
ORDER No.	CEO-ORDER-2020-011
Date	October 26, 2020
Date Revised	November 4, 2020
Subject	Attendance of Candidate Representatives at Vote by Mail Central Count
Reference	Sections 2(1)(s), 7(1)(c), 54, 55, 56, 63(3), 101(2), (2.1) and (9), 109(2), (2.1) and (9), 117(2), (2.1) and (9), 141, 144, 145(2), (7), (9) and 11(c), 146(2), (3), (5)(b), (5.1)(b) and (12), 147(3) of <i>The Election Act, 1996</i>
Intent	To limit attendance of candidate representatives at the preliminary and final count of VBM ballots.

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 current necessity of physical distancing and small public gatherings will necessitate limitations on the overall numbers of persons and increased distance between candidate representatives and elections officials attending the Preliminary Count and the Final Count of Vote by Mail ballots by the VBM Team: see CEO-Order-2020-007, "Absentee Voting (Vote by Mail) and Homebound Voting". This is a circumstance for which no adequate provision is made by the *Act* because the *Act* does not contemplate how many candidate representatives may attend a central Preliminary Count and Final Count of VBM ballots when physical distancing is required. 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 allow for physical distancing of candidate representatives and elections officials during the Preliminary Count and Final Count.

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 candidate representatives may attend the Preliminary Count and the Final Count of VBM ballots while ensuring the health and safety of these candidate representatives and of elections officials, maintaining the integrity of the ballot counting procedures and preserving the integrity of the electoral process.

Therefore, the Chief Electoral Officer hereby orders that the following adaptations be implemented:

- For the purposes of sections 54, 55, 56, 101(2), (2.1) and (9), 109(2), (2.1) and (9), 117(2), (2.1) and (9), 141, 145(2), (7) and 11(c), 146(2), (3), (5)(b), (5.1)(b) and (12), of the *Act*, and notwithstanding sections 63(3) and 144, a candidate may only have one person in attendance on his or her behalf during the Preliminary Count and the Final Count of VBM ballots, whether himself or herself or a candidate representative, and that person may do any of the things that a candidate or candidate representative may do when in attendance during the Preliminary Count and Final Count pursuant to the *Act*.
- For the Preliminary Count of the Vote by Mail ballots:
 - The Preliminary Count will begin on October 28, 2020.
 - On October 27, 2020, and in advance of the Preliminary Count of VBM ballots, Elections Saskatchewan will produce a report ranking all constituencies from 1 to 61 on a scale that indicates which races could be most affected (#1) to least affected (#61) by the Preliminary Count of VBM ballots (the “**Preliminary Ranking Report**”).
 - In accordance with the Preliminary Ranking Report, the ranked constituencies will be sorted and counted during the Preliminary Count by members of the VBM team at the corresponding individual and consecutively numbered counting tables (the “**Counting Tables**”) which total number of Counting Tables will be less than the total number of ranked constituencies (the “**Total Counting Tables**”), such that the next ranked constituency after the last of the Total Counting Tables will be assigned to the first consecutively numbered Counting Table, and so on, regardless of when the count at that particular Counting Table is completed. The maximum number of counting tables used in the Preliminary of VBM ballots will be twenty-six (26).

- The Preliminary Ranking Report, the assignments of which constituency ballots will be counted at which consecutively numbered Counting Table and an appointment form for candidates representatives (the “**Appointment Form**”) will be provided to the chief official agent of each registered political party and to each independent candidate by 12:00 p.m. noon on October 27, 2020.

- Each party may appoint one candidate representative to attend the Preliminary Count of VBM ballots at each of the Counting Tables, subject to the following:
 - Each party must submit the names of their candidate representatives along with the Appointment Form by 4:00 p.m. on October 27, 2020 to oceo.admin@elections.sk.ca.
 - The Appointment Form must clearly identify the Counting Table number to which a candidate representative is being assigned.
 - For greater clarity, each party may submit an Appointment Form for up to one person per Counting Table, to a maximum of twenty-six (26) candidate representatives.
 - Where a candidate representative attends, the candidate representative shall obey all COVID-19 related precautions, including wearing a face mask, using hand sanitizer when entering the room and practicing physical distancing.
 - Where a candidate representative is appointed to a numbered Counting Table, that representative shall remain at that Counting Table and shall not move to any other Counting Table.
 - Where a candidate representative is appointed to a numbered Counting Table and the Preliminary Count of VBM ballots at that Counting Table concludes, the candidate representative must exit the facility.

- For greater clarity, an independent candidate or his or her representative may attend the Counting Table where VBM ballots are being counted for the constituency in which he or she is running, subject to the limitations applicable to candidate representatives.
- For greater clarity, candidates who attend the Preliminary Count of VBM ballots are subject to the same restrictions applicable to candidate representatives who attend the Preliminary Count of ballots at a polling station at the close of polls on polling day.
- To facilitate the orderly counting of VBM ballots, the Chief Electoral Officer, or his designated representative on the VBM Team, shall have the ability to modify the assignment of which numbered Counting Tables are assigned the count of VBM ballots for constituencies that rank #27 to #61 in the Preliminary Ranking Report.
- Up to a maximum of three (3) candidate representatives and/or candidates shall attend each Counting Table, subject to the discretion of the Chief Electoral Officer.
- For the Final Count of Vote by Mail ballots:
 - The Final Count of VBM ballots shall begin on November 7, 2020, and shall continue daily from 9:00 a.m. to 10:00 p.m., including Sunday, November 8, 2020, notwithstanding s. 147(3)(a).
 - Each party may appoint one candidate representative to attend the Final Count at each of the Final Counting Tables, subject to the following:
 - Each party must submit the names of their candidate representatives along with the Appointment Form by 12 noon on November 6, 2020.
 - The Appointment Form must clearly identify the Final Counting Table number to which a candidate representative is being assigned.

- For greater clarity, each party may submit an Appointment Form for up to one person per Final Counting Table, to a maximum of twenty-six (26) candidate representatives.
 - Where a candidate representative attends, the candidate representative shall obey all COVID-19 related precautions, including wearing a face mask, using hand sanitizer when entering the room and practicing physical distancing.
 - Where a candidate representative is appointed to a numbered Final Counting Table, that representative shall remain at that Counting Table and shall not move to any other Counting Table.
 - Where a candidate representative is appointed to a numbered Final Counting Table and the Final Count of VBM ballots at that Final Counting Table concludes, the candidate representative must exit the facility.
- For greater clarity, an independent candidate or his or her representative may attend the Final Counting Table where VBM ballots are being counted for the constituency in which he or she is running, subject to the limitations applicable to candidate representatives.
 - For greater clarity, candidates who attend the Final Count of VBM ballots are subject to the same restrictions applicable to candidate representatives who attend the Preliminary Count of ballots at a polling station at the close of polls on polling day.
 - To facilitate the orderly counting of VBM ballots, the Chief Electoral Officer, or his designated representative on the VBM Team, shall have the ability to modify the assignment of which numbered Final Counting Tables are assigned the count of VBM ballots for constituencies that rank #27 to #61 in the Final Ranking Report.
 - Up to a maximum of three (3) candidate representatives and/or candidates shall attend each Final Counting Table, subject to the discretion of the Chief Electoral Officer.

- For greater clarity, in this CEO Order the Chief Electoral Officer has made adaptations to the Act with respect to the central counting of Vote by Mail ballots only, which includes the accepted ballots of voters that applied to vote using Homebound Voting.
- For greater clarity, apart from the adaptations made in this CEO Order and in any other Order, elections officials shall comply with the Act and the *Regulations*.

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
NOVEMBER 4, 2020