

# ELECTIONS SASKATCHEWAN

## Report of the Chief Electoral Officer

pursuant to subsection 7(6) of *The Election Act, 1996*

regarding actions taken during Saskatchewan's 29th

## General Election

December 2020





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December 16, 2020

The Honourable Randy Weekes  
Speaker of the Legislative Assembly  
Room 129, Legislative Building  
2405 Legislative Drive  
Regina, SK S4S 0B3

Mr. Speaker:

Pursuant to subsection 7(6) of *The Election Act, 1996*, (the Act), I submit to you, within 60 days of Polling Day, a written report respecting my actions pursuant to Section 7 of the Act taken during the October 26, 2020 General Election.

Respectfully submitted,

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

Michael Boda, D.Phil., Ph.D.  
Chief Electoral Officer  
Province of Saskatchewan

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## Introduction

This report is written as per subsection 7(6) of *The Election Act, 1996*, requiring submission to the Speaker, within 60 days of polling day, a written report with respect to actions taken pursuant to subsection 7(1) of *The Election Act, 1996* (the Act). It focuses on actions taken pursuant to Section 7 during Saskatchewan's 29th General Election.

Key dates for this election include:

- September 29, 2020 – Writs of Election issued
- October 10, 2020 – Nomination deadline
- October 15, 2020 – Deadline to apply to Vote by Mail
- October 20 – October 24, 2020 – Advance Voting
- October 26, 2020 – Election Day & First Preliminary Count
- October 28 – 29, 2020 – Second Preliminary Count
- November 7, 2020 – Final Count
- November 18, 2020 – Return to the Writs

## Impact of COVID-19 on Use of Section 7

In early-May 2020, the Chief Electoral Officer (CEO) provided a paper to the Premier of Saskatchewan describing how an election could be administered given the likely presence of novel coronavirus disease (COVID-19) and outlining a number of recommendations for the Government of Saskatchewan and the Legislative Assembly.

Key to this plan was a recommendation that the Act be amended to provide the CEO with explicit authority to adapt election processes under circumstances where a serious disease such as COVID-19 is present.<sup>1</sup> This recommendation would have provided certainty that the CEO had the ability to use the emergency authority contained in section 7 of the Act to account for the exceptional circumstances brought about by the COVID-19 pandemic.

The Government of Saskatchewan opted to pursue changes to *The Election Act Regulations* in lieu of amendments to the Act. These regulatory changes clarified interpretations of the following phrases found in section 7 of the Act:

- “adapt any other provision of this Act”;
- “emergency order”; and
- “an emergency exists.”

These expanded and clarified definitions provided the CEO with clear authority to adapt legislative provisions found in the Act to best ensure the health and safety of voters,

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<sup>1</sup> Dr. Michael Boda. *Conduct of Saskatchewan's 29th General Election in the Context of Novel Coronavirus Disease: Recommendations*. Elections Saskatchewan, May 19, 2020.

election workers and political stakeholders. In a news release published May 13, 2020, CEO Dr. Michael Boda said of the changes, "From an operational standpoint it is my view that Elections Saskatchewan can now proceed with planning for a safe general election on October 26, 2020."<sup>2</sup>

## **Use of Section 7 – CEO Orders**

The CEO applied Section 7 during the 29th General Election through the use of CEO Orders. CEO Orders were used primarily to make two types of adaptations to the Act: first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic.

Through the course of the election, 13 CEO Orders were issued making adaptations to the Act. All 13 Orders, along with a brief description of the contents and the effects of the Order on the administration of the election, are listed below. A copy of each CEO Order is included in Appendix A.

**CEO Order 2020-01 Adjusting the Absentee Voter Application Deadline (issued August 10, 2020):** This CEO Order adjusted the deadline for voters to apply for absentee voting (Vote by Mail). The deadline was moved up two days, from October 17 to October 15. This provided more time for ballot kits to be mailed to voters (and for voters to return ballot kits to Elections Saskatchewan) and assisted with managing a greatly increased number of applications to vote by mail. The volume of Vote by Mail ballots processed significantly increased for this election, from 4,411 in 2016 to 56,547; an increase of more than 1,180 percent.

**CEO Order 2020-02 Cleaning Fees – Polling Place Rentals (issued August 10, 2020):** This CEO Order allowed Elections Saskatchewan to pay increased amounts for polling location rentals for COVID-19 related cleaning after Elections Saskatchewan uses a facility. The amounts that Elections Saskatchewan traditionally pays are set in regulation and state that the prescribed fee is to include janitorial services. This Order allowed for an additional payment of up to \$200 per location with the CEO being able to authorize a higher payment on an as needed basis.

**CEO Order 2020-03 Voter Information Cards – Advance Voting Direction (issued September 14, 2020):** This CEO Order allowed Elections Saskatchewan to direct voters to a specific advance poll in their constituency on their Voter Information Card as opposed to listing every advance poll in the constituency. This allowed for a more even balance of voters at each

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<sup>2</sup> *Regulatory changes provide clarification on Chief Electoral Officer Authority.* May 13, 2020. Elections Saskatchewan News Release.



advance voting location which aided in providing the appropriate amount of physical space for voters and workers. A voter was still able to vote at any advance poll in their constituency – the Order only amended Voter Information Card’s content.

**CEO Order 2020-04 Election Proclamations – Personal Care Facility, Hospital and Remand Centre Polls (issued September 16, 2020):** This CEO Order adjusted the contents of the required-election proclamation to allow more time and flexibility for Elections Saskatchewan to confirm polling locations in personal care facilities, hospitals, and remand centres. The proclamation instead indicated that information on these polls could be found on the Elections Saskatchewan website.

**CEO Order 2020-05 Limits on Candidate Representatives (issued September 28, 2020):** This CEO Order allowed Elections Saskatchewan to limit the number of candidates’ representatives present during the hours of voting and for the counting of votes. This helped to limit the number of people in any one location and allow for greater physical distancing. This Order also restricted candidates’ representatives from attending personal care facility, hospital and remand polls. As well, candidates’ representatives were required to physically distance while in a polling location or at the counting of votes, and to wear a mask at all times.

**CEO Order 2020-06 Ballot Counterfoil Handling (issued September 28, 2020):** This CEO Order allowed the Deputy Returning Officer to remove the counterfoil from the ballot before handing both the ballot and the detached counterfoil to the voter. This helped to minimize the handling and passage of materials back and forth between voter and deputy returning officer. The voter would keep the counterfoil to have access to the instructions and deposit both ballot and counterfoil into the ballot box after voting.

**CEO Order 2020-07 Absentee Voting (Vote by Mail) and Homebound Voting (issued October 1, 2020):** This CEO Order allowed Elections Saskatchewan to modify the existing absentee voting provisions of the Act to implement a greatly expanded, centralized Vote by Mail (VBM) process. This Order also clarified that all VBM processes, including the adjusted deadline of October 15, applied for homebound voting.

