



CEO Order

ORDER NO.	CEO-ORDER-2020-010
Date	October 16, 2020
Date Revised	N/App
Subject	Extraordinary Voting Measures – Peter Ballantyne Cree Nation
Reference	Sections 86 - 89 and Part V of <i>The Election Act, 1996</i>
Intent	To allow voters impacted by the lockdown period imposed by the Peter Ballantyne Cree Nation to vote using a modified absentee voting process.

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 sections 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 section 7(1)(c) of the *Act* and section 2(2)(a) of the *Regulations*, the indefinite lockdown period entered into by Peter Ballantyne Cree Nation effective at 7:00 a.m. on October 8, 2020, will result in individuals residing in the Peter Ballantyne Cree Nation communities (the “PBCN Communities”) being unable to attend polling places to vote. The lockdown period prevents non-residents from entering PBCN Communities and mail is not being delivered. There are six polling places located in the PBCN Communities and one advance polling place. This is a circumstance for which no adequate provision is made by the *Act* because the *Act* does not contemplate how individuals may vote when they become unable to attend at a polling place as a result of a lockdown. The Chief Electoral Officer thereby invokes the emergency powers pursuant to section 7 of the *Act* to respond to the circumstance.

Therefore, 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 voting provisions under sections 86, 87, 88, and 89, and corresponding changes to Part V 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 voters residing in the Peter Ballantyne Cree Nation Communities are able to exercise their rights to vote while ensuring the health and safety of these voters, maintain the integrity of the absentee voting procedure, and preserve the integrity of the electoral process.

Therefore, the Chief Electoral Officer hereby orders that measures be taken to implement the adaptations to the 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* section 8.1(1) on October 26, 2020.

A handwritten signature in blue ink that reads 'Michael D. Boda'.

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
OCTOBER 16, 2020



CEO Order – Appendix A

ORDER NO.	CEO-ORDER-2020-010 - APPENDIX A
Date	October 16, 2020
Date Revised	N/App
Subject	Extraordinary Voting Measures – Peter Ballantyne Cree Nation
Reference	Sections 86 - 89 of <i>The Election Act, 1996</i>
Intent	To allow voters impacted by the lockdown period imposed by the Peter Ballantyne Cree Nation to vote using a modified absentee voting process.

As identified and ordered in CEO-Order-2020-010, the Chief Electoral Officer hereby adapts the following provisions of *The Election Act, 1996* (the Act):

1. **Section 86:**

- a. For the purposes of sections 86 to 89 and Part IV, Division E and Part V, “returning officer” and “deputy returning officer” includes any Extraordinary Voting Team (“**EV 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 Extraordinary Voting process;
- b. For greater clarity, the definition of “absentee voter” in section 86(1) will include voters (the “**Lockdown Voters**”) who vote through the procedure established in this CEO-Order-2020-010-Appendix A (the “**Lockdown Voting Procedure**”).
- c. For greater clarity, for the purposes of section 86(2), evidence satisfactory that a Lockdown Voter will be unable to vote at an advance poll or on polling day may include evidence that the Lockdown Voter resides in an area subject to lockdown restrictions due to COVID-19 that prevents a voter residing in a community from being able to attend polling places to vote, and/or prevents non-residents from entering the community and/or prevents mail from being delivered to the community prior to polling.

2. Section 87:

- a. For the purpose of s. 87, a “returning officer” includes the persons designated by the Chief Electoral Officer to respond to inquiries to the 1-800 number established for Lockdown Voters (the “**EV Team Operators**”).
- b. For the purpose of s. 87(1), a voter applying to access the Lockdown Voting Procedure must submit:
 - i) satisfactory evidence of the voter’s identity and ordinary residence required pursuant to s. 72.1 of the Act; and
 - ii) if required, a voter’s declaration form that is fully completed,
to the EV Team Operators.
- c. Notwithstanding paragraph 2b., the Chief Electoral Officer may authorize special identification procedures for Lockdown Voters who wish to be considered absentee voters pursuant to CEO-Order-2020-010.
- d. Notwithstanding paragraph 2b., a Lockdown Voter may provide a completed copy of the prescribed voter’s declaration form by enclosing it in their voting package at the time of voting.
- e. In addition to those procedures established in section 87(3), Lockdown Voters accessing the Lockdown Voting Procedure may apply to the Chief Electoral Officer by way of telephone to a 1-800 number (the “**Lockdown Voter Application**”). The Lockdown Voter Application will be completed on behalf of the Lockdown Voters by the EV Team Operators.
- f. Lockdown Voter Applications may be received by the Chief Electoral Officer no earlier than 8:00 a.m. on October 16, 2020 and no later than 5:00 p.m. on October 20, 2020.
- g. Upon receipt of a Lockdown Voter Application pursuant to s. 87(1) of the Act, the EV Team Operators shall forward that application to other members of the EV Team for processing and preparation of an Extraordinary Voting package for delivery to the Applicant.
- h. For greater clarity, any individual who resides in an area subject to lockdown restrictions who is eligible to vote and who has not registered to vote may apply to register as a voter by way of the Lockdown Voter Application.

