



CEO Order

ORDER No.	CEO-ORDER-2020-007
Date	October 1, 2020
Date Revised	N/App
Subject	Absentee Voting (Vote by Mail) and Homebound Voting
Reference	Sections 86 – 89.3 of <i>The Election Act, 1996</i>
Intent	To adjust the Absentee Voter Procedures to Enable Greater Access to Vote by Mail

The Chief Electoral Officer has the authority, under section 7 of *The Election Act, 1996* (the *Act*) and section 2 of *The Election Act Regulations* (the *Regulations*) to declare that an emergency exists and that the *Act* does not provide adequate provision to respond to the emergency. These declarations are made through CEO Orders.

The Chief Electoral Officer hereby declares that pursuant to section 7 of the *Act* and paragraphs 2(2)(b) and (c) of the *Regulations* an emergency exists due to the COVID-19 pandemic for which no adequate provision is made by the *Act* and, in the opinion of the Chief Electoral Officer, it is necessary and advisable to do the things mentioned in section 7 of the *Act* to safely prepare for and conduct an election.

The Chief Electoral Officer further declares that pursuant to paragraph 7(1)(c) of the *Act* and paragraph 2(2)(a) of the *Regulations*, the current necessity for physical distancing, small public gatherings, and self-isolation in some circumstances, will result in greatly increased numbers of persons wishing to use absentee Vote by Mail provisions as a result of the public health emergency. This is a circumstance for which no adequate provision is made by the *Act* to centralize the absentee Vote by Mail procedures and make absentee voting available for any voter during the 29th General Election. The Chief Electoral Officer thereby invokes the emergency powers pursuant to section 7 of the *Act* to respond to the circumstance.

The Chief Electoral Officer hereby declares that pursuant to paragraph 7(1)(c) of the *Act* and subparagraph 2(2)(a)(ii) of the *Regulations* an emergency exists for which no adequate provision is made by the *Act* to adapt the absentee and homebound voting provisions under sections 86, 87, 88, 89, 89.1, 89.2 and 89.3 of the *Act* as set out in Appendix "A" to this Order. In the opinion of the Chief Electoral Officer, these adaptations will achieve the purposes of the respective sections and the *Act* because they will ensure Saskatchewan voters have greater access to Vote by Mail absentee ballots, maintains the integrity of the

absentee voting procedure, preserves the integrity of the electoral process, allows for the efficient conduct of an election and assists in ensuring all eligible voters have the opportunity to vote while helping ensure the health and safety of voters and the Saskatchewan public as a whole.

Therefore, the Chief Electoral Officer hereby orders that measures be taken to implement the adaptations to the Vote by Mail absentee voting procedures in the manner set out in Appendix "A".

This order is in effect for Saskatchewan's 29th General Election, scheduled to be held pursuant to *The Legislative Assembly Act, 2007* subsection 8.1(1) on October 26, 2020.

A handwritten signature in blue ink, appearing to read 'Michael Boda'.

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
OCTOBER 1, 2020



CEO ORDER – APPENDIX A

ORDER NO.	CEO-ORDER-2020-007 (APPENDIX A)
Date	October 1, 2020
Date Revised	N/App
Subject	Absentee Voting (Vote by Mail) and Homebound Voting
Reference	Sections 86 – 89.3 of <i>The Election Act, 1996</i>
Intent	To adjust the Absentee Voter Procedures to Enable Greater Access to Voting By Mail

As identified and ordered in CEO-Order-2020-007, the Chief Electoral Officer hereby adapts the following provisions of specified sections of *The Election Act, 1996* (the Act):

1. **Section 86:**

- a. For greater clarity, the definition of “absentee voter” in subsection 86(1) will include voters who vote through the Vote by Mail (“VBM”) procedure established in CEO-Order-2020-007.
- b. For greater clarity, for the purposes of subsection 86(2), evidence satisfactory that a voter will be unable to vote at an advance poll or on polling day may include evidence that:
 - i. a voter is required by an order of the Chief Medical Health Officer to be in mandatory self-isolation;
 - ii. a voter has decided to enter voluntary self-isolation; or
 - iii. a voter considers in-person attendance at an advance poll or on polling day to pose a public threat due to the probability for the transmission of COVID-19, which has been designated as a category 1 communicable disease pursuant to clause 3(1) of *The Disease Control Regulations*.
- c. For greater clarity, any eligible voter who applies to Vote by Mail as an absentee voter at the 29th General Election, and whose application is received no later than eleven days before polling day, that being not later than October 15, 2020,

shall be considered to have met the evidentiary requirements of subsection 86(2) of the Act.