**CEO Order 2020-08 Trainers – Authority to Administer Oaths and Declarations (issued October 5, 2020):** This CEO Order provided the Trainer position with the authority to administer the necessary oaths and/or declarations to election officials such as deputy returning officers and poll clerks. This Order was necessary because, due to physical distancing requirements, election official training was often held outside of the

returning office, which meant that the Returning Officer and Election Clerk, who have the legislated authority to administer oaths and declarations, were not in attendance at training sessions.

**CEO Order 2020-009 Extraordinary Voting – Voters Impacted by COVID-19 (issued October 15, 2020):** This CEO Order provided Elections Saskatchewan with the ability to offer voting opportunities to those forced to self-isolate due to having COVID-19 or having been a close contact of someone with COVID-19. The Order allowed individuals to apply to vote using a process similar to that of Vote by Mail, but between the dates of October 16 – 20, which is after the October 15 deadline for Vote by Mail applications.

**CEO Order 2020-010 Extraordinary Voting – Peter Ballantyne Cree Nation (issued October 16, 2020):** This CEO Order addressed how voters in Peter Ballantyne Cree Nation communities, which were under a lockdown order due to a COVID-19 outbreak, could vote using a modified form of the Extraordinary Voting process (implemented in CEO Order 2020-009). As part of Order, several election day and one advance voting location were closed. When the lockdown order was lifted in the lead up to election day, all but one of the election day polls were able to be reinstated. The Extraordinary Voting process for Peter Ballantyne Cree Nation communities remained in place for all voters who had applied for it, alongside the reinstated election day polls.

**CEO Order 2020-011 Attendance of Candidate Representatives at Vote by Mail Central Count (issued October 26, 2020 and revised on November 4, 2020):** This CEO Order set out the rules and processes by which candidate representatives could observe the count of Vote by Mail ballots. Vote by Mail ballots were counted in two stages: one count began on October 28 and a second took place at the Final Count on November 7. Registered political parties and independent candidates were able to appoint one candidate representative per counting station at the central count.

On November 4, 2020, this Order was revised to clarify that the Final Count of Vote by Mail ballots could take place from 9 a.m. to 10 p.m. and not from 9 a.m. to 5 p.m. as stated in the original Order. This was consistent with the process followed in returning offices and which is established in legislation for the Final Count. Certain prescriptive details related to the order in which constituencies were to be counted were also removed. This provided for greater efficiencies in the counting process.

**CEO Order 2020-012 Continuation of Final Count in Constituency Returning Offices (issued November 4, 2020):** This CEO Order allowed the Final Count in Returning Offices to proceed on Sunday, November 8, if necessary. The Act currently does not allow the Final Count to take place on a Sunday or on a holiday. The CEO decided that, given that municipal elections were scheduled to be held on Monday, November 9, it would be better to have the provincial Final Count and results made official before the end of the weekend. In the end, all constituencies finished the Final Count on Saturday, November 7 and none needed to continue on November 8.

**CEO Order 2020-013 Increasing Election Expense Limits due to COVID-19 (issued December 11, 2020):** This CEO Order required registered political parties and candidates to include spending on non-branded Personal Protective Equipment (PPE) on their election expense return. If the party or candidate exceeds their election expense limit due to spending on non-branded PPE, their potential reimbursement will not be reduced nor will they be subject to any other penalty under the Act. The implementation of this Order allowed parties and candidates to spend on needed PPE without affecting their ability to spend in other areas related to their campaign.

## **Notice to Required Stakeholders – Registered Political Parties and Candidates**

Section 7(3) of the Act requires the CEO to give notice of actions taken pursuant to section 7 as well as the reasons for taking this action to every registered political party and to every candidate in a constituency affected by the actions.

For this election, the CEO gave notice to the registered political parties of each CEO Order through a “communique” – the principal tool used by the CEO to communicate with the Chief Official Agents of the province’s six registered political parties. A signed copy of each Order was attached to the communique and a copy was placed on the Elections Saskatchewan website: <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/#ceo-orders>. In turn, Chief Official Agents were instructed to share this information with all candidates and candidate business managers. Communiques were also sent to independent candidates and their business managers. Copies of relevant communiques are included in Appendix B.

All communiques are posted to the Elections Saskatchewan website shortly after being distributed to the registered political parties and independent candidates. They can be found here: <https://www.elections.sk.ca/candidates-political-parties/communiques/>.

For CEO Order 2020-010, which made significant changes to voting in the constituency of Cumberland, including eliminating several advance and election day polling locations due to COVID-19 outbreaks, the CEO also provided each candidate and candidate business manager with a letter detailing the changes. In instances where these changes were reversed, with polling locations being re-established due to the evolving situation, a letter was again sent to candidates and their business managers. A sample copy of these two letters is also included in Appendix B.

# Appendix A

## CEO Orders





ORDER No.	CEO-ORDER-2020-001
Date	August 10, 2020
Date Revised	N/App
Subject	Adjusting the Absentee Voter Application Deadline
Reference	Section 87 of <i>The Election Act, 1996</i>
Intent	To adjust the absentee voter application deadline from 9 days before polling day to 11 days before polling day

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(1)(c) of the Act and 2(2)(a)(ii) of the Regulations an emergency exists for which no adequate provision is made by the Act to abridge the deadline for receiving absentee voter applications under section 87(2)(a) and 87(2)(b) of the Act from nine days before polling day to eleven days before polling day to ensure there is sufficient time to process an increased volume of absentee voter applications in light of the emergency and comply with sections 87(4) and 88 of the Act.

Therefore, the Chief Electoral Officer hereby orders that a measure be taken to amend the absentee voter application deadline from nine days before polling day (October 17, 2020) to eleven days before polling day (October 15, 2020).

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, reading 'Michael W. Boda'.

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
AUGUST 10, 2020

ORDER No.	CEO-ORDER-2020-002
Date	August 10, 2020
Date Revised	N/App
Subject	Cleaning Fees – Polling Place Rentals
Reference	Section 36 of <i>The Election Act, 1996</i> and Section 4.2 of <i>The Election Act Regulations</i>
Intent	To provide Elections Saskatchewan with the authority to pay additional cleaning fees for polling place rentals

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(1)(c) of the Act and 2(2)(a)(iii) of the Regulations an emergency exists for which no adequate provision is made by the Act to fulfil the requirement under section 36 of the Act to secure polling places in a COVID-19 environment based on the rental rates prescribed for doing so in the Regulations while reducing a health risk to the public.

Therefore, the Chief Electoral Officer hereby orders that an additional measure be taken by providing for the payment of a fee for "COVID-19 disinfection and sanitization cleaning services" to landlords of any polling places following their use as advance polls or for polling day. This payment will be in an amount up to a maximum of \$200 unless otherwise approved by the Chief Electoral Officer.

