



# PROPOSED CEO Directive – Vote Anywhere

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-013</b>
<b>Date</b>	June 30, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Vote Anywhere</b>
<b>Reference</b>	Section 5.2 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, 5(6)(b), 9(1), 12(1), 16(4), 16(4.1), 18.7, 29(2), 31, 32, 34, 35, 36, 38, 57(2), 61, 65(2), 75, 84(1.1), 86(2), 89.1(2) & 141.
<b>Intent</b>	To direct the use of a new voting opportunity that would permit out-of-constituency voting (Vote Anywhere) at special voting locations.

The Chief Electoral Officer has the authority, under section 5.2<sup>1</sup> 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 **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 a new voting procedure that would permit voting at special locations by any eligible voter in the Province. The CEO Directive also authorizes the use of new “on-demand” ballot printing equipment that is capable of printing the ballots for all 61 different constituencies. This new voting opportunity relies on the use of electronic poll books (see CEO Directive 2023–011) to facilitate voter look up and strike off and vote counting equipment (see CEO Directive 2023- 012) to accurately update constituency vote counts on the last day of voting.

<sup>1</sup> In 2022 amendments were made to The Election Act, 1996 to provide additional directive making authority for the Chief Electoral Officer. Section 5.5 was added to the Act to permit the Chief Electoral Officer to designate certain polling places as flexible polling places at which out of constituency voters could vote. Unfortunately, this provision was worded to only permit voters who would otherwise be required to vote at a flexible polling place to vote at any other flexible polling place. This was not the intent of the Chief Electoral Officer’s recommendation. This provision permitting the designation of flexible polling places should have said “Any voter may vote at a polling place designated as a flexible polling place. For this reason, the Chief Electoral Officer is relying on section 5.2 to authorize Vote Anywhere.

## Anywhere

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Historically, voters have only been permitted cast their ballot at a designated voting location within the polling division where they lived. This restriction on where a voter could vote was put in place for administrative reasons – to limit the number of voters who could attend a particular voting location and to control the issuing of ballots. With procedural and technological improvements, all voters are now permitted to vote at any one of the voting locations within their constituency during the five days of advance voting without long line ups and without the risk of multiple voting.

In the 2020 General Election the majority of voters voted at voting locations or through voting opportunities without regard for the polling division to which they were assigned. Nearly 42% of voters voted at advance polls and another 12.7% voted by mail. For both of these voting opportunities there is no consideration of polling division or restriction on where the voter casts their ballot. Voters can cast their ballot at any advance poll established within their constituency without regard for the address of their ordinary residence. When voting as an absentee voter, the voter casts their vote while travelling outside of their constituency, the Province or even the country. With hospital and remand polls, voters who reside in multiple constituencies cast their ballot at a single poll.

It is expected that the establishment of several special “Vote Anywhere” voting locations will make the voting experience even more convenient and accessible for voters. At a Vote Anywhere voting location any voter, regardless of the constituency in which they live, will be able to receive a ballot printed for their constituency. These ballots will not be write-in (Form B) ballots, but will be printed with the names of the nominated candidates like the (Form A) ballots used at other polls.

The special “Vote Anywhere” polls will be open throughout all six days of the polling period (formerly referred to as the days of advance voting and election day). They will be situated in specified high traffic locations. The exact number and location of these special polls will be determined and advertised closer to the date of the general election and, like other voting locations, will depend on the availability of space and the approval of private leasing authorities.

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

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- Section 5(6)(b) – Chief Electoral Officer – powers and responsibilities
- Section 9(1) – Returning officers
- Section 12(1) – Election clerks
- Sections 16(4) & (4.1) – Who is entitled
- Section 18.7 - Use of register of voters – preparation of voters list
- Section 29(2) – Voter Information Card
- Section 31 – Lieutenant Governor to commence elections
- Section 32 – Issuing writ
- Section 34 – Election proclamation
- Section 35 – Ballot papers
- Section 36 – Polling places
- Section 38 – Polling subdivisions
- Section 57(2) – Opening of polling place
- Section 61 – Where voters are to vote
- Section 65(2) – Information that voters must provide on entering polling place
- Section 75 – Examination and deposit of ballot
- Section 84(1.1) – When voting is deemed to be done
- Section 86(2) – Absentee voters – definition, eligibility
- Section 89.1(2) – Homebound voting
- Section 141 – Preliminary count after close of polls on polling day

