

DIRECTIVE NO.	CEO DIRECTIVE 2023-018
Date	December 5, 2023
Date Revised	N/A
Subject	Counting HRT Ballots
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 88, 96, 99, 101, 102, 104, 107, 109, 110, 112, 115, 117, 118 & 146
Intent	To direct that Hospital, Remand and Temporarily Displaced Voter ballots be counted centrally and considered according to the same rules that apply to Absentee voter ballots.

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 December 5, 2023 and distributed in accordance with section 5.2 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 central counting of Form B ballots from Hospital, Remand and Temporarily Displaced Voter (HRT) polls during the general election. The Directive also extends a recent amendment to *The Election Act, 1996* as to the acceptable marks that will be counted on Form B ballots for Absentee voting, to the Form B ballots used at Hospital, Remand and Temporarily Displaced Voter polls.

The *Act* currently requires all Form B ballots from HRT polls to be sent from returning offices in the constituencies where the polls were held to the Chief Electoral Officer for sorting and then returned to the appropriate returning offices for counting during the final count by the Returning Officer. The process is logistically complicated, time consuming and poses the risks of potentially lost or misdirected ballots. This CEO Directive defines an alternate procedure whereby the completed Form B Ballots are sent to the Chief Electoral Officer by the Returning Officers from the counstituencies where HRT polls have been held, where they will be counted centrally by a designated count team from Elections Saskatchewan

and the count totals simply added to the final count by the Returning Officers. This procedure will reduce the risks of potentially lost or misdirected Form B ballots from HRT polls.

In addition to marking on the Form B ballot paper the name or political affiliation of the candidate for whom the Absentee voter intends to vote, a recent (2022) amendment to s. 88(6)(b) of the *Act* permits absentee voters to mark their ballot paper with the name of the leader of the registered political party of the candidate for whom the absentee voter intends to vote, an item which has been carried over to voters use the Vote by Mail process. While this amendment was applied only to absentee voting, there is no reason that it should not also apply to other forms of voting where Form B ballots are used by voters, such as for HRT voters. To interpret this change otherwise would create a serious inequality amongst voters who are required to use Form B ballots. Therefore, this CEO Directive extends the procedures for counting Absentee ballots to HRT polls which also use Form B ballots.

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 88 – Voting Procedures (Absentee voting)
- Section 96 – Ballot paper for temporarily displaced voters
- Section 99 – Voting Procedures (Temporarily displaced voters)
- Section 101 - Handling of ballot boxes with ballot envelopes (Temporarily displaced voters)
- Section 102 – Preserving ballots until final count (Temporarily displaced voters)
- Section 104 – Ballot paper for hospital voters
- Section 107 – Voting Procedures (Hospital voters)
- Section 109 - Handling of ballot boxes with ballot envelopes (Hospital voters)
- Section 110 - Preserving ballots until final count (Hospital voters)
- Section 112 – Ballot papers for remand centre voters
- Section 115 – Voting Procedures (Remand voters)
- Section 117 – Handling of ballot boxes with ballot envelopes (Remand voters)
- Section 118 – Preserving ballots until final count (Remand voters)
- Section 146 – Counting votes case using special voting procedures



CEO Directive – Counting HRT Ballots

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 5, 2023



CEO Directive – Counting HRT Ballots -

Appendix A

DIRECTIVE NO. CEO DIRECTIVE 2023-018

Date December 5, 2023

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Subject Counting HRT Ballots

Reference Section 5.2 of *The Election Act, 1996*

Provisions of *The Election Act, 1996* and *The Election Act Regulations* Impacted Sections 88, 96, 99, 101, 102, 104, 107, 109, 110, 112, 115, 117, 118 & 146

Intent To direct that Hospital, Remand and Temporarily Displaced Voter ballots be counted centrally and considered according to the same rules that apply to Absentee voter ballots.

As identified in CEO Directive 2023-018 the Chief Electoral Officer hereby identifies that the following provisions of *The Election Act, 1996* will be varied or not complied with during the general election:

Modifications to *The Election Act, 1996*

In order to facilitate the central counting of ballots from Hospital, Remand and Temporarily Displaced Voter polls, the following definitions will apply, and the following sections of *The Election Act, 1996* will be modified as shown below.

1. Section 88(1)(a)(iii)(A) – Voting Procedures (Absentee voting):

The space provided on the Form B ballot paper is not only for the insertion by the voter of the name or political affiliation of the candidate for whom the voter intends to vote but also for the voter to mark their ballot paper with the name of the leader of the registered political party of the candidate for whom the voter intends to vote.

2. Section 96(1) – Ballot paper for temporarily displaced voters:

The space provided on the Form B ballot paper is not only for the insertion by the voter of the name or political affiliation of the candidate for whom the voter intends to vote but also for the voter to mark their ballot paper with the name of the leader of the registered political party of the candidate for whom the voter intends to vote.

3. Section 99(7) – Voting Procedures (Temporarily displaced voters):

Temporarily displaced voters may also mark their ballot with the name of the leader of the registered political party of the candidate for whom the voter intends to vote.

4. Section 101(8)-(12) – Handling of ballot boxes with ballot envelopes (Temporarily displaced voters):

Rather than redistributing Form B ballots to returning officers for counting during the final count, the Chief Electoral Officer will retain these ballots for centralized counting as part of the Final Count and incorporation of results into the vote counts of the applicable constituencies.

5. Section 102(1) & (2) – Preserving ballots until final count (Temporarily displaced voters):

This section will not apply since returning officers will not be receiving redistributed HRT ballots from the Chief Electoral Officer.

6. Section 104(1) – Ballot paper for hospital voters:

The space provided on the Form B ballot paper is not only for the insertion by the voter of the name or political affiliation of the candidate for whom the voter intends to vote but also for the voter to mark their ballot paper with the name of the leader of the registered political party of the candidate for whom the voter intends to vote.

7. Section 107(7) – Voting Procedures (Hospital voters):

Temporarily displaced voters may also mark their ballot with the name of the leader of the registered political party of the candidate for whom the voter intends to vote.

8. Section 109(8)-(12) – Handling of ballot boxes with ballot envelopes (Hospital voters):

Rather than redistributing Form B ballots to returning officers for counting during the final count, the CEO will retain these ballots for centralized counting as part of the Final Count and incorporation of results into the vote counts of the applicable constituencies.

9. Section 110 – Preserving ballots until final count (Hospital voters):

This section will not apply since returning officers will not be receiving redistributed HRT ballots from the Chief Electoral Officer.

10. Section 112(1) – Ballot papers for remand centre voters:

The space provided on the Form B ballot paper is not only for the insertion by the voter of the name or political affiliation of the candidate for whom the voter intends to vote but also for the voter to mark their ballot paper with the name of the leader of the registered political party of the candidate for whom the voter intends to vote.

11. Section 115(7) – Voting Procedures (Remand voters):

Remand centre voters may also mark their ballot with the name of the leader of the registered political party of the candidate for whom the voter intends to vote.

12. Section 117(8)-(12) – Handling of ballot boxes with ballot envelopes (Remand voters):

Rather than redistributing Form B ballots to returning officers for counting during the final count, the Chief Electoral Officer will retain these ballots for centralized counting as part of the Final Count and incorporation of results into the vote counts of the applicable constituencies.

13. Section 118 – Preserving ballots until final count (Remand voters):

This section will not apply since returning officers will not be receiving redistributed HRT ballots from the Chief Electoral Officer.

14. Section 146(1) – Counting votes case using special voting procedures:

This section will not apply since returning officers will not be receiving redistributed HRT ballots from the Chief Electoral Officer.