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.



DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
AUGUST 10, 2020





## Elections SK CEO Order

ORDER No. CEO-ORDER-2020-003

Date September 14, 2020

Date Revised N/App

Subject Voter Information Cards – Advance Voting Direction

Reference Section 29 of *The Election Act, 1996*

Intent To allow Elections Saskatchewan to direct voters to a specific advance poll in their constituency as opposed to all advance polls in their constituency

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(1)(c) of the Act and 2(2)(a)(ii) of the Regulations an emergency exists for which no adequate provision is made by the Act to adapt the contents of the voter information card under section 29(2)(c) to direct voters to a specific advance polling station in their constituency as opposed to all advance polling stations in their constituency to ensure there is adequate space for physical distancing at all advance polling stations.

Therefore, the Chief Electoral Officer hereby orders that a measure be taken to amend the contents of the voter information card to indicate only one advance polling station and not all advance polling stations in the constituency. A voter may still vote at any advance polling station in their constituency.

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.

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
SEPTEMBER 14, 2020

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**ORDER No.** CEO-ORDER-2020-004

**Date** September 16, 2020

**Date Revised** N/App

**Subject** Election Proclamations – Personal Care Facility, Hospital and Remand Centre Polls

**Reference** Section 34 of *The Election Act, 1996*

**Intent** To adjust the contents of the election proclamations to provide more flexibility for the finalization and confirmation of personal care facility, hospital and remand centre polls

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(1)(c) of the Act and 2(2)(a)(ii) of the Regulations an emergency exists and there is a circumstance 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 complications created by the COVID-19 pandemic regarding confirmation of polling locations in personal care facilities, hospitals and remand centres are a circumstance for which no adequate provision is made by the Act because the Act requires the returning officer to include these locations and the hours of the polling centres thereat in the election proclamation issued pursuant to section 34(2)(c) of the Act. 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 orders that a measure be taken such that the requirement for the election proclamation set forth in section 34(2)(c) will be satisfied where the contents of the election proclamation indicate only that information on personal care facility, hospital and remand centre polls can be found on the Elections Saskatchewan website at <https://www.elections.sk.ca/specialvoting>.



## CEO Order

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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, reading 'Michael Boda'.

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





**ORDER No.** CEO-ORDER-2020-05

**Date** September 28, 2020

**Date Revised** N/App

**Subject** Limits on Candidates' Representatives

**Reference** Sections 57, 63(1)(f), 63(3)(f), 77(3)(a), 89(7)(a), 89.3(5), 92(5), 101(2.1)(b), and 144 of *The Election Act, 1996*

**Intent** To limit the number of candidates' representatives who are present during voting at polling locations, at the counting of ballots, and require physical distancing between candidates' representatives, election officials and voters

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.

In the context of the COVID-19 pandemic occurring during the 29th Saskatchewan Provincial General Election it is necessary that changes be made to the number of candidates' agents present to scrutinize vote proceedings at polling locations, observe the count of ballots at the close of voting at polling locations and the tally of votes at constituency returning offices, and witnessing the count of absentee ballots during the final count at returning offices.

The Chief Electoral Officer hereby declares that, pursuant to section 7(1)(c) of the Act and section 2(2)(a)(ii) of the Regulations, an emergency exists for which no adequate provision is made by the Act to limit the number of candidates' representatives present at voting locations and where ballot counting occurs, nor are there adequate provisions in the Act to require physical distancing between candidates' representatives election officials and voters to ensure public health safety.

Therefore, the Chief Electoral Officer hereby orders that:

- a maximum of one representative per candidate per polling division will be permitted at polling places;
- candidates' representatives will no longer be able to attend voting at personal care facilities;
- candidates' representatives will no longer be able to attend homebound voting;
- candidates' representatives will no longer be able to attend voting at hospital, remand or temporarily displaced voters polls;



- on election night a maximum of one representative per candidate will be permitted to attend the counting of ballots per ballot box;
- no candidates' representatives will be allowed in the returning office on election night unless personal care facility ballots are being counted at the returning office. In that circumstance, one candidate representative per candidate may be present.
- at the final count in the returning office a maximum of one representative per candidate will be permitted to attend the count of in-person absentee ballots and the final tallying of votes in the constituency; and
- candidates' representatives will be required to wear a mask (non-medical grade disposable or cloth) and to remain at least two meters away from each other, from poll officials and from voters at polling places and locations where ballot counting, or vote tallying, is being performed.

In the interests of greater certainty, this order does not apply to the counting of ballots received as part of the absentee "Vote by Mail" process. For instructions and restrictions on the role and presence of candidate representatives during that process, see the CEO Order specifically dedicated to the presence and role of candidates' representatives during Absentee Voting (Vote by Mail) processes.

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.

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
SEPTEMBER 28, 2020

ORDER No.	CEO-ORDER-2020-006
Date	September 28, 2020
Date Revised	N/App
Subject	Ballot Counterfoil Handling
Reference	Sections 74(4)(a), 74(4)(b)(ii), 75(b)(i), 75(b)(ii), 77(3)(b), 77(3)(c), 99(10)(b)(i), 99(10)(b)(iii), 107(10)(b)(i), 107(10)(b)(iii), 115(10)(b)(i), 115(10)(b)(iii), 123(10)(b)(i) and 123(10)(b)(iii) of <i>The Election Act, 1996</i>
Intent	To minimize handling of the ballot after it has been issued to the voter, the Deputy Returning Officer will remove the counterfoil prior to issuing the ballot to the voter

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.

In the context of the COVID-19 pandemic occurring during the 29th Saskatchewan General Election it is necessary that efforts be made to minimize the possibility of any viral transmission occurring during the handling of ballots and minimize surface touch interaction between voters and deputy returning officers.

The Chief Electoral Officer hereby declares that, pursuant to section 7(1)(c) of the Act and section 2(2)(a)(ii) of the Regulations, an emergency exists for which no adequate provision is made by the Act to adapt requirements for each deputy returning officer to issue a folded ballot with the counterfoil still attached into the hands of each qualified voter who applies to vote, and then, after the voter has marked their ballot in a voting station, have the voter return their folded ballot into the hands of the deputy returning officer for verification of the ballot's authenticity and removal of the counterfoil, and then have the deputy returning officer return the folded ballot back into the hands of the voter for insertion into the ballot box.

