

DIRECTIVE NO. CEO GENERAL DIRECTIVE 2023-001**Date** June 12, 2023**Date Revised** N/App**Subject** Establishing a Legislative Framework for Saskatchewan’s 30th General Election**Reference** *The Election Act, 1996***Intent** To establish the general areas the Chief Electoral Officer intends to issue directives authorizing the use of alternate procedures, equipment or technology in accordance with sections 5.2 to 5.6 of *The Election Act, 1996*

Background

The Election Act, 1996 (the Act) provides the Chief Electoral Officer (CEO) with the authority to make certain modifications to the Act, as described in section 5.3 through 5.5, or to direct the use of alternate procedures, equipment or technology during a general election, as described in section 5.2. These modifications are to be captured in Directives of the Chief Electoral Officer (CEO Directives).

While section 5.1 of the Act affords authority on the CEO to issue and implement modifications leading to a by-election, sections 5.2 through 5.5, which focus on a general election, state that such directives must receive approval from the Board of Internal Economy (BOIE) before implementation. It is important to note that section 5.6 provides additional instructions on the use of sections 5.3 through 5.5.

In preparation for the general election, legislatively scheduled for October 28, 2024, this *CEO General Directive* (“*General Directive*”) serves as an initial step in advance of the CEO’s subsequent submission of more specific and detailed *CEO Specific Directives* (“*Specific Directives*”) to be submitted to Board of Internal Economy (BOIE). This General Directive proposes a series of decisions that must be made by the BOIE, decisions that relate to the scope and scale of modernization that the CEO proposes for Saskatchewan’s 30th General Election. The successful administration of the coming event depends on these decisions being made in a timely manner.

The modifications described in this General Directive are consistent with the framework the CEO put forward in *A Report on the Twenty-Ninth General Election, Chief Electoral Officer’s Recommendations for Legislative Reform*, tabled in October 2022. And that vision was consistent with the three-phase plan first established by the CEO in Volume IV of *A Report on the Twenty-Eighth General Election*, published in April 2018. These plans have been well documented for more than five years. The framework for modernization described here can be implemented by the CEO by relying on sections 5.2 through 5.5 of the Act, should the BOIE provide approval.

Modification Categories for Consideration

To simplify the Board's decision-making process, this General Directive divides the proposed changes into four categories for modification. Board Members will want to consider each category carefully before considering the next. These include:

- Category 1.0 Modifications to Polling Divisions and the Creation of a Polling Period
- Category 2.0 Introduction of Electronic Poll Books (Voting Record) and Introduction of Vote Counting Equipment
- Category 3.0 Implementation of Vote Anywhere
- Category 4.0 Implementation of Vote By Mail

Category 1.0 – Modifications to Polling Divisions and the Creation of a Polling Period

The two modifications proposed within this category are *foundational*, meaning that if the BOIE does not agree to them, subsequent categories (except for Category 4.0) should not be considered as they are not viable from the standpoint of implementation.

1.1 – Modifications to Polling Divisions

Section 5.2 of the Act provides the CEO with the broad authority to direct that “an alternate procedure, equipment or technology be used during a general election,” if the BOIE issues its approval. The authority in this section is contingent on the modification being made available in every constituency within the province as well as certain reporting requirements, all found in section 5.2 of the Act.

Polling divisions have been the basis on which elections have been administered in Saskatchewan for a considerable amount of time. To modernize the election system, however, will require changes to this traditional framework. Currently, polling divisions are restricted to having no more than 300 voters. To modernize, the CEO will require enhanced discretion to modify polling divisions so that this number can be increased across the province. In some instances, polling divisions would be eliminated altogether.

In constituencies which are entirely urban (see Appendix A for a listing of which constituencies are considered urban and which are considered rural), the entire constituency will become one polling division. This will allow for the efficient use of technology to make voting simpler. In rural constituencies, the CEO seeks discretion to vary the size of polling divisions as is needed to implement the system described in this General Directive. The specific impact of this change on sections of the Act will be described in a detailed Specific Directive related to the modification of the size and required number of polling divisions.

