



October 16, 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:

During my appearance before the Board of internal Economy on August 15, 2023, I formally presented six CEO Directives that had been provided to the Board along with an explanatory note on June 30, 2023.

As configured, these directives would have allowed for a substantial modernization of the province's voting process in time for the general election scheduled for October 28, 2024. The modifications to legislation would have established a path forward that, ultimately, would lead to both broadened ballot access to voters and increased integrity within the election system while, at the same time, providing more reliable data for political stakeholders during the campaign period.

The six CEO Directives provided to the Board on June 30 and considered on August 15 were the following:

- **Polling Divisions (CEO Directive 2023-009):** Directed changes to the traditional use of geographic sub-regions.
- **The Polling Period (CEO Directive 2023-010):** Authorized 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):** Introduced 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 made provisions to remove the poll clerk election official position from all locations that used electronic poll books and implemented the voting record form.

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- **Vote Counting Equipment (CEO Directive 2023-012):** Directed 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 come when using electronic poll books.
- **Vote Anywhere (CEO Directive 2023-013):** Directed the creation of a process whereby voters could 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.
- **Vote by Mail (CEO Directive 2023-014):** Continued use of the centralized Vote by Mail process developed for Saskatchewan’s 29th General Election, held on October 26, 2020.

At its August 15 meeting, the Board chose to reject three of six of these directives:

- CEO Directive 2023-011 Electronic Poll Books/Voting Record;
- CEO Directive 2023-012 Vote Counting Equipment, and;
- CEO Directive 2023-013 Vote Anywhere.

In advance of the meeting, the Government House Leader had made clear in correspondence (July 5, 2023) that the use of vote counting equipment for the upcoming general election would not receive support from government members. Given this, my June 30 instructions on page 9 (considered on August 15) had requested that, should the Board not support the use of such equipment, the three CEO Directives focused on (1) Electronic Poll Books/Voting Record, (2) Vote Counting Equipment, and (3) Vote Anywhere should be rejected to allow for my office to subsequently propose an alternative arrangement for voting both acceptable to the Board and logistically feasible for implementation.

Since that August 15 Board meeting, my team has evaluated how best to offer voting in October 2024 given that vote counting equipment has been disallowed for the coming general election. This has resulted in various changes to many planned processes and procedures. Such adaptations have been made to account for the removal of vote counting equipment from established designs in order to mitigate risks introduced by using one modernized element in electronic poll books but not another in vote counting equipment.



Overview of Voting

Before offering a summary of detailed changes included in my new submission of CEO Directives, I will first offer a high-level overview of the various voting opportunities being proposed for an October 2024 general election.

Please note that while section 5.3 of *The Election Act, 1996* does provide the CEO with the ability to authorize other scenarios, my intention is to maintain voting for five days (the traditional advance voting period), followed by a one-day break, and then one final day of voting at the end of which votes are counted (the traditional election day). The one day “pause” is needed to ensure consistency and integrity in the voting process given the continued use of manual voter strike off in some constituencies.

Urban Constituencies

In urban constituencies, voting during voting week will take place on all six days from 10 a.m. to 7 p.m. The same voting locations will also be used on all six days.

Voters will be served using a “bank teller” model meaning that they can visit any voting station (staffed by a deputy returning officer (DRO) using an electronic poll book) at any location they are assigned to. For the first five days of voting, this will be any voting location within their constituency. On the last day of voting, voters will be assigned to a specific location that they must visit but they will be able to cast their ballot with any DRO within that location.

Under a bank teller model, the ballot box will no longer be attached to the DRO but rather to a new election official position called the “ballot box officer.” This allows for a more efficient process of serving voters – the DRO does not need to wait for a voter to return with their marked ballot to begin serving the next voter in line. Instead, the voter takes their marked ballot to the ballot box officer to deposit. This also means a transition away from voters needing to visit a specific station within their voting location.

