regulations* which allowed the Chief Electoral Officer to declare that an emergency existed due to the COVID-19 pandemic for which no adequate provision was made by the *Act*. Vote by Mail was authorized under section 5.1 for the September 2022

Saskatoon Meewasin by-election and the ~~pending~~ Saskatoon Meewasin, Regina Coronation Park, Regina Walsh Acres and Lumsden-Morse by-elections.

The purpose of implementing Vote by Mail is to offer voters a postal voting process that is more efficient and accessible than the **absentee** process described in the *Act*.

The Chief Electoral Officer hereby identifies that the **absentee** voting provisions under sections 84, 86, 87, 88, 89, **89.3**, 141, 145, 146 and 287 of the *Act* will be modified as set out in Appendix "A" to this Directive and that measures be taken to implement the adaptations to the previously implemented Vote by Mail voting procedures in the manner set out in Appendix "A".

For further clarity, the absentee voting process described in sections 86 to 88, including the "in person absentee voting process" will be suspended by this Directive. Alternatively, voters will be referred to the Vote by Mail voting procedure or to an in-person voting opportunity.

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
AUGUST 15, 2023



Vote by Mail - Appendix A

DIRECTIVE NO.	CEO DIRECTIVE 2023-014
Date	August 15, 2023
Date Revised	TBD
Subject	Vote by Mail
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 84, 86, 87, 88, 89, 89.3, 141, 145, 146 & 287 of <i>The Election Act, 1996</i>
Intent	To implement a Vote by Mail process

Modifications to *The Election Act, 1996* and *The Election Act Regulations*

As identified in CEO Directive 2023-014, the Chief Electoral Officer hereby identifies that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) will be varied or not complied with during the general election. In addition, certain changes made as a result of other CEO Directives, including the transition to a polling period (see CEO Directive 2023-010), are reflected below as well.

1. Subsection 84(1.1) – When voting is deemed to be done

For purposes of section 84, a voter’s name will be struck from the voters list when he or she applies for and has been issued a mail-in ballot will be struck from the voters list as having voted until their ballot has been received by Elections Saskatchewan. Therefore Nevertheless, a voter who has applied to vote by mail will be able to vote on any day during the polling period before their mail-in ballot is received without having to make a declaration if the voter satisfies the deputy returning officer that he or she has not returned the mail-in ballot issued to them or that he or she has not otherwise voted and

after having made a declaration. ~~If a voter votes at a polling place during the polling period and their mail in ballot is subsequently received, the mail in ballot will not be placed in the ballot box and be counted.~~

2. Section 86 – Absentee voters – definition, eligibility

For the purposes of sections 86 to 89 and Part IV, Division E and Part V, the duties of the “returning officer” and “deputy returning officer” will be performed by the centralized “Vote by Mail team” established by the Chief Electoral Officer and located at the head office of Elections Saskatchewan and at any additional off-site location of Elections Saskatchewan used for the purpose of administering the Vote by Mail voting procedure. This administration will include managing Vote by Mail-related software; receiving Vote by Mail applications; providing support and assistance to voters who have applied to Vote by Mail; reviewing Vote by Mail applications; coordinating and overseeing compliance with required Vote by Mail voting and ballot acceptance procedures; reconciling and accepting or rejecting Vote by Mail ballot packages submitted by voters; and counting accepted Vote by Mail ballots.

For greater clarity, the definition of “absentee voter” in section 86 will refer to eligible voters who vote via the Vote by Mail procedure established in CEO Directive 2023-014.

For greater clarity, any eligible voter who applies to Vote by Mail and whose application is received no later than the deadline of **at least 9 days before the final day of the polling period** established by the Chief Electoral Officer, shall be considered to have met the evidentiary requirements of subsection 86(2) of the *Act*. There will be no requirement for the voter to present satisfactory evidence that he or she will be unable to vote **in person** during the polling period in the constituency.

3. Section 87 – Application – absentee voters

For purposes of subsection 87(1), satisfactory evidence of a voter’s identity and ordinary residence pursuant to section 72.1 must include:

- a. one original piece of identification that:
 - (i) shows the voter’s or individual’s photograph, name and address that matches the address listed on the application under subsection 87(1); and
 - (ii) is issued by the Government of Saskatchewan, the Government of Canada or an agency of those governments; or
- b. two pieces of prescribed information, at least one of which is issued by the Government of Saskatchewan, the Government of Canada or an agency of those governments, each of which establishes the voter’s name and at least one of which establishes the voter’s or individual’s name and the voter’s or individual’s address which matches the address listed on the application under subsection 87(1).

For purposes of clause 87(2)(a), applications to Vote by Mail may be received by the Chief Electoral Officer no earlier than 7 months before the final day of the polling period and at least 9 days before the final day of the polling period. For purposes of clause 87(2)(b), applications to Vote by Mail must be received by the returning officer no earlier than the day on which the writ is issued and at least 9 days before the final day of the polling period.

