



June 30, 2023

The Honourable Randy Weekes  
Speaker of the Legislative Assembly  
Chair, Board of Internal Economy  
Room 129, Legislative Drive  
Regina, SK S4S 0B3

Dear Mr. Speaker:

Further to correspondence from you, the Government House Leader, and the Opposition House Leader (on June 14, 16, and 19, 2023 respectively), and consistent with my letter to you dated June 23, 2023, I am submitting a series of CEO Directives which, when taken together, propose a modernized framework for the conduct of the coming general election, legislatively scheduled for October 28, 2024. I would note that each attached CEO Directive has been clearly designated as being “Proposed” as they cannot come into effect without the approval of the Board of Internal Economy.

*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 gives authority to 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 submitting these CEO Directives, I am proposing a series of decisions that must be made by the BOIE in the sequential order outlined below, 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. I will return to this challenge at the end of this letter.

The plan for modernization and the modifications described in these CEO Directives have been well documented for more than five years now. They are consistent with the framework put forward in *A Report on the Twenty-Ninth General Election*, Chief Electoral Officer’s Recommendations for

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Legislative Reform, tabled in October 2022.<sup>1</sup> That 2022 framework 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.<sup>2</sup> Legislatively, 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.

## **Submission Summary**

The CEO Directives provided here constitute a framework that is consistent with the recommendations made by the CEO over the past five years. These Directives seek to authorize the following for the coming general election with respect to:

- **Polling Divisions (CEO Directive 2023-009):** Directs changes to the traditional use of geographic sub-regions.
- **The Polling Period (CEO Directive 2023-010):** Authorizes a transition away from distinct advance and election day voting periods toward a unified “Voting Week.”
- **Electronic Poll Books/Voting Record (CEO Directive 2023-011):** Introduces technology to make it faster and easier to process an increased number of voters while enabling real time data sharing with political stakeholders. This Directive also makes provisions to remove the poll clerk election official position from all locations that use electronic poll books and implements the voting record form in locations that do not use electronic poll books.
- **Vote Counting Equipment (CEO Directive 2023-012):** Directs the use of equipment to count ballots linked to the use of electronic poll books, allowing election officials to manage the higher number of ballots that comes when using electronic poll books. Vote counting equipment counts ballots faster and more accurately than hand counting.
- **Vote Anywhere (CEO Directive 2023-013):** Directs the creation of a process whereby voters can vote outside of their constituency at certain voting locations designated as “vote anywhere,” a process that can only be instituted when using electronic poll books and vote counting equipment.

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<sup>1</sup> This report was tabled in the Legislative Assembly on October 17, 2022, and can be found on the Elections Saskatchewan website at <https://www.elections.sk.ca/reports-data/reports-publications/>.

<sup>2</sup> This initial Volume IV report was tabled in the Legislative Assembly on April 13, 2018, and can also be found on the Elections Saskatchewan website at the link provided directly above.



- **Vote by Mail (CEO Directive 2023-014):** Continues use of the centralized Vote by Mail process developed for Saskatchewan’s 29th General Election, held on October 26, 2020.

## **Modification Categories for Consideration**

To simplify the Board’s decision-making process, I will follow the same categories originally included within my General Directive. Board Members must consider each category carefully before considering the next. **These are:**

- **Category 1.0 (1.1) Modification of Polling Divisions** (CEO Directive 2023-009) and **(1.2) Creation of a Polling Period** (CEO Directive 2023-010)
- **Category 2 (2.1) Introduction of Electronic Poll Books and Consideration of a Voting Record** (CEO Directive 2023-011) and **(2.2) Introduction of Vote Counting Equipment** (CEO Directive 2023-012)
- **Category 3.0 Implementation of Vote Anywhere** (CEO Directive 2023-013)
- **Category 4.0 Implementation of Vote By Mail** (CEO Directive 2023-014)

### **Category 1.0 – Polling Divisions and Polling Period**

The two modifications proposed within this category are *foundational*, meaning that if the Board does not agree to them, subsequent modification categories (except for that of Category 4.0 – Implementation of Vote by Mail) should not be considered as they cannot be completed and therefore should be considered withdrawn.

#### **1.1 – Polling Divisions (CEO Directive 2023-009)**

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 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 within the enclosed Directives.

**Non-acceptance:** If the Board chooses not to approve CEO Directive 2023-009 to modify the size of polling divisions under section 5.2 of the Act, then CEO Directive 2023-009 should be considered withdrawn and 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 – Polling Period (CEO Directive 2023-010)

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 approve the CEO Directive 2023-010 to introduce this polling period under section 5.3, then it will not be possible to move to Category 2.0 of modifications. In such case, proposed CEO Directives provided under Category 2.0 (CEO Directive 2023-011 and CEO Directive 2023-12) and Category 3.0 (CEO Directive 2023-13) should be considered withdrawn. To introduce technology, flexibility is required in how and when voting takes place.



## **Category 2.0 – Electronic Poll Books/Voting Record and Vote Counting Equipment**

The two modifications described within this second category mark an important turning point among the CEO Directives submitted. 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 return of the writ. In making this change, voters are better served, election workers are more effective, political stakeholders gain efficiencies in their campaigns, and the elections system begins to transition to a sustainable model. It is important to remember that both items in this category are contingent on all items within Category 1.0 (these are, CEO Directives 2023-009 and 2023-010) being approved.