Once voting ends and ballot counting is to begin, each DRO will be paired with a second election officer for vote counting – either a supervisory deputy returning officer (SDRO), the ballot box officer or an information officer. This ensures that there are always two people counting votes. I have also introduced the clear authority for the Chief Electoral Officer to assign additional election officers to count ballots should this become necessary. It is likely we will have constituencies where we require fewer workers to administer voting than we do to count votes in an efficient manner.

Rural & Northern Constituencies

As in urban constituencies, voting in rural and northern constituencies will also take place on all six days of voting from 10 a.m. to 7 p.m. so as to reinforce “voting week.” The first five days of voting will feature a smaller footprint of locations that any voter can cast their ballot at with a greater number of locations introduced on the last day to ensure that no voter must drive an unacceptably long distance in order to vote.



During the first five days of voting, voters will be served using the bank teller model described earlier. In rural and northern constituencies, however, the DRO will complete their work using a voting record form rather than an electronic poll book. A second election official will be present as well and counting will be conducted in the manner described above.

On the last day of voting, all voters will be assigned to a specific location within the constituency, and they must visit that location. Due to the expected small size of most of these locations, they will be staffed using a traditional DRO and poll clerk model (with additional workers, such as a supervisory deputy returning officer on site if necessary).

Special Voting

Special voting refers to a variety of voting opportunities described within legislation that are designed to ensure all voters can cast a ballot without facing undue barriers. This term includes voting offered at personal care facilities (PCFs), hospitals, remand facilities, and to the homebound, etc.

For the most part, the voting process for these types of opportunities will not be significantly different in 2024 than in past events. A voting record will be used at personal care facilities, and I have proposed some changes to the back-end administration of hospital/remand/ temporarily displaced (HRT) voting (see below for more information). These changes are unlikely to be noticed by the public but will create efficiencies by continuing to centralize ballot counting (alongside Vote by Mail ballots) at the Final Count. One other change I would highlight is a proposal to amend the application deadline for Homebound voting to be nine days (as opposed to eight) before the last day of voting. This change will create consistency between the deadline for homebound and vote by mail voting, making communicating these dates to voters easier and clearer.

Submission Summary

Following that high-level overview, I now describe the detailed changes made to each CEO Directive since the Board's August 15 meeting and offer the rationale for those changes. An additional CEO Directive submitted with this package is also considered. The updated submission consists of the following five CEO Directives:

- **Polling Divisions (CEO Directive 2023-009):** Directs changes to the traditional use of geographic sub-regions.
- **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. Also implements the voting record form and modifies the traditional duties of the poll clerk.



- **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.
- **[NEW] HRT Counting (CEO Directive 2023-018):** Amends vote counting procedures to allow for a central count of hospital/remand and temporarily displaced voter ballots.

Polling Divisions (CEO Directive 2023-009)

CEO Directive 2023-009, making significant changes to the traditional method of setting polling divisions in the province, was approved by the Board on August 15. However, some changes are now necessary following the outcome of that meeting.

The most significant amendment made to this directive relates to section 61 - “Where voters are to vote.” When electronic poll books and vote counting equipment were used in tandem, it was possible to have voters, in constituencies using both types of equipment, vote at any voting location on all days of voting, including the last day of voting.¹ While voters will still be able to attend any polling location open during the first five days of voting week, process changes mean that, in all 61 constituencies in the province, all voters must now be assigned to a specific voting location on the last day of voting and will only be able to vote at that specific location. This is consistent with past provincial elections in the province.

Other minor changes made to this CEO Directive relate to the removal of references to vote counting equipment and clarifying language around “catchment areas” and the “division” of constituencies as opposed to the “subdivision” of constituencies.

Polling Period (CEO Directive 2023-010)

CEO Directive 2023-010, implementing a polling period in place of traditional advance and election day voting, was also approved by the Board on August 15. However, changes to it are also needed. The most significant amendment made to this CEO Directive would be to standardize the hours of voting all six days of voting from 10 a.m. to 7 p.m. This is a departure from traditional hours of advance voting which were 12 noon to 8 p.m. and election day which were 9 a.m. to 8 p.m.