Therefore, the Chief Electoral Officer hereby orders that:

- The deputy returning officer will remove the ballot counterfoil before the ballot is issued to the voter and hand both the ballot and the detached counterfoil to the voter;





- The deputy returning officer will verbally provide voting instructions to the voter that are inclusive of any instructions printed on the counterfoil and the voting instructions contained on the E-307 Directions for the Guidance of Voters shall be posted in the voting station;
- After the voter returns from having voted in a voting station, the deputy returning officer will ask the voter to hold up their folded ballot and detached counterfoil in order to allow the deputy returning officer to verify the presence of specific initials on the back of the ballot paper and the counterfoil number, per section 73(2) and 74(3) of the Act; and
- Once the deputy returning officer has verified that the ballot is one they issued to the voter, they shall instruct the voter to deposit their folded ballot along with the detached counterfoil into the ballot box.

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.

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
SEPTEMBER 28, 2020



Elections SK

# CEO Order

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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, reading "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.



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ORDER No.	CEO-ORDER-2020-008
Date	October 5, 2020
Date Revised	N/App
Subject	Trainers – Authority to Administer Oaths and Declarations
Reference	Sections 9(7), 10(8), 12(11), 13(13) and 37(9) of <i>The Election Act, 1996</i>
Intent	To provide Field Trainers with the authority to administer oaths and declarations to election officials during required training sessions.

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.

In the context of the COVID-19 pandemic occurring during the 29th Saskatchewan General Election it is necessary that changes be made to allow Trainers, as they are defined in the *Regulations*, to be able to administer any oaths or declarations required by the *Act*, the *Regulations* or organizational policy to other Election Officials, other than to a Returning Officer or Election Clerk ("Specified Election Officers"), that are required during Election Official training leading up to the election. Due to the pandemic and the need for increased physical distance between Election Officials, election training will not take place in the Returning Office. This means that the Specified Election Officers, who are provided with the authority to administer oaths and declarations under the *Act*, will not be present for Election Official training, which will be overseen by a dedicated Trainer.

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 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 necessity of physical distancing as a result of the emergency is a circumstance for which no adequate provision is made by the *Act* because there is no adequate provision that would allow additional Election Officials, specifically Trainers, to administer oaths and declarations to Election Officials, other than to Specified Election Officers, as required by the *Act* or the *Regulations* or by organizational policy.



Elections SK

## CEO Order

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Therefore, the Chief Electoral Officer hereby orders that a measure to be taken to allow Trainers to administer any oaths and declarations as required by the *Act* or the *Regulations* or by organizational policy to Election Officials, other than to Specified Election Officers, during Election Official training leading up to the election.

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.

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
OCTOBER 5, 2020



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ORDER No.	CEO-ORDER-2020-009
Date	October 15, 2020
Date Revised	N/App
Subject	Introducing Extraordinary Voting Measures for Voters Impacted by COVID-19
Reference	Sections 86 - 89 of <i>The Election Act, 1996</i>
Intent	To allow voters diagnosed with COVID-19 and others forced to self-quarantine due to close contact with COVID-19 cases to vote using a modified absentee voting provision.

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 for self-isolation in some circumstances because of the COVID-19 pandemic will result in individuals who enter self-isolation between October 16 – 20, 2020 being unable to attend polling places to vote. 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 to vote after October 15, 2020 (see CEO-ORDER-2020-001, “Adjusting the Absentee Voter Application Deadline”). 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 orders that sections 86 – 89 of the *Act*:

- For greater clarity, the definition of “absentee voter” in subsection 86(1) will include voters who vote through the Extraordinary Voting procedure established by this Order;



- 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;
- Where a Public Health Order requires a voter to be in mandatory self-isolation between October 16 – 20, 2020, a voter may apply to the Chief Electoral Officer by contacting Elections Saskatchewan to apply for status as an Extraordinary Voter (the “**Extraordinary Voter Application**”);
- Before an Extraordinary Voter Application may be received and approved, it must be confirmed by the EV Team that the individual is entitled to vote, the individual is registered to vote, the individual has not yet voted, and that the individual is required by a Public Health Order to be in mandatory self-isolation, upon which an individual will be required to complete electronically a fillable Extraordinary Voter Application form and provide through electronic transmission:
  - satisfactory evidence of the voter’s or individual’s identity and ordinary residence pursuant to s. 72.1, which must include one original piece of identification that:
    - shows the voter’s or individual’s photograph, name and address that matches the address listed on the application under subsection 87(1); and
    - 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).
- Upon receipt of an Extraordinary Voter Application pursuant to subsection 87(1) of the Act, the Chief Electoral Officer shall forward that Application to the EV Team for processing.
- Extraordinary Voter Applications must 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.

- Where an Extraordinary Voter Application is approved, the EV Team shall designate the voter an Extraordinary Voter and shall contact the voter to arrange for delivery and return of the ballot kit. The EV Team shall comply with section 88 of the Act, except that subparagraphs 88(1)(a)(ii) and 88(2) shall not apply.
- Where a ballot kit has been returned and the EV Team is satisfied that the Extraordinary Voter applicant is an Extraordinary Voter, the EV Team shall comply with section 89 of the Act, with the following exceptions and necessary modifications arising therefrom:
  - With respect to section 89(2), the EV Team shall place all adjudicated certificate envelopes received through the Extraordinary Voting process into a dedicated and sealed ballot box for Extraordinary Votes, and the certificate envelope shall contain the sealed ballot envelope and its contained ballot until counting at the Final Count.

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, reading 'Michael D. Boda'.

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
OCTOBER 15, 2020

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**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 *The Election Act, 1996*

**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, reading '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).

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](mailto: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, reading 'Michael D. Boda'.

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
NOVEMBER 4, 2020

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ORDER No.	CEO-ORDER-2020-012
Date	November 4, 2020
Date Revised	N/App
Subject	Continuation of Final Count in Constituency Returning Offices
Reference	Sections 145(1), 145(9), 145(10), 146, 147(1), 147(3)(a) of <i>The Election Act, 1996</i>
Intent	To ensure the voting results determined in the central final count of vote by mail ballots are incorporated into the returning officers' statement of voting results in a timely manner so as to permit the declaration of the candidate elected in each constituency at the earliest opportunity.

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 conduct of the Final Count in the sixty-one (61) constituencies in the province, conducted by the Returning Officers appointed in each of these constituencies, may be required to continue past one day in order to incorporate the results from the central count of Vote by Mail ballots as described in CEO-ORDER 2020-007 *Absentee Voting (Vote by Mail) and Homebound Voting* and CEO-ORDER 2020-011 *Attendance of Candidate Representatives at Vote by Mail Central Count*. The Chief Electoral Officer thereby invokes the emergency powers pursuant to section 7 of the *Act* to respond to this 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*:

- The Final Count in each constituency Returning Office 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).



In the opinion of the Chief Electoral Officer, this adaptation will achieve the purposes of the respective sections and the *Act* because it will ensure candidates and their representatives may attend the Final Count in the office of their constituency Returning Officer and be present at the earliest opportunity the Returning Officer has to declare as elected the candidate having the largest number of votes. Further, this adaptation will maintain the integrity of the ballot counting procedures and preserve the integrity of the electoral process.