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



# Anywhere - APPENDIX A

<b>DIRECTIVE NO.</b>	CEO DIRECTIVE 2023-013
<b>Date</b>	June 30, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Vote Anywhere</b>
<b>Reference</b>	Section 5.2 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, 5(6)(b), 9(1), 12(1),16(4), 16(4.1), 18.7, 29(2), 31, 32, 34, 35, 36, 38, 57(2), 61, 65(2), 75, 84(1.1), 86(2), 89.1(2) & 141.
<b>Intent</b>	To direct the use of a new voting opportunity that would permit out-of-constituency voting (Vote Anywhere) at special voting locations.

## Modifications to *The Election Act, 1996*

As identified in CEO Directive 2023-013, the Chief Electoral Officer hereby identifies that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) be modified in the following manner in order to facilitate the implementation of out of constituency voting (Vote Anywhere) at specified voting locations:

### 1. Section 2 – Interpretation

- a. "Ballot printer" means a printing device capable of printing machine readable ballot papers for all 61 constituencies.
- b. "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.

## **2. Clause 5(6)(b) – Chief Electoral Officer – powers and responsibilities**

The name of the constituency and the date of the election will be printed on the front of machine-readable ballot papers.

## **3. Subsection 9(1) – Returning officers**

The returning officer appointed by the Chief Electoral Officer for a constituency in which a Vote Anywhere voting location is located will also be the returning officer for the Vote Anywhere voting location.

## **4. Subsection 12(1) – Election clerks**

The election clerk appointed by the Chief Electoral Officer for a constituency in which has a Vote Anywhere voting location will also be the election clerk for the Vote Anywhere voting location.

## **5. Subsections 16(4) & (4.1) – Who is entitled**

Any eligible voter is entitled to have their name registered on the voters list and to vote at any Vote Anywhere voting location regardless of the constituency or polling division in which the individual ordinarily resided on the day on which the writ for that election was issued or where the individual resides within the Province on polling day.

## **6. Section 18.7 – Use of register of voters – preparation of voters list**

The Chief Electoral Officer will use the register of voters to prepare a voters list for all eligible voters within the Province for use at Vote Anywhere voting locations.

## **7. Subsection 29(2) – Voter Information Card**

The Voter Information Card will include the dates, the hours of voting and the addresses of Vote Anywhere voting locations within the voter's constituency.

## **8. Section 31 – Lieutenant Governor in Council to commence elections**

The order that directs the Chief Electoral Officer to issue a writ of election will fix the dates for voting to be held at Vote Anywhere voting locations to be the same as the dates on which voting will be held during the polling period.

## 9. Section 32 – Issuing writ

The writ issued by the Chief Electoral Officer will state the days fixed by the order for Vote Anywhere voting locations.

## 10. Section 34 – Election proclamation

The election proclamation for the constituency will set out the place or places at which any Vote Anywhere voting will be held and the days and the hours when the Vote Anywhere voting locations will be open.

## 11. Section 35 – Ballot papers

- a. For the purposes of section 35, machine-readable ballot papers printed by on-demand printers will not have a detachable counterfoil or a stub and will not be consecutively numbered.
- b. The on-demand printer will be connected to the electronic poll book.
- c. After the voter is located on the voters list within the electronic poll book and struck from the list, the on-demand printer will print the appropriate ballot for the constituency in which the voter resides.
- d. The deputy returning officer will then verify that the correct ballot paper has been printed, initial the ballot, place the ballot into a secrecy sleeve and provide the secrecy sleeve containing the ballot to the voter.
- e. The form of the machine-readable ballot paper will be determined by the Chief Electoral Officer and will conform to the requirements of sections 35 of *The Election Act, 1996* and Part II of *The Election Act Regulations* Appendix describing the Form A ballot, except that:
  - a. the machine-readable ballot paper will be printed with unique timing marks to provide appropriate security features;
  - b. the printer's name and address and printing aid impression will not be printed on the back of the ballot paper;
  - c. all required information, including "instructions to vote", the constituency name and date of the election, will be printed on the front of the ballot paper; and
  - d. ballot papers will not be numbered consecutively, will not have a counterfoil or stubs, and will not be stapled or stitched into booklets.