For purposes of subsection 87(3), in addition to the procedures established in subsection 87(3), voters applying to Vote by Mail may apply to the Chief Electoral Officer on Election Saskatchewan's external website through the Vote by Mail Application Portal (the "Portal").

For purposes of subsection 87(4), upon receipt of an application to Vote by Mail pursuant to subsection 87(1) of the *Act*, the returning officer and the Chief Electoral Officer will forward the application to the Vote by Mail processing team.

4. Section 88 – Voting Procedures

For purposes of this section, where the Vote by Mail team is satisfied that the applicant is eligible to vote by mail, the Vote by Mail team will comply with all of the procedures prescribed in section 88, with the following exceptions:

- a. For purposes of subparagraph 88(1)(a)(ii), the ballot paper will not be initialed by the returning officer or election clerk.
- b. For purposes of subsection 88(3), the name and address of each voter will not be provided to the applicable deputy returning officer immediately after the deadline of 9 days before the final day of the polling period. Instead, the Vote by Mail team will provide the name and address of each Vote by Mail voter to the deputy returning officer where the Vote by Mail voter is eligible to vote after the Vote by Mail Team **has approved and issued a Vote by Mail ballot package to the voter.** ~~receives the completed ballot package back from the voter.~~
- c. **For purposes of subsection 88(5), the name and address of each voter will not be provided to the applicable candidate immediately after the deadline of 9 days before the final day of the polling period. Instead, the name and address of each Vote by Mail voter will be available electronically on a daily basis to each candidate who has requested access to the Candidate Portal.**
- d. For purposes of subsection 88(8), ballot papers for Vote by Mail voters will be issued centrally by the Vote by Mail team.

5. Section 89 – Post voting procedures

Where the Vote by Mail Team is satisfied that the Vote by Mail applicant is an eligible voter, the Vote by Mail team will comply with section 89 of the *Act*, with the following exceptions:

- a. For purposes of subsection 89(1), the duties of the returning officer or election clerk will be performed by the Vote by Mail team;
- b. For purposes of paragraph 89(2)(c) and subsections 89(4) and (5), the Vote by Mail team will open the certificate envelope, and the ballot envelope contained within (which contains a marked ballot) will be deposited in the ballot box maintained at Elections Saskatchewan's Head Office **by Elections Saskatchewan at a central location**;
- c. For purposes of paragraph 89(2)(c) and subsections 89(4) and (5), all Vote by Mail certificate envelopes that are accepted, opened, and have their ballot envelope removed and placed in a ballot box, will be retained, sorted and tracked.
- d. For purposes of paragraph 89(2)(d) and subsections 89(3) and (9), any unopened certificate envelope that is received before the deadline for receiving Vote by Mail ballots and is retained pursuant to paragraph 89(2)(d) will be placed in a separate secured container labelled "rejected" and retained at Elections Saskatchewan's Head Office **by Elections Saskatchewan at a central location**. These unopened certificate envelopes will be sorted and tracked.

Except as modified by CEO Directive, the Vote by Mail team will comply with the requirements of subsections 89(6)-(8) with respect to the Preliminary Count and the Final Count of ballots.

For purposes of subsections 89(7) & (8), there will be two separate counts of Vote by Mail ballots:

- a. The Preliminary Count will include all Vote by Mail ballots received up to the end of Day -1 and will take place from Day +2 to Day +9.
- b. The Final Count will include all Vote by Mail ballots received from the final day of the polling period (Day 0) to the end of Day +10 following the final day of the polling period and will take place on Day +12. The counting of Vote by Mail ballots at the Final Count will continue as long as required for completing the count of all accepted ballots in accordance with sections 147 and 151 of the *Act*.

6. Section 89.3(2) & (3) – Voting procedures – homebound voters

If personal attendance by an election officer at the residence of a homebound voter is not reasonably practicable, the returning officer will direct the homebound voter to vote by mail-in ballot.

In addition, the deadline for a voter to make an application to the returning officer to be considered as a homebound voter, is changed from 8 days before the final day of the polling period to 9 days before the final day of the polling period. This creates consistency between the deadline to apply as a Vote by Mail voter and as a homebound voter.

7. Subsections 141(15-22) and subsections 141(24-26) – Preliminary count after close of polls on the final day of the polling period

For greater certainty, the Vote by Mail team will comply with the applicable requirements of Part V with respect to Vote by Mail ballots received through the Vote by Mail procedures, including subsections 141(15-22) and subsections 141(24-26).

8. Subsection 145(8) – Final count by returning officer

For purposes of subsection 145(8), the duties of the returning officer will be performed by the Vote by Mail team.

9. Subsections 146(1) & (4) – Counting votes cast using special voting procedures

For purposes of subsection 146(1) & (4), the duties of the returning officer will be performed by the Vote by Mail team.

10. Clauses 287(1)(a.11) & (a.2) - Regulations

For purposes of subsection 287(1), references to “absentee ballot”, will mean Vote by Mail ballot.