3. Section 88:

- a. For the purposes of sections 88 and 89, "returning officer" includes designated election officials in a community affected by a COVID-19 lockdown ("Election Officials").
- b. Where an EV Team Operator is satisfied that the applicant is a Lockdown Voter, the EV Team shall comply with section 88, with the following adaptations:
 - i) Election Officials shall make available to Lockdown Voters the prescribed documents in s. 88(1) (the "Extraordinary Voting Packages").
 - ii) For greater clarity, and notwithstanding s. 88(2), Election Officials shall deliver Extraordinary Voting Packages to Lockdown Voters using a method agreed to by the Chief Electoral Officer that has been identified as being the most effective for the lockdown community.
 - iii) Election Officials shall keep a separate voters list for each community and shall record:
 - A. each Lockdown Voter who has been delivered his or her Extraordinary Voting Packages;
 - B. in the event that multiple Extraordinary Voting Packages are delivered to one Lockdown Voter, which Lockdown Voter has accepted the Extraordinary Voting Packages and for which Lockdown Voters; and
 - C. each Lockdown Voter from whom they collect a completed Extraordinary Voting Package.
 - iv) Lockdown Voters must have their Extraordinary Voting Packages delivered by no later than 6:00 p.m. on October 24, 2020, notwithstanding s. 88(2).
 - v) Where an Extraordinary Voting Package is not able to be delivered to a Lockdown Voter, that Extraordinary Voting Package shall be returned to the Chief Electoral Officer and a note will be made in the poll book.
 - vi) Election Officials shall keep secure the annotated voters list for each community in which they have facilitated the delivery and collection of Extraordinary Voting Packages for subsequent delivery to the EV Team at the office of the Chief Electoral Officer.

- vii) With respect to paragraph 88(7)(h), Election Officials shall make at least two days available, one of which must be October 26, 2020, during which they will collect completed Extraordinary Voting Packages from Lockdown Voters (the "**Collection Dates**").
- c. Where a Lockdown Voter is voting by Lockdown Voting Procedure, the Lockdown Voter shall comply with section 88, with the following adaptation:
 - i) with respect to paragraph 88(7)(h), the Lockdown Voter shall provide their completed voting package to an Election Official at a prescribed location, date and timeframe.

4. Section 89:

- a. The Election Officials and the EV Team shall comply with section 89, with the following adaptations:
 - i) At the end of each Collection Date, the Election Official shall place the completed voting packages and their annotated voters lists into a secure container and seal the secure container (the "**Container**").
 - a. At the conclusion of the Collection Dates, and by no later than October 27, 2020, the Election Official shall deliver the Container to a designated representative of the Chief Electoral Officer (the "**Designated Representative**"). For greater clarity, the Election Official shall not open the outer envelope of any completed voting package collected from any Lockdown Voter.
 - b. The Designated Representative shall deliver the Container to an election depot location designated by the Chief Electoral Officer (the "**Depot**").
 - c. Within two days day following the end of polling day (Day +2), designated election officials at the Depot (the "**Depot Officials**") shall open any delivered Containers, inventory the number of completed voting packages and the number of annotated voters lists in their content (the "**Inventory**"), and then re-seal the Containers. Once the Containers have been re-sealed, the Depot Officials shall deliver the Containers to the office of the Chief Electoral Officer.
- b. Upon receipt of the Containers of completed voting packages from the Depot, the EV Team shall comply with section 89(1) and (4), with the following adaptations:

- i) Upon receiving the Containers from the Depot Officials, the EV Team shall open the sealed Containers and verify their contents against the Inventory prepared by the Depot Officials. In the event there are any discrepancies between the Inventory and the Containers, the EV Team shall record any discrepancy.
- ii) With respect to section 89(2), the assigned EV Team member shall proceed to open the outer envelopes of the completed voting packages and shall:
 - A. remove the certificate envelope from the outer envelope;
 - B. if the Lockdown Voter submitted his or her required voter declaration form with his or her ballot, remove the voter declaration form from the envelope;
 - C. examine the Lockdown Voter's Application, the certificate completed by the Lockdown Voter and, if submitted with the ballot, the voter declaration form;
 - D. if the assigned EV Team member is satisfied that the certificate envelope was completed by the Lockdown Voter, deposit the certificate envelope in a ballot box maintained by the EV Team for the purpose; and
 - E. if the assigned EV Team member is not satisfied that the certificate envelope or the voter declaration form, if required, was completed by the Lockdown Voter, retain the certificate envelope.
- iii) With respect to section 89(3), a certificate envelope retained pursuant to clause 4(e)(iii)(e) is a rejected ballot and will be placed in a separate secure bin clearly labelled "rejected" maintained at the office of the Chief Electoral Officer.
- iv) With respect to 89(2)(c) and subsection 89(4) and (5), the assigned EV Team member shall deposit the accepted certificate envelope in a ballot box maintained at the office of the Chief Electoral Officer.

5. Part V

- a. For greater certainty, the EV Team will comply with all of the applicable requirements of Part V with respect to certificate envelopes and ballots received through the Lockdown Voting Procedure, including ss. 141(15-22) and subsection 141(24-26).