This change is a key element to the transition to a “voting week” rather than separate advance and election day voting opportunities. Being able to offer consistent hours regardless of which day a voter visits their voting location reinforces that there is no day or time on which it is better to cast a ballot, but rather one week of opportunity.

The end result under the proposed system is three more hours of voting over the course of six days (54 hours compared to 51 hours). I do not believe this change will negatively impact our election

¹ Because it is sometimes confused, I want to be clear: I am not referring here to the “Vote Anywhere” component of the approach proposed on August 15 (this is considered below), but rather an extension of how advance voting has traditionally worked.



workers as it represents just one more hour over the first five days but two less hours on the final day, spreading the workload better throughout the week.

Another benefit of standardizing voting hours across all days of voting is that communicating these times will become significantly easier. During the recent by-elections held in the summer 2023, there were multiple instances where voters visited voting locations on the first five days of voting (when polls were open noon to 8 p.m.) early in the morning because of confusion with the hours on the last day of voting (9 a.m. to 8 p.m.). Being able to promote standardized hours would be simpler for voters and would help to eliminate confusion, reducing a barrier that some voters may encounter as they try to understand when and where they can vote.

Ending voting at 7 p.m. on the last day of voting will also mitigate risks introduced by not using vote counting equipment. One result of the changes that have been made to the administration of voting is that some ballot boxes will have more votes to be counted than others and more votes than we have traditionally had at one “poll.” While we are making procedural changes to help with this, ending voting at 7 p.m. rather than at 8 p.m. will provide our workers with an extra hour to count votes. And as mentioned, having the last day of voting run for 9 hours as opposed to 11 hours will also mean that our workers are fresher and better able to complete the task before them when voting ends. I know that having results available in a timely fashion is important to political stakeholders but also to voters and to the media.

Other changes made to this CEO Directive relate primarily to the reduction in use of the poll clerk position during voting and when and where poll clerks will and will not be present during voting. I have also introduced and made clear that I can authorize the placement of additional teams of election officials to count votes (a deputy returning officer and one other official) if the volume of ballots to be counted calls for it. These additional workers would need to meet the requirements of the legislation in terms of taking an oath, swearing secrecy, etc.

Electronic Poll Books/Voting Record (CEO Directive 2023-011)

CEO Directive 2023-011, implementing the use of electronic poll books and a voting record form, was rejected by the Board on August 15. This rejection was in line with the instructions included in my June 30 submission, which indicated that if the CEO Directive authorizing vote counting equipment was rejected, then this CEO Directive should also be rejected to allow for amendments to be made before resubmission.

This CEO Directive has been amended primarily to account for changes made to planned voting opportunities due to the elimination of vote counting equipment from the proposed framework.

The removal of vote counting equipment from the end of the voting process creates potential risks with the use of electronic poll books and those issues must be mitigated through process changes within the proposed directive. Numerous changes have been made to the poll clerk election official position and the poll clerk will only be used at certain rural voting locations on the last day of voting to ensure that there are always two election officials present while voting is taking place and to count ballots.



This also includes the introduction of the “ballot box officer” special election official position. This election official position will be established in accordance with subsection 5.4(3) which allows the Chief Electoral Officer to establish special election officer positions subject to certain requirements found in subsection 5.4(4). The ballot box officer position allows the “bank teller” model, typically made possible through technology, to be preserved, offering significant benefits to voters.

[WITHDRAWN] Vote Counting Equipment (CEO Directive 2023-012)

CEO Directive 2023-011, implementing vote counting equipment in conjunction with electronic poll books, was rejected by the Board on August 15. No amendments will be made to this CEO Directive as the use of vote counting equipment was explicitly rejected by government members of the Board. As such, this CEO Directive is withdrawn and not included within the package submitted.

[WITHDRAWN] Vote Anywhere (CEO Directive 2023-013)

CEO Directive 2023-011, implementing a vote anywhere process in conjunction with electronic poll books and vote counting equipment, was rejected by the Board on August 15. No amendments will be made to this CEO Directive as a vote anywhere process cannot be implemented without electronic poll books and vote counting equipment. As such, this CEO Directive is withdrawn and not included within the package submitted.

