



# PROPOSED CEO Directive – Electronic Poll Books/Voting Record

<b>DIRECTIVE NO.</b>	CEO DIRECTIVE 2023-011
<b>Date</b>	June 30, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Electronic Poll Books/Voting Record</b>
<b>Reference</b>	Section 5.4 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 2, 13, 38, 63, 66, 71, 72, 77, 78, 81, 82, 85, 134, 135, 142, 145, 159, 167, 177, 205, and 206.
<b>Intent</b>	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. This CEO Directive 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 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.

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 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

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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 to use electronic poll books.

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 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 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 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



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- Section 205 – False returns
- Section 206 – Unlawfully destroying documents

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  
JUNE 30, 2023



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

<b>DIRECTIVE NO.</b>	CEO DIRECTIVE 2023-011
<b>Date</b>	June 30, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Electronic Poll Books/Voting Record</b>
<b>Reference</b>	Section 5.4 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 2, 13, 38, 63, 66, 71, 72, 77, 78, 81, 82, 85, 134, 135, 142, 145, 159, 167, 177, 205, and 206.
<b>Intent</b>	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 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 the deputy returning officer.
- b. At any voting location where electronic poll books are not used, a 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. These voting locations will include homebound, hospital, remand centre and personal care facility polls.

### **3. 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 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.

### **4. 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, the deputy returning officer will not be assisted with these duties by a poll clerk. These duties will continue to be performed by the poll clerk at voting locations where electronic poll books are not being used.

### **5. Section 66 – Poll book**

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

### **6. Section 71 – Taking voter's declaration**

At any voting location where an electronic poll book is being used, the duty 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 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, the poll clerk will continue to perform the above duties and required information will be recorded in the voting record.

### **7. 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.

The poll clerk will continue to assist in the process of taking a voter's declaration at any voting locations which do not use electronic poll books.

## **8. Section 77 – Voter may request assistance in marking ballot**

At any voting location where electronic poll books are used, the deputy returning officer will record in the electronic poll book, 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.

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

## **9. Section 78 – Interpreters**

At any voting location where electronic poll books are used, the deputy returning officer will record in the electronic poll book 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.

## **10. Section 81 – Voting outside polling place**

At any voting location where electronic poll books are used, 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 official inside of the voting location, such as the supervisory deputy returning 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, 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.

## **11. Section 82 – If impersonation alleged**

At any voting location where electronic poll books are being used, 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.

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

## **12. 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.

## **13. 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.

## **14. 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 an electronic form.
- 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.



## **15. Section 142 – What are rejected ballots**

At any voting location where an electronic poll book is being used, the poll clerk will not be present to witness the deputy returning officer's treatment of an uninitialed ballot. At these locations another election official present will act as witness.

## **16. 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.

## **17. 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.
- b. In the event of a judicial recount or addition. Therefore, there will be no poll clerks in attendance from 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 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.

## **18. 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.

## **19. 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.

**20. Section 205 – False returns**

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

**21. Section 206 – Unlawfully destroying documents**

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