



CEO Order

ORDER No.	CEO ORDER 2022-010
Date	February 15, 2022
Date Revised	n/app.
Subject	Attendance of Candidate Representatives at Vote by Mail 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-2022-008, "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 at 1:00 p.m. on February 17, 2022.
 - Each party may appoint one candidate representative to attend the Preliminary Count of VBM ballots, subject to the following:
 - Each party must submit the names of their candidate representatives along with the Appointment Form by 12:00 p.m. on February 17, 2022, to oceo.admin@elections.sk.ca.
 - 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.

- For greater clarity, an independent candidate or his or her representative may attend the Preliminary Count of VBM ballots, 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.
- For the Final Count of Vote by Mail ballots:
 - The Final Count of VBM ballots shall begin on Monday, February 28 at 1:00 p.m.
 - Each party may appoint one candidate representative to attend the Final Count subject to the following:
 - Each party must submit the names of their candidate representatives along with the Appointment Form by 12 noon on Monday, February 28.
 - 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.
 - For greater clarity, an independent candidate or his or her representative may attend the Final Count of VBM ballots, 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.

- 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 the constituency of Athabasca by-election, scheduled to be held on February 15, 2022.

A handwritten signature in black ink, reading 'Michael D. Boda'.

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