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, held pursuant to *The Legislative Assembly Act, 2007* section 8.1(1) on October 26, 2020.

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
NOVEMBER 4, 2020

ORDER NO.	CEO-ORDER-2020-013
Date	December 11, 2020
Date Revised	N/App
Subject	Increasing Election Expense Limits due to COVID-19
Reference	Sections 243, 243.1, 252, 252.1, 260, 264 and 265 of <i>The Election Act, 1996</i>
Intent	To allow registered political parties to exceed maximum spending limits on the purchase of personal protective equipment (PPE)

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.

In the context of the COVID-19 pandemic occurring during the 29th Saskatchewan General Election it is necessary that changes be made to allow registered political parties and candidates to exceed the election expense limit by the amount spent on non-branded personal protective equipment (PPE) as a result of the COVID-19 pandemic. For the purposes of this CEO Order, PPE is limited to non-branded masks, gloves, hand sanitizer and translucent shields. Registered political parties or candidates that exceed the election expense limits due to spending on non-branded PPE will not be subject to any reduction to any reimbursement that they may otherwise be entitled to receive under the *Act* or to any penalties under the *Act*. PPE which contains branding specific to a registered political party or candidate would be considered an advertising expense and would not be subject to this Order.

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 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 necessity of requiring registered political parties and candidates to include spending on non-branded PPE in their election expense return that may result in their exceeding the election expense limits imposed by the *Act* as a result of

the emergency is a circumstance for which no adequate provision is made by the Act because there is no adequate provision that would allow registered political parties to exceed election expense limits on necessary PPE items without financial consequences.

Therefore, the Chief Electoral Officer hereby orders that a measure to be taken to require registered political parties and candidates to include spending on non-branded PPE in their election expense return that may cause the election expense limits contained in the Act to be exceeded, and that such registered political parties or candidates that exceed the election expense limits contained in the Act due to spending on non-branded PPE will not be subject to any reduction to any reimbursement that they may otherwise be entitled to under the Act or to any penalties under the Act.

This order is in effect for the financial reporting period defined in the Act relating to Saskatchewan's 29th General Election, held pursuant to *The Legislative Assembly Act, 2007* section 8.1(1) on October 26, 2020.

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
DECEMBER 11, 2020



# Appendix B

## Stakheolder Communications





# ELECTIONS SASKATCHEWAN



## 29th Electoral Cycle Communique for Chief Official Agents

Issue Thirty-Nine – September 11, 2020

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RPP Micro Topic, Business Manager Training, VBM Information & CEO Orders

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### RPP Micro Topic – Advance/Election Day Voting Processes

In mid-August, we hosted you for a micro topic briefing on our plans for Vote by Mail. I hope that you found that session interesting and informative. I am pleased to tell that we have prepared a second micro topic presentation for you – this one will focus on voting in person at advance and election day polls and what has changed for this election from past events.

**This briefing will be held on Thursday, September 17 from 2:30 p.m. to 3:30 p.m.** Similar to last time, my staff will send an invite and you are free to invite one other representative from your party to attend. I'm looking forward to speaking with you again and sharing our plans for how we are making in-person voting safer.

### Business Manager Training

The work of candidate business managers is very important to the administration of a successful electoral event. With this in mind, a series of three business manager training videos have been produced and posted on to the Elections Saskatchewan Vimeo page – they can be found at the following three links – the password for all three videos is “elections2020”.

- Video 1 - <https://vimeo.com/456739938>
- Video 2 - <https://vimeo.com/456740754>
- Video 3 - <https://vimeo.com/456741956>

Every business manager appointed through an *E-401 Appointment/Consent of the Business Manager of a Candidate* will receive an email with a link to the training videos and an invitation to attend one of two conference calls with Elections Saskatchewan staff to provide an opportunity to ask questions or seek clarification after watching the videos. These conference calls are not intended to be training sessions, but rather supplements to the training videos. You, as Chief Official Agent, and other interested party staff will also be invited to participate in these conference calls.

## Vote by Mail Information

With the introduction of our online Vote by Mail application system, we are able to produce near real-time information for you, as a registered political party, on voters whose applications for a vote by mail ballot have been approved. This information will be made available to you in an extract that will be produced and placed on our FTP site daily. If you are interested in receiving this data, please contact Jennifer Colin, Deputy CEO, at [Jennifer.Colin@elections.sk.ca](mailto:Jennifer.Colin@elections.sk.ca).

## CEO Orders

On May 20 of this past year, I let you know of some regulatory changes that had been made which better clarified and defined the emergency powers provided to the Chief Electoral Officer in section 7 of *The Election Act, 1996* (the Act). This was in response to recommendations that I had made to the Government of Saskatchewan seeking explicit authority to be able to adapt electoral processes given the presence of COVID-19. The adaptations that I anticipate making can be broken down into two main categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic.

The changes being made using the authority found in section 7 of the Act will be recorded and communicated to you through *CEO Orders*. Section 7(3)(a) requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Order along with this Communique as that notice. I would also ask that you communicate this information to your staff, candidates and other party officials. Two CEO Orders are attached here:

**CEO-Order-2020-01 Adjusting the Absentee Voter Application Deadline:**

This CEO Order adjusts the deadline for voters to apply for absentee voting. The deadline will be moved up two days, from October 17 to October 15. This will provide more time for ballot kits to be mailed to voters (and for voters to return ballot kits to Elections Saskatchewan) and will assist with managing what could be a greatly increased number of applications to vote by mail.

**CEO-Order-2020-02 Cleaning Fees – Polling Place Rentals:** This CEO Order allows for Elections Saskatchewan to pay increased amounts to polling locations for COVID-19 related cleaning after Elections Saskatchewan uses a facility. The amounts that we traditionally pay are set in regulation and state that the prescribed fee is to include janitorial services. This Order allows for an additional payment of up to \$200 with the CEO being able to authorize a higher payment.

Questions on CEO Orders can be directed to Jennifer Colin at [Jennifer.Colin@elections.sk.ca](mailto:Jennifer.Colin@elections.sk.ca). Please be aware that CEO Orders will be posted on our website here: <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/>.

Sincerely,



Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan



# ELECTIONS SASKATCHEWAN



## 29th Electoral Cycle Communique for Chief Official Agents Issue Forty – September 18, 2020

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RPP Micro Topic Briefing, Update on Polling Locations & CEO Orders

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### RPP Micro Topic – Advance/Election Day Voting Processes

During yesterday's micro topic briefing on our plans for advance and election day voting, I mentioned that I was hopeful that we would be able to schedule one more session before the start of the election period. I am happy to tell you that we have found time next Thursday to discuss our plans to offer "special voting" opportunities during this election. This includes voting in personal care facilities, hospitals & remand centers, as well as how we plan to make the ballot available to those who find themselves quarantined due to COVID-19.

