

ORDER No.	CEO ORDER 2022-001
Date	July 15, 2022
Date Revised	N/App
Subject	Vote by Mail
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Regulations</i> Impacted	Sections 86 – 89 of <i>The Election Act, 1996</i>
Intent	To pilot a Vote by Mail process during the Saskatoon Meewasin by-election

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These directives are made through CEO Orders.

For the pending constituency of Saskatoon Meewasin by-election, which must be held, in accordance with *The Legislative Assembly Act, 2007* subsection 46(1) by December 31, 2022, the Chief Electoral Officer hereby directs that an alternate procedure, called Vote by Mail be piloted as an alternate procedure in accordance with the Act subsection 5.1(2). In accordance with subsection 5.1(4), this alternate procedure will be implemented should the by-election be called at least four weeks after the date of this CEO Order.

The Vote by Mail process piloted during Saskatoon Meewasin will be substantially similar to the Vote by Mail procedure used during the October 26, 2020 general election and the February 15, 2022 constituency of Athabasca by-election. For those events, the amended procedure was authorized by the Chief Electoral Officer under section 7 of the Act and section 2 of *The Election Act Regulations* which allowed the Chief Electoral Officer to declare that an emergency existed due to the COVID-19 pandemic for which no adequate provision was made by the Act. Further details can be found in Appendix “A” to this Order.

The purpose of this pilot is to continue to learn about the implementation of Vote by Mail as a voting opportunity in advance of the next general election in October 2024. A secondary purpose is to offer voters in Saskatoon Meewasin with a process that is more efficient than the process described in the Act.



CEO Order – Piloting Directive

The Chief Electoral Officer hereby directs that the absentee voting provisions under sections 86, 87, 88, and 89 of the Act be modified as set out in Appendix “A” to this Order and that measures be taken to implement the adaptations to the previously piloted Vote by Mail voting procedures in the manner set out in Appendix “A”.

For further clarity, the absentee voting process described in sections 86 to 88, including the “in person absentee voting process” will be suspended for the pending Saskatoon Meewasin by-election under this Order. Alternatively, voters will be directed to the Vote by Mail voting procedure or to an in-person voting opportunity.

This order is in effect for the constituency of Saskatoon Meewasin by-election, scheduled to be held before December 31, 2022.

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

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JULY 15, 2022



APPENDIX A

ORDER NO.	CEO ORDER 2022-001
Date	July 15, 2022
Date Revised	N/App
Subject	Vote by Mail
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Regulations</i> Impacted	Sections 86 – 89 of <i>The Election Act, 1996</i>
Intent	To pilot a Vote by Mail process during the Saskatoon Meewasin by-election

As identified and ordered in CEO Order 2022-001, the Chief Electoral Officer hereby directs that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) be modified in the following manner:

1. **Section 86:**

- a. For greater clarity, the definition of “absentee voter” in subsection 86(1) will include eligible voters who vote via the Vote by Mail (“VBM”) procedure established in CEO Order 2022-001.
- b. For greater clarity, any eligible voter who applies to Vote by Mail at the Saskatoon Meewasin by-election, and whose application is received no later than eleven days before polling day, 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, the duties of the “returning officer” and “deputy returning officer” will be performed by the centralized “VBM Team” established by the Chief Electoral Officer and located at the head office of Elections Saskatchewan and any additional off-site location of Elections Saskatchewan used for the purpose of administering the Vote by Mail voting procedure. This administration shall include managing VBM-related software; receiving VBM applications; providing support and assistance to voters who have applied 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.

If, however, the government issued piece of identification does not include an address, then a secondary piece of prescribed identification 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 voting procedures may apply to the Chief Electoral Officer on 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.
- 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 the 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 all of the procedures prescribed in section 88, with the following exceptions:
 - i) with respect to subparagraph 88(1)(a)(ii), the ballot paper will not be initialed by the returning officer or election clerk; and
 - ii) With respect to subsection 88(3), should the Chief Electoral Officer be instructed to issue the writ of election at least four weeks after the submission of this CEO Order, the name/address of each voter shall not be provided to the deputy returning officer for the applicable polling division immediately after the deadline of 11 days before polling day. Instead, the VBM Team shall provide the name and address of each VBM voter to the deputy returning officer for the polling division where the VBM voter is eligible to vote after the VBM Team receives the completed ballot package back from the voter.

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 ballot envelope contained within (which contains a marked ballot) shall be deposited by the VBM Team in the ballot box maintained at Elections Saskatchewan's 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 ballot envelope removed and placed in a ballot box, shall be retained, sorted and tracked; and
 - 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's Head Office and these unopened certificate envelopes shall be sorted and tracked.

- 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 Day -1 and will take place from Day +2 to Day +9;
 - ii) the Final Count will include all VBM absentee ballots received from polling day (Day 0) 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*; and
 - iv) except as modified by CEO Order, 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 subsections 141(15-22) and subsections 141(24-26).
6. For greater clarity, by this CEO Order, the Chief Electoral Officer has modified established voting procedures so that the “in-person absentee voting process” will be suspended.
7. For greater clarity, by this CEO Order, the Chief Electoral Officer has made no adaptations of voter identification requirements for in-person voting at Homebound, Advance or Regular polls.