Vote by Mail (CEO Directive 2023-013)

CEO Directive 2023-013, implementing a modernized, centralized vote by mail process was approved by the Board on August 15. There is one change proposed to the directive, however; this is to amend when a vote by mail voter’s name is struck from the voters list as having voted.

In my original submission, the voter would only be struck after their vote by mail package was returned and received by Elections Saskatchewan. In the revised submission, the voters name will be struck from the voters list as having voted when they apply for and have been issued a vote by mail kit. To be clear, a voter will still be able to vote in person if they do not receive their vote by mail kit and attend a polling location, provided they satisfy the deputy returning officer that they have not voted via their vote by mail kit. This revised process, reflected in the revised CEO Directive, is consistent with how vote by mail was administered during the 2020 general election.

[NEW DIRECTIVE] Hospital/Remand/Temporarily Displaced (HRT) Vote Counting (CEO Directive 2023-018)

CEO Directive 2023-018 is new and has not previously been considered by the Board. 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 Board 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.

Hospital, remand and temporarily displaced (HRT) voter ballots are all, by current legislation, managed in a multi-step process. First, election officials administer voting to these voters, who may reside in



any constituency, using a blank, Form B ballot which is sealed in a certificate envelope. All ballots are collected in one ballot box which is sent to Elections Saskatchewan's head office immediately after the last day of voting. Certificate envelopes are then sorted into the appropriate constituencies, deposited into ballot boxes, with those ballot boxes being shipped back to 61 returning offices for counting by returning officers at the Final Count.

The proposed CEO Directive would eliminate the step of sending ballot boxes back to constituency returning offices, with those ballots being counted centrally during the central count of vote by mail ballots which takes place at the Final Count. This would create efficiencies and increase integrity in the administration of the election by reducing the need to ship ballot boxes to 61 constituency returning offices.

This CEO Directive also clarifies that HRT voters can mark their Form B (blank) ballot for a party leader, as well as the name of a candidate or the name of a registered political party. This aligns the voting options for HRT voters with the voting options for vote by mail voters and ensures consistency for all who vote using the Form B ballot.

Conclusion

On June 30, I submitted a series of CEO Directives that would have transformed how voting takes place in Saskatchewan's provincial elections and introduced significant process modernization of the kind seen in many other provinces, including Ontario, New Brunswick, Alberta, Manitoba, and BC. While the Board of Internal Economy chose to approve CEO Directives authorizing much of this process, it rejected the use of vote counting equipment, which has meant various changes to elements of my original plan that reduce the risk of not using a full suite of technology, including electronic poll books and vote counting equipment. Those changes are captured within the amended CEO Directives I am submitting alongside this letter.

Consistent with my June 30 submission, there are a number of components the Board should also think about as it considers these CEO Directives.

- **CEO Directives herein are for a general election scheduled on October 28, 2024:** All CEO Directives amended or 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 update each Directive, describing the impact of the change in election date and detailing what impact it would have.
- **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, rather than amended.



- **Further CEO Directives may be submitted:** At present, the enclosed CEO Directives (both amended and new) represent the only adaptations to legislation that I am currently considering. That said, if our preparations reveal that additional CEO Directives are needed to preserve the stability or security of our voting system, I will submit to the Board as soon as possible.

On August 15, when the Board offered a response to my original submission of CEO Directives, the Government House Leader indicated that a subsequent meeting could be arranged expeditiously once revised documents were submitted. While I recognize that Board members have many commitments they must manage, my hope is that this meeting can be scheduled quickly, and the attached CEO Directives approved. In the interests of clarity, I have inserted new text into the CEO Directives in red font while deletions have been struck out, so as to clearly show what has changed. I would be happy to provide the Board with any additional information or clarification it requires or to appear in person to answer questions.

Thank you again for your continued cooperation and leadership.

Sincerely,



Dr. Michael Boda
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