**This briefing will be held on Thursday, September 24 from 3:30 p.m. to 4:30 p.m.** My staff will send an invite and, as with previous briefings, you are free to invite one other representative from your party to attend. I'm looking forward to speaking with you again and sharing our plans for how we are facilitating voting for high-risk groups such as patients in the hospital and residents of personal care facilities. Given that this will almost certainly be the last time we gather (virtually of course) before the call of the election, I very much encourage you to join us if you are able.

### Polling Locations – Update on Timing

During yesterday's session a question was asked as to when registered political parties would be able to receive a file listing all confirmed polling locations in the province. Those of you who attended heard me say that we are having challenges securing and confirming polling locations due to the impact of COVID-19. Given this, I do not expect to have a file ready for you before the Writs of election are issued.

I also anticipate that we will see far more "last minute" changes to polling locations than we have seen in past events. We are working on a plan to communicate these changes to you, as a registered political party, but also to affected voters so that they can make a plan to vote.

## CEO Orders

As I described last week, I anticipate that in order to administer a successful election, certain adaptations to *The Election Act, 1996* (the Act) will be required. These adaptations can be broken down into two main categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic – and will be made using the authority found in section 7 of the Act.

Section 7(3)(a) requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Orders along with this Communique as that notice. I would also ask that you communicate this information to your staff, candidates and other party officials. Two CEO Orders are attached:

**CEO-Order-2020-03 Voter Information Cards – Advance Voting Direction:**

This CEO Order allows Elections Saskatchewan to direct voters to a specific advance poll in their constituency on their Voter Information Card as opposed to listing every advance poll in the constituency. This should provide for a more even balance of voters at each advance voting location. A voter may still vote at any advance poll in their constituency – this Order only amends the content of the Voter Information Card.

**CEO-Order-2020-04 Election Proclamations – Personal Care Facility, Hospital and Remand Centre Polls:** This CEO Order adjusts the contents of the election proclamation to allow more time and flexibility for Elections Saskatchewan to confirm polling locations in personal care facilities, hospitals, and remand centres. The proclamation will instead indicate that information on these polls can be found on the Elections Saskatchewan website at <https://www.elections.sk.ca/specialvoting>.

Questions on CEO Orders can be directed to Jennifer Colin, Deputy CEO, at [Jennifer.Colin@elections.sk.ca](mailto:Jennifer.Colin@elections.sk.ca). CEO Orders are posted on our website here: <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/>.

Sincerely,



Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

# ELECTIONS SASKATCHEWAN



## 29th Electoral Cycle Communique for Chief Official Agents

Issue Forty-One – September 28, 2020

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Election to be Called Tomorrow, Candidate Rep Guidelines & CEO Orders

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### Writs to be Issued Tomorrow

You may have heard, but earlier today, Premier Scott Moe announced at an event that Saskatchewan's 29th General Election will officially begin tomorrow, September 29. The election period will officially begin when I receive an order from the Lieutenant Governor in Council, instructing me to issue the Writs of Election in all 61 provincial constituencies.

Shortly after I receive the instruction to issue the Writs, I will be in contact with you through a Communique with a number of important notifications and reminders. As we approach election day (and beyond) I will increasingly be in contact with you through Communiques – please read them closely as they will often be my only means of communication with you.

### Updated Candidate Representative Guidelines

Attached to this Communique is an updated E-418 Guide for Candidates' Representatives which has been revised to be consistent with CEO Order 2020-05 which adapts provisions of *The Election Act, 1996* to help protect against the spread of COVID-19. Also attached is a one-page document which outlines the changes to this version of the document from the previous version.

I would ask that you distribute the E-418 to all of your party's candidates as it contains information that will be useful to them coming advance and election day voting. I appreciate your cooperation with this.

### CEO Orders

As I have described to you several times now, in order to administer a successful election, certain adaptations to *The Election Act, 1996* (the Act) will be required. These adaptations can be broken down into two main categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic – and will be made using the authority found in section 7 of the Act.

Section 7(3)(a) requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Orders along with this Communique as that notice. I would also ask that you communicate this information to your staff, candidates and other party officials. Two new CEO Orders are attached:

**CEO-Order-2020-05 Limits on Candidate Representatives:** This CEO Order allows Elections Saskatchewan to limit the number of candidates' representatives who are present during the hours of voting and for the counting of votes. This will help to limit the number of people in any one location and allow for greater physical distancing. This Order also restricts candidates' representatives from attending personal care facility, hospital and remand polls. As well, candidates' representatives will be required to physical distance while in a polling location or at the counting of votes and to wear a mask at all times.

**CEO-Order-2020-06 Ballot Counterfoil Handling:** This CEO Order allows the Deputy Returning Officer to remove the counterfoil from the ballot before handing both the ballot and the detached counterfoil to the voter. This will help to minimize the handling and passage of materials back and forth between voter and deputy returning officer. The voter keeps the counterfoil to have access to the instructions and deposits both ballot and counterfoil into the ballot box after voting.

Questions on CEO Orders can be directed to Jennifer Colin, Deputy CEO, at Jennifer.Colin@elections.sk.ca. CEO Orders are posted on our website here: <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/>.

Sincerely,



Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

# ELECTIONS SASKATCHEWAN



## 29th Electoral Cycle Communique for Chief Official Agents Issue Forty-Three – October 2, 2020

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Rules on Highways Signs, SHC Campaigning Guidelines & CEO Orders

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### Highway Signage Rules

The provincial Ministry of Highways and Infrastructure publishes rules related to placing signs along and near public roadways. I have attached a summary of those rules to this Communique – more information can also be found online at <https://www.saskatchewan.ca/residents/transportation/highways/putting-up-road-signs/election-signs>.

### Canvassing Guidelines from Saskatchewan Housing Corporation

Saskatchewan Housing Corporation (SHC) has issued revised guidelines for door-to-door campaigning in their buildings. Any SHC seniors' buildings are closed to the public to minimize the potential of exposing the seniors to COVID-19 and door-to-door campaigning is not permitted.

Candidates are not permitted in indoor common areas but candidates may book common outdoor space (if available) and SHC will provide notification to the tenants of the date and time the candidate will be in attendance. For more information, your candidates should reach out to their local SHC properties.

### CEO Orders

In order to administer a successful election during the COVID-19 pandemic, certain adaptations to *The Election Act, 1996* (the Act) are required. These adaptations can be broken down into two categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic – and will be made using the authority found in section 7 of the Act.