2. Definition of “Returning Officer” and “Deputy Returning Officer”

- a. For the purposes of sections 86 to 89 and Part IV, Division E and Part V, “returning officer” and “deputy returning officer” includes the centralized “VBM Team” established by the Chief Electoral Officer and located at the head office and any additional off-site location of Elections Saskatchewan used for the purpose of administering the absentee Vote by Mail voting process. This administration shall include managing VBM-related software; receiving VBM applications; providing support and assistance to voters wishing to Vote by Mail; adjudicating VBM applications; coordinating and overseeing compliance with required VBM voting and ballot acceptance procedures; reconciling and accepting or rejecting VBM ballot packages submitted by voters, and counting accepted VBM ballots.

3. Section 87:

- a. For the purpose of subsection 87(1), satisfactory evidence of a voter’s identity and ordinary residence pursuant to section 72.1 must include one original piece of identification that:
 - i) shows the voter’s or individual’s photograph, name and address that matches the address listed on the application under subsection 87(1); and
 - ii) is issued by the Government of Saskatchewan, the Government of Canada or an agency of those governments;provided, however, if the government issued piece of identification does not include an address, then a secondary piece of prescribed information must be provided which establishes the voter’s or individual’s name and the voter’s or individual’s address which matches the address listed on the application under subsection 87(1).
- b. In addition to those procedures established in subsection 87(3), voters accessing the Vote by Mail absentee voter procedures may apply to the Chief Electoral Officer on the Election Saskatchewan’s external website through the Vote by Mail Application Portal (the “**Portal**”).
- c. Applications to be considered an absentee voter may be received by the Chief Electoral Officer no earlier than 7 months before polling day and at least 11 days before polling day (per subsection 87(2); CEO-Order-2020-01).

- d. Upon receipt of an application to Vote by Mail pursuant to subsection 87(1) of the Act, the returning officer and the Chief Electoral Officer shall forward that application to the VBM Team for processing.

4. Section 88:

- a. Where the VBM Team is satisfied that the applicant is an absentee voter, the VBM Team shall comply with section 88, except that subparagraph 88(1)(a)(ii) shall not apply.

5. Section 89:

- a. Where the VBM Team is satisfied that the Vote by Mail applicant is an absentee voter, the VBM Team shall comply with section 89 of the Act, with the following exceptions:
 - i) with respect to paragraph 89(2)(c) and subsections 89(4) and (5), a VBM certificate envelope shall be opened and the contained ballot envelope (which contains a marked ballot) shall be deposited by the VBM Team in the applicable constituency specific ballot box maintained at Elections Saskatchewan Head Office;
 - ii) with respect to paragraph 89(2)(c) and subsections 89(4) and (5), all VBM certificate envelopes that are accepted and opened, and have their contained ballot envelope removed and placed in a constituency specific ballot box, shall be retained in separate batches and be sorted and tracked for each constituency;
 - iii) with respect to paragraph 89(2)(d) and subsections 89(3) and (9), any unopened certificate envelope that is received before the deadline for receiving VBM ballots and is retained pursuant to paragraph 89(2)(d) will be placed in a separate secured container clearly labelled "rejected" maintained at Elections Saskatchewan Head Office and these unopened certificate envelopes shall be sorted and tracked for each constituency;
- b. With respect to subsections 89(7)-(8), there will be two separate counts of VBM absentee ballots:
 - i) the Preliminary Count will include all VBM absentee ballots received up to the end of polling day (Day 0) and will take place from Day +2 to Day +9;
 - ii) the Final Count will include all VBM absentee ballots received from Day +1 to the end of Day +10 following polling day and will take place on Day +12;

- iii) the counting of VBM ballots at the Final Count shall continue for as long as is required for completing the count of all accepted ballots in accordance with sections 147 and 151 of the Act;
 - iv) the VBM Team shall comply with the requirements of subsections 89(6)-(8) with respect to the Preliminary Count and the Final Count;
- c. For greater certainty, the VBM team will comply with the applicable requirements of Part V with respect to absentee ballots received through the VBM procedures, including subsection 141(15-22) and subsection 141(24-26).

6. Sections 89.1, 89.2 and 89.3 Homebound Voters

- a. It has been determined that personal attendance by an election officer pursuant to subsection 89.3(2) is not reasonably practicable in the circumstances of the emergency and therefore for the purposes of sections 89.1, 89.2 and 89.3, the amended absentee application and Vote by Mail voting procedure established by this CEO Order and by CEO Order 2020-001 shall apply to all homebound voters;
 - b. The deadline for a homebound voter to make an application pursuant to section 89.2 of the Act shall be consistent with the deadline associated with making a Vote by Mail application, as set out in CEO Order 2020-001, and all such applications must be received eleven days before polling day (October 15, 2020).
7. For greater clarity, by this CEO Order, the Chief Electoral Officer has made no adaptations of absentee voter procedures that allow for absentee ballots to be cast in-person at Returning offices and in regard to in-person voting at Advance and Regular polls.
8. For greater clarity, by this CEO Order, the Chief Electoral Officer has made no adaptations of voter identification requirements for in-person voting whether absentee at Returning Offices or at Advance or Regular polls.