## 12. Section 36 – Polling places

The Chief Electoral Officer may establish a Vote Anywhere voting location within a constituency where voters from any constituency may vote.

### **13. 38 – Polling subdivisions**

For the voters list used at any Vote Anywhere voting location, 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 used at Vote Anywhere voting locations can be arranged and searched either alphabetically or geographically.

### **14. Subsection 57(2) – Opening of polling place**

At Vote Anywhere voting locations the deputy returning officer will not be required to count the ballot papers prior to the opening of the poll if requested by the candidate's representative since the ballot papers for these locations are printed as they are applied for by the voter. Also, inspection of the ballot papers prior to the opening of the voting location will not be necessary since all paper upon which ballots will be printed will be blank prior to the opening of the Vote Anywhere location.

### **15. Section 61 – Where voters are to vote**

Any eligible voter will be entitled to vote at any Vote Anywhere voting location established throughout the Province.

### **16. Subsection 65(2) – Information that voters must provide on entering polling place**

At any Vote Anywhere voting location a voter must provide to the deputy returning officer any information satisfactory to the deputy returning officer that relates to establishing the individual's ordinary residence on the day on which the writ was issued or the individual's ordinary residence on polling day, in addition to any other information required by s. 65.

### **17. Section 75 – Examination and deposit of ballot**

Vote Anywhere voting locations will be equipped with vote counting equipment. After marking their ballot and placing it in a secrecy sleeve, the voter will deliver the secrecy sleeve containing the ballot cast to the special election officer operating the vote counting equipment. The ballot will be fed into the vote counting equipment and deposited into the ballot box located below the equipment. (See CEO Directive 00X - Vote Counting Equipment).

## **18. Subsection 84(1.1) – When voting is deemed to be done**

Notwithstanding subsection (1), a voter who makes an application pursuant to section 87 (absentee voting) may vote on any day during the polling period in the constituency of the voter or at any Vote Anywhere voting location if the voter satisfies the deputy returning officer that the voter:

- (a) is voting during the polling period or at a Vote Anywhere voting location as a result of changing circumstances; and
- (b) has not voted pursuant to section 88 (as an absentee voter).

## **19. Subsection 86(2) – Absentee voters – definition, eligibility**

A voter who presents evidence satisfactory to the returning officer of the constituency in which the voter is eligible to vote, or to the Chief Electoral Officer, that the voter will be unable to vote at an during the polling period in the constituency or at a Vote Anywhere voting location is an absentee voter.

## **20. Subsection 89.1(2) – Homebound voting**

A voter is eligible to vote as a homebound voter if that voter presents evidence satisfactory to the returning officer of the constituency in which the voter is eligible to vote that the voter:

- (a) is unable to vote at a voting location during the polling period in the constituency or at a Vote Anywhere voting location due to a disability; or

## **21. Section 141 – Preliminary count after close of polls on polling day**

For purposes of s. 141, after the polls close on the final day of voting, the votes will be counted at Vote Anywhere voting locations by vote counting equipment programmed to read the ballots from all 61 constituencies. The results tape printed by the vote counting equipment will contain the results for all ballots cast at the location. The vote count for each constituency will be reported as results from the Vote Anywhere poll.

After the close of polls on the final day of the polling period, the returning officer will follow the automated vote counting procedures for counting the ballots from Vote Anywhere voting locations.

The vote counting equipment used at a Vote Anywhere location will be returned to the returning office in the constituency where the Vote Anywhere voting location was located. The equipment and the physical ballots will be retained by the returning officer until after the final count and then sent to the Chief Electoral Officer along with other election materials.