Non-acceptance: If the Board chooses not to advance the CEO's directive to modify the size of polling divisions under section 5.2 of the Act, then it will not be possible to move to Category 2.0 of modifications. To introduce technology, flexibility is necessary that allows the election system to take advantage of the efficiencies introduced.

1.2 – Creation of a Polling Period

The Act contains instructions on how the CEO should implement a polling period within section 5.3, which was introduced by Bill 123 in December 2022. These instructions include how to calculate the changes imposed by the transition to a polling period on various times and dates within the Act as well as clarifying that a polling period can include one day of non-voting before the final day of voting. In addition, a number of instructions for the use of section 5.3 are found in section 5.6, including reporting requirements.

Elections are currently administered using descriptions of “advance voting” and “election day voting,” representing a distinction between the two periods of voting that are increasingly indistinguishable — advance voting has risen significantly in popularity while fewer voters opt to wait and vote on election day. This evolution provides an opportunity for these two periods to be combined into one “polling period” (to be referred to as “Voting Week” in public communications), resulting in greater efficiencies and better communications with stakeholders.

Non-acceptance: If the Board chooses not to advance the CEO's directive to introduce this polling period under section 5.3, then it will not be possible to move to Category 2.0 of modifications. To introduce technology, flexibility is required in how and when voting takes place.

Category 2.0 – Introduction of Electronic Poll Books (Voting Record) and Vote Counting Equipment

The two modifications described within this second category mark an important turning point within this General Directive. The introduction of electronic poll books and vote counting equipment would represent a transformational change from a cumbersome, manual process to one that is supplemented and improved by technology while retaining traditional elements such as hand-marked, paper ballots that are kept well after the election period ends. In making this change, voters are better served, election workers are more effective, and political stakeholders gain efficiencies in their campaigns. It is important to remember that both items in this category are contingent on all items within Category 1 being approved.

2.1 – Introduction of Electronic Poll Books/Voting Record

Section 5.4 of the Act provides the CEO with the authority to introduce electronic poll books at voting locations. If this section of the Act is used, then electronic poll books must be used at every polling place in a constituency that includes, in whole or in part, a city having a population of more than 20,000 inhabitants – those cities being Saskatoon, Regina, Moose Jaw and Prince Albert. This section also provides the CEO with the ability to make necessary adaptations and modifications to other sections of the Act to facilitate the use of electronic poll books. A number of general instructions for the use of section 5.3 are found in section 5.6, including reporting requirements.

While an initial modification within this category focuses on the introduction of electronic poll books, this important transition will also require instituting a voting record in polling locations which cannot be served feasibly by technology.

Electronic poll books are a form of technology that is well-used and well-tested across Canada. An electronic poll book consists of specialized software on a standard laptop computer. The deputy returning officer is able to scan Voter Information Cards (or look up voters manually), strike off voters as having voted, register new voters and record other important information using the software loaded onto the computer. A network connection allows this voter strike off information to be shared with other computers on the network and also with registered political parties and candidates, facilitating “get out the vote” campaigns. The efficiencies provided by the electronic poll book mean that work that used to take two people – a deputy returning officer and poll clerk – can now be reliably performed by one – the deputy returning officer.

This modification also calls for a voting record to be introduced in locations where technology is deemed not viable. The voting record is a form that combines the traditional poll book and voters list into one document. This means that the poll clerk no longer needs to handwrite the name of each voter into the poll book, reducing transcription errors and making the voting process faster. In addition, there is a bar code beside each voter’s name within the voting record. This means that, after election day, a worker in the returning office can easily scan each voter who cast a ballot, creating a comprehensive list of who voted, something not previously possible.

With approval, both of these innovations contribute to a fundamental goal of modernizing Saskatchewan’s election system, that of creating a system that reduces the number of election officials at each polling location. The transition from a system that required two workers to one will have a significant impact on the number of workers that need to be recruited. This reduction is offset somewhat by the introduction of workers to support technology and complete other responsibilities but overall, a reduction in workers should be anticipated. This will help to limit increases in election costs over time as human resources are a considerable cost driver for election management bodies.