Section 7(3)(a) of the Act requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Order along with this Communique as that notice. I would also ask that you communicate this information to your candidates, staff, and other party officials. One new CEO Order is attached:

**CEO-Order-2020-07 Absentee Voting (Vote by Mail) and Homebound Voting:**

This CEO Order allows Elections Saskatchewan to modify the existing absentee voting provisions of the Act to implement a greatly expanded, centralized Vote by Mail (VBM) process. This Order also clarifies that VBM processes, including the adjusted deadline of October 15, will apply for homebound voting. This Order does not contain adapted rules surrounding candidate representatives at VBM processes – that will be provided in a future CEO Order.

Questions on CEO Orders should be directed to Jennifer Colin, Deputy CEO, at Jennifer.Colin@elections.sk.ca. All CEO Orders are also posted on our website here: <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/>.

Sincerely,

A handwritten signature in black ink that reads "Michael". The signature is fluid and cursive, with the first letter being a large, stylized 'M'.

Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

# ELECTIONS SASKATCHEWAN



## 29th Electoral Cycle Communique for Chief Official Agents Issue Forty-Four – October 6, 2020

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### Three Important Reminders & New CEO Order

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#### Nomination Deadline – Reminder

The nomination deadline for candidates in this election is 2 p.m. on Saturday, October 10. As I said on the day the Writs were issued, I strongly encourage you to have your candidates make arrangements with their constituency returning officer to submit their nomination packages well in advance of this deadline. If they delay too long and there are issues with their nomination package, they may not be able to complete the requirements before the deadline. *The Election Act, 1996* (the Act) does not allow the Chief Electoral Officer to provide extensions to this deadline.

The Act does provide one very specific exception to this rule in the case of an emergency. Section 44(8) states that a returning officer (RO) may accept a nomination paper by fax, provided the unmodified originals and required deposit are provided to the RO within 48 hours of the end of the nomination period. I have attached a copy of a CEO Directive I published in advance of the 2016 general election which clarifies that section of the Act and outlines the procedures my office will undertake should we receive such an application. Please note that I issue frequent reminders and request that you have your candidates reach out to their returning officer well in advance so that no one's ability to stand as a candidate depends on this very specific emergency provision.

#### Section 226 – Reminder

Section 226 of *The Election Act, 1996* requires registered political parties to update (or to confirm) the information found in the register of political parties within ten days of the writs of election being issued. For the election, that deadline is Friday, October 9. New for this election is the requirement for the leader or chief official agent of a party to inform the Chief Electoral Officer as to how they wish the name of the party or its abbreviation (or both) to appear on the ballot and other election documents. This notice can be completed using the *E-515 Confirmation of Party Details/Designation of Representatives for an Election Period* form, which is attached and can also be found on our website.

Contact Jennifer Colin at [Jennifer.Colin@elections.sk.ca](mailto:Jennifer.Colin@elections.sk.ca) if you have questions on this process or on the new requirement to inform the CEO as to how your party should appear on the ballot. This

will be my final reminder of this requirement so if you have not already done so, please complete this step as soon as possible.

## Candidates who live Outside of Constituency – Reminder

The last reminder that I will issue to you today is that while a candidate need not reside in the constituency in which they intend to run as a candidate, they do need to complete a form if they wish to vote in their chosen constituency. This is allowed for in section 16(5) of the Act which allows candidates, as well as their spouse and dependents (who must live with the candidate and be eligible voters) to be added to the voters list and to vote in a different constituency than the one they live in.

I have attached a copy of the *E-314CSD Voting by Candidate not Resident in the Constituency* form, which can also be found in the Candidates and Parties section of our website. Contact Jennifer Colin if you have questions on this process. The deadline for a candidate to complete this process is Thursday, October 15.

## CEO Orders

Finally, as I have said in the past, in order to administer a successful election during the COVID-19 pandemic, certain adaptations to *The Election Act, 1996* (the Act) are required. These adaptations can be broken down into two categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic – and will be made using the authority found in section 7 of the Act.

Section 7(3)(a) of the Act requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Order along with this Communique as that notice. I would also ask that you communicate this information to your candidates, staff, and other party officials. One new CEO Order is attached:

**CEO-Order-2020-08 Trainers – Authority to Administer Oaths and Declarations:** This CEO Order allows Elections Saskatchewan to have the Trainer position administer necessary oaths and declarations to election officials such as deputy returning officers and poll clerks. This Order is necessary because, due to physical distancing requirements, election official training will often be held outside of the returning office, which means that the Returning Officer and Election Clerk, who have the legislated authority to administer oaths and declarations, will not be in attendance at training sessions.

Questions on CEO Orders should be directed to Jennifer Colin.

Sincerely,



Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan



# ELECTIONS SASKATCHEWAN



## 29th Electoral Cycle Communique for Chief Official Agents Issue Forty-Seven – October 16, 2020

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Curbside Voting, a CEO Directive and New CEO Orders

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### Mandatory Mask Policy & Curbside Voting

You will be aware that the wearing of masks, more specifically whether masks should be mandatory or worn on a voluntary basis, has become a well-discussed issue, not only in Saskatchewan but elsewhere in Canada and North America. Elections Saskatchewan's messaging has been consistent – we are requiring our workers and all candidate representatives to wear masks and are strongly encouraging voters to do so as well.

While we are strongly encouraging voters to wear masks, there are a number of facilities leased as polling locations which have imposed a requirement for everyone entering the building to wear a mask. After careful consideration, I have agreed that Elections Saskatchewan will comply with these requests and signs will be posted on these locations informing voters that masks are mandatory within. We will have masks available for a voter who arrives at any voting location without a mask.

We will be placing an additional icon on our website's "Where Do I Vote" tool to indicate that a facility requires voters to wear masks. In the interests of providing you with complete information, a list of polling locations where a mandatory mask policy is in place will be placed on our website. We are still gathering this information from our Returning Officers, but this list should be available by the end of the day on Monday, October 19.

I am aware that there may be a small number of voters who refuse to wear a mask inside a location where masks are required. In those cases, I believe we have a responsibility to provide them with access to the ballot. We will be offering those voters the option to use the "curbside voting" process – detailed in section 81 of *The Election Act, 1996*. I will provide more details on that process early next week.

### CEO Directive

I know that, sadly, your candidates sometimes have to deal with vandalized or stolen campaign signs. With this in mind, I want to provide direction on how these situations should be dealt with from the perspective of the election expense return process. Please see the attached CEO

Directive covering *Vandalism or Theft of Signs*. Questions related to CEO Directives should be directed to Jennifer Colin, Deputy CEO, at Jennifer.Colin@elections.sk.ca.

## Revised Voters List

Just a short note to let you know that a revised voters list will be posted to the FTP portal by 12 noon on Saturday, October 17. This list includes registrations taken over the past several weeks, Vote by Mail strike off information as well as Absentee Voting (in the Returning Office) strike off information.