### **2.1 –Electronic Poll Books/Voting Record (CEO Directive 2023-011)**

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 feasibly be served with 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, a step that adds significant integrity to the election system that was 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 approve CEO Directive 2023-011 to implement electronic poll books and the voting record, then the implementation of vote counting equipment (CEO Directive 2023-12) should be considered withdrawn. Further, this would mean the Category 3.0 item describing Vote Anywhere (CEO Directive 2023-13) should also be considered withdrawn as it could not be implemented without the use of electronic poll books and vote counting equipment.

## 2.2 — Vote Counting Equipment (CEO Directive 2023-012)

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 Ontario and Alberta 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 also preserves the integrity of the election system, significantly reducing risk and ensuring that the system 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.<sup>3</sup>

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 approve CEO Directive 2023-012 to implement vote counting equipment under section 5.2, then further changes would be required to modifications proposed as a package that includes CEO Directive 2023-11 – Electronic Poll Books/Voting Record, CEO Directive 2023-12 – Vote Counting Equipment, and CEO Directive 2023-13 – Vote Anywhere. If this were the case, these three CEO Directives should be considered withdrawn from consideration by the Board and new CEO Directives would need to be submitted for consideration.

### Category 3 – Vote Anywhere (CEO Directive 2023-013)

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 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 2.0 items (CEO Directive 2023-011 – Electronic Poll Books/Voting Record and CEO Directive 2023-012 – Vote Counting Equipment) being approved by the Board.

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<sup>3</sup> 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 the CEO Directives attached. 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>.



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 approve CEO Directive 2023-013 to allow for a vote anywhere process under section 5.2, then this option would not be made available to voters. Further, if the Board chooses not to accept either CEO Directive 2023-11 – Electronic Poll Books/Voting Record or CEO Directive 2023-12 – Vote Counting Equipment, CEO Directive 2023-013 will be withdrawn from consideration by the Board.

#### **Category 4 –Vote by Mail (CEO Directive 2023-014)**

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 approve CEO Directive 2023-014 – Vote by Mail 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

In considering the enclosed directives, there are a number of important components that the Board should consider as it deliberates.

- **CEO Directives herein are for a general election scheduled on October 28, 2024:** It should be clear that all CEO Directives introduced with this letter would be in effect for the province's 30th general election, should that election be held on October 28, 2024, in accordance with *The Legislative Assembly Act, 2007*. Should the general election not be held on that date, I would need to issue an update to each Directive, describing the impact of the change in election date and detailing what impact it would have on the process contained therein.
- **CEO Directives herein are submitted as written:** Substantial work has gone into assembling these documents and many of our internal planned procedures and processes depend on the language contained within each. If the Board does not accept a CEO Directive as written, it should be rejected, and I ask that rationale as to why it is being rejected be offered.
- **Path forward if CEO Directives not approved:** Recent correspondence from the Government House Leader (June 16, 2023) suggests that Government Members on the Board of Internal Economy are unlikely to approve the framework proposed within this package, specifically the proposed use of electronic poll books in tandem with vote counting equipment, while correspondence from the Opposition House Leader (June 19, 2023) suggests these parameters would receive their support.<sup>4</sup> In accordance with the legislation, the CEO requires a decision of the Board. If the Board's decision is to reject the use of electronic poll books, vote counting equipment, and vote anywhere within the framework submitted, I will respect this decision and immediately submit an alternative CEO Directive based on the rationale for the rejection for the Board to decide on. Given the urgency of the matter, I would be pleased to speak with you with respect to the best way to expedite this subsequent submission and evaluation by the Board.
- **Further CEO Directives may be submitted:** While the enclosed six CEO Directives represent the largest set of directives that I intend to submit to the Board for approval, submission of further CEO Directives may be required in subsequent months in order to refine the framework agreed to within the CEO Directives that are attached.

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<sup>4</sup> In recent correspondence, I have been very clear about the risks of uncoupling electronic poll books from vote counting equipment. For more information, refer back to my memo dated May 10, 2023, provided to the Speaker and cc-ed to both Government and Opposition House Leaders. A copy of that memo can also be found here: <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/>.



- **Elections Saskatchewan operational window has all but closed:** From the outset of this modernization initiative, I have been clear that progress in the province will require the unprecedented collaboration of all stakeholders involved as historical modifications are instituted. You will know that transitioning an election system of Saskatchewan's size requires significant time and effort of an independent, non-partisan team constituted of members from across the province. The operational window for preparation has all but closed.

The introduction of CEO Directives has not been a common practice in the engagement between the BOIE and my office. I am interested in moving forward with the Board of Internal Economy in the most effective way possible, but I am cognizant that decisions must be made with urgency if a general election is to be delivered with accessibility and integrity. Knowing that my office requires a timely decision, I request the Board's efficiency in offering clear decisions on the CEO Directives submitted so that my team loses no time in preparing an election based on the framework decided on by the Board.

In correspondence to you sent on June 12, 2023, I provided a deadline of June 30, but you had responded that you could not meet that requirement. **Knowing the operational challenges that Elections Saskatchewan faces, if an ultimate decision cannot be made by the Board before July 28, 2023, I will withdraw these CEO Directives in writing and have my team begin preparing to administer the next election in accordance with legislation. As you know, this would result in the conduct of an election similar to the one my office delivered in 2016. This deadline will be subject to any further discussions we may have regarding the timing of the Board's meeting.**

I appreciate the Board's continued collaboration, cooperation, and instruction.

Sincerely,



Michael D. Boda, D.Phil., Ph.D.  
Chief Electoral Officer  
Province of Saskatchewan

Enclosure

cc: The Honourable Jeremy Harrison, Government House Leader  
Ms. Nicole Sarauer, Opposition House Leader  
Members of the Board of Internal Economy