Non-acceptance: If the Board chooses not to advance the CEO’s directive to implement electronic poll books and the voting record under section 5.4 then the next item, the implementation of vote counting equipment should not be considered. This would also mean that the Category 3 item describing Vote Anywhere should not be considered as it could not be implemented without the use of electronic poll books and vote counting equipment.

2.2 — Introduction of Vote Counting Equipment

Section 5.2 of the Act provides the CEO with the broad authority to direct that “an alternate procedure, equipment or technology be used during a general election,” if the BOIE issues its approval. The authority in this section is contingent on the modification being made available in every constituency within the province as well as certain reporting requirements, all found in section 5.2. In this category, the CEO is proposing that section 5.2 be used to allow for the implementation of vote counting equipment.

Vote counting equipment, like electronic poll books, is technology that is well-used and well-tested across the country. Many jurisdictions, including Alberta and Ontario have used it in provincial elections and both Saskatoon and Regina have used vote counting equipment during municipal elections. Manitoba will use vote counting equipment in its provincial election this fall and British Columbia will do the same in the fall of 2024. Vote counting equipment scans marks made by hand on a paper ballot. The paper ballot is deposited into a ballot box where it can be retrieved for recounts if necessary.

Consistent with best practice, the widespread implementation of electronic poll books is most often paired with an equally widespread implementation of vote counting equipment. While this certainly allows efficiencies on the front end of the voting process introduced by electronic poll books to be matched by efficiencies at the back end brought about by vote counting equipment, more importantly, vote counting equipment guards the integrity of the election system as well, ensuring that it is not overwhelmed by increased number of ballots that will result due to electronic poll books being introduced. Vote counting equipment is reliable, well-tested and offers significant benefits over traditional hand counting.¹

This modification calls for vote counting equipment to be introduced in tandem with electronic poll books in locations where technology is deemed viable. This decision will be based on network connectivity, suitable electrical capacity and enough voters within the area to justify the costs of deploying technology.

Non-acceptance: If the Board chooses not to advance the CEO's directive to implement vote counting equipment under section 5.2, then modifications will be made to the plans described in this General Directive.

First, the implementation of electronic poll books would be scaled back drastically with implementation likely to happen only in those fully urban constituencies described in Appendix A. Rural and northern constituencies would be served with the voting record at all locations.

Second, certain changes would need to be made to the manual counting processes described in the Act. These changes would be designed to maintain the integrity of the election system and ensure that results can be reported within a reasonable amount of time. There would still be risks involved that would not be present if vote counting equipment were used.

¹ On May 10, 2023, the CEO provided the BOIE with a memo outlining the reasoning behind the elements of modernization that were being put forward for three pending by-elections and which are mostly duplicated within this General Directive. It offered detailed information on the significant integrity and efficiency benefits provided by the combination of electronic poll books and vote counting equipment. That memo, entitled "Reasoning behind planned Voting Services Modernization for Pending By-Elections" can be found on the Elections Saskatchewan website at <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/#ceo-directives>.

Category 3 – Implementation of Vote Anywhere

Section 5.2 of the Act provides the CEO with the broad authority to direct that “an alternate procedure, equipment or technology be used during a general election,” if the BOIE issues its approval. The authority in this section is contingent on the modification being made available in every constituency within the province as well as certain reporting requirements, all found in section 5.2. In this category, the CEO is proposing that section 5.2 be used to allow for the implementation of vote anywhere rather than section 5.5 which contains provisions that contemplate the creation of a vote anywhere-type model through the designation of “flexible polling places.” Detailed analysis has shown that the use of section would not produce the desired result and could result in unexpected issues due to how flexible polling places are described and designated within the Act

With the option of vote anywhere, a voter can attend a location outside of their home constituency and have their vote recorded within their home constituency. This is possible with printers that can print ballots on-demand for every constituency and with vote counting equipment that can record votes cast for candidates in any constituency. It is important to remember that vote anywhere cannot be implemented without both Category 2 items (electronic poll books and vote counting equipment) being approved.

The complexities of having voters from 61 different constituencies potentially voting in any one of these locations requires this technology to be in place. Vote anywhere would be a significant benefit for voters who find themselves away from their home constituency while voting is taking place.

Non-acceptance: If the Board chooses not to advance the CEO’s directive to allow for a vote anywhere process under section 5.2, then this option would not be made available to voters. Assuming a widespread implementation of technology in for the province’s 2028 general election, it could be revisited then.

Category 4 – Implementation of Vote by Mail

Section 5.2 of the Act provides the CEO with the broad authority to direct that “an alternate procedure, equipment or technology be used during a general election,” if the BOIE issues its approval. The authority in this section is contingent on the modification being made available in every constituency within the province as well as certain reporting requirements, all found in section 5.2. In this category, the CEO is proposing that section 5.2 be used to allow for the implementation of Vote by Mail.

Vote by Mail is a revised version of the absentee voting process described in the Act. It centralizes the process, introduces the option to apply and submit ID online, and offers many other general improvements. It was well received in the 2020 general election and subsequent by-elections. By transitioning from traditional absentee voting to Vote by Mail, the volume of voters served by this option increased from around 4,400 in 2016 to more than 56,000 in 2020. The implementation of Vote by Mail also resulted in the creation of a “Second Preliminary Count,” a process whereby Vote by Mail ballots were counted two days after election day, well in advance of the Final Count, when absentee ballots are counted in accordance with legislation.

Non-acceptance: If the Board chooses not to advance the CEO’s directive to implement the improved, centralized version of absentee voting referred to as “Vote by Mail,” then the traditional form of absentee voting described in the Act would be offered to voters. This would mean that all absentee votes would be counted at the Final Count as the Second Preliminary Count would not exist.

Conclusion

Due to the complicated nature of preparing for a general election, the CEO is asking for a response to this General Directive by Friday, June 30. Should a response not be received by then, the CEO will move forward operationally under the assumption that this General Directive has not been accepted by the BOIE and will, therefore, withdraw it for consideration for the 30th General Election. This would mean that event would be conducted in a manner consistent with the province’s 2016 general election. Withdrawal of this General Directive would be provided in writing to the BOIE.

Once approved by the Board of Internal Economy, elements of this General Directive will be in effect for Saskatchewan’s 30th General Election, scheduled to be held on Monday, October 28, 2024.

A handwritten signature in blue ink, reading 'Michael Boda'.

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JUNE 12, 2023

Appendix A – Rural and Urban Constituency Lists

Rural Constituencies
Athabasca
Batoche
Cannington
Canora-Pelly
Carrot River Valley
Cumberland
Cut Knife-Turtleford
Cypress Hills
Dakota-Arm River
Estevan-Big Muddy
Humboldt-Watrous
Kelvington-Wadena
Kindersley-Biggar
Last Mountain-Touchwood
Lloydminster
Lumsden-Morse
Meadow Lake
Melfort
Melville-Saltcoats
Moosomin-Montmartre
Rosetown-Delisle
Rosthern-Shellbrook
Saskatchewan Rivers
Warman
Weyburn-Bengough
White City-Qu'appelle
Wood River

Urban Constituencies
Martensville-Blairmore
Moose Jaw North
Moose Jaw Wakamow
Prince Albert Carlton
Prince Albert Northcote
Regina Coronation Park
Regina Douglas Park
Regina Elphinstone-Centre
Regina Lakeview
Regina Mount Royal
Regina Northeast
Regina Pasqua
Regina Rochdale
Regina South Albert
Regina University
Regina Walsh Acres
Regina Wascana Plains
Saskatoon Centre
Saskatoon Chief Mistawasis
Saskatoon Churchill-Wildwood
Saskatoon Eastview
Saskatoon Fairview
Saskatoon Meewasin
Saskatoon Nutana
Saskatoon Riversdale
Saskatoon Silverspring
Saskatoon Southeast
Saskatoon Stonebridge
Saskatoon University-Sutherland
Saskatoon Westview
Saskatoon Willowgrove
Swift Current
The Battlefords
Yorkton