## CEO Orders

In order to administer a successful election during the COVID-19 pandemic, certain adaptations to *The Election Act, 1996* (the Act) are required. These adaptations can be broken down into two categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic – and will be made using the authority found in section 7 of the Act.

Section 7(3)(a) of the Act requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Orders along with this Communiqué as that notice. I would also ask that you communicate this information, and the attached CEO Orders, to your candidates, staff, and other party officials. The new CEO Orders are:

**CEO-Order-2020-009 Extraordinary Voting – Voters Impacted by COVID-19:**

This CEO Order allows Elections Saskatchewan to offer voting opportunities to this forced to self-isolate due to having COVID-19 or having been a close contact of someone with COVID-19. The Order allows individuals to apply to vote using a process similar to that of Vote by Mail, but between the dates of October 16 – 20, which is after the October 15 deadline for Vote by Mail applications.

**CEO-Order-2020-010 Extraordinary Voting – Peter Ballantyne Cree Nation:**

This CEO Order allows Elections Saskatchewan to offer a modified form of the Extraordinary Voting process to residents of the Peter Ballantyne Cree Nation communities, which is currently under a lockdown order.

Thank you for attention to these important details.

Sincerely,



Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

# ELECTIONS SASKATCHEWAN



## 29th Electoral Cycle Communique for Chief Official Agents Issue Fifty-Six – November 06, 2020

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### Final Count Tomorrow & CEO Orders

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#### Final Count Tomorrow

Just a very brief note to remind you that the Final Count will take place tomorrow. Only after the Final Count is over are election results considered official. Following the completion of the Final Count, we will enter a period where applications for recounts can be made (see my previous Communique for more details). The Return to the Writ will take place on Wednesday, November 18, bringing an end to the election period for Saskatchewan's 29th General Election.

Given that it appears much of the province is in for a severe winter storm at some point this weekend, please remind your candidates, candidate representatives, and anyone else who may be on the roads to take precautions when traveling.

#### CEO Orders

In order to administer a successful election during the COVID-19 pandemic, certain adaptations to *The Election Act, 1996* (the Act) are required. These adaptations can be broken down into two categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic – and will be made using the authority found in section 7 of the Act.

Section 7(3)(a) of the Act requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Orders along with this Communique as that notice. I would also ask that you communicate this information, and the attached CEO Orders, to your candidates, staff, and other party officials. The new CEO Orders are:

**CEO-Order-2020-0011 Attendance of Candidate Representatives at Vote by Mail Central Count (REVISION):** This CEO Order was revised to clarify that the Final Count of Vote by Mail ballots can take place from 9 a.m. to 10 p.m. and not from 9 a.m. to 5 p.m. This is consistent with the process that is being followed in returning offices and which is established in existing legislation for the Final Count. Certain prescriptive details related to the order in which constituencies are counted have also been removed – we will follow a very similar process to what

was used during the Second Preliminary Count for the first 26 constituencies, but after that, we will allocate constituencies to try and ensure counting is finished for all 61 constituencies before the end of the day.

**CEO-Order-2020-012 Continuation of Final Count in Constituency Returning Offices:** This CEO Order allows the Final Count in Returning Offices to proceed on Sunday if necessary. The Act currently does not allow the Final Count to take place on a Sunday or on a holiday; given that municipal elections will be held on Monday, November 9, it would be far better for the Final Count to be done and results official before the end of the weekend. In 2016, the Final Count was finished in one day in all 61 constituencies, but this Order provides the ability to move ahead on Sunday if needed.

Thank you for your continued cooperation as we complete the Final Count for the 29th Provincial General Election. I will be in touch next week with further details on the end of the election period. Until then, best wishes for a safe weekend during what is expected to be our first winter storm of the year.

Sincerely,

A handwritten signature in cursive script that reads "Michael".

Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

# ELECTIONS SASKATCHEWAN



## 29th Electoral Cycle Communique for Chief Official Agents

Issue Fifty-Nine – December 14, 2020

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Office Closure, Reminders & New CEO Order

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### Office Closure

The summer and fall of 2020 have been very busy ones for our Elections Saskatchewan staff members as they administered the province's 29th General Election in the midst of a global pandemic. Given this, I have decided that our office will close for the period beginning Monday, December 21 through until Monday, January 4, allowing our staff members to take a well-deserved break and use vacation time that they were unable to take during the summer months.

Our Corporate Services and Electoral Finance team, however, will continue to respond to phone calls and emails sent to our Business Manager Support Line, given the time-sensitive nature of business manager responsibilities. As Chief Official Agent, should a situation arise that requires immediate assistance from Elections Saskatchewan, we do not want you to hesitate to reach out to me or to Jennifer Colin. We will be monitoring our email and phones throughout the holiday season.

### Candidate Election Expense Return Info and Reminders

Audited candidate election expense returns are due to be submitted in hard copy to Elections Saskatchewan by January 26, 2021. Please pass the information below to your candidates and/or business managers as it is very important that they understand their responsibilities.

We recommend that any business managers who have not yet provided returns for their candidates to their appointed auditors do so as soon as possible to ensure the audit can be completed and the return filed with Elections Saskatchewan by the deadline. Implications to the candidate for not filing the Election Expenses Return by the legislated deadline include:

- Forfeiture of \$100 Nomination Deposit;
- Loss of eligibility for reimbursement of election expenses; and
- Assessment of late filing fees of \$25 per day for a maximum of 30 days (\$750).

Also, please be aware of two other political finance-related deadlines upcoming in the new year:

- Deadline for registered political parties to file their election expenses return is April 26, 2021

- Deadline for registered political parties to file their annual expense return is April 30, 2021

I would also mention that we expect to have a guide for how Chief Official Agents can use ELMS to complete their party's annual expense return published soon. I will send it to you in a Communique once it is available.

## CEO Order

In order to administer a successful election during the COVID-19 pandemic, certain adaptations to *The Election Act, 1996* (the Act) are required. These adaptations can be broken down into two categories – first, changes required to protect against and prevent the spread of COVID-19, and second, changes required to ensure the efficiency and stability of the election system as a result of the pandemic – and will be made using the authority found in section 7 of the Act.

Section 7(3)(a) of the Act requires that the Chief Electoral Officer give notice to every registered political party when the authority contained in section 7 is used. Please accept the attached CEO Order along with this Communique as that notice. I would also ask that you communicate this information to your candidates, staff, and other party officials. One new CEO Order is attached:

### **CEO-Order-2020-013 Increasing Election Expense Limits due to COVID-19:**

This CEO Order required registered political parties and candidates to include spending on non-branded Personal Protective Equipment (PPE) on their election expense return. If the party or candidate exceeds their election expense limit due to spending on non-branded PPE, their potential reimbursement will not be reduced nor will they be subject to any other penalty under the Act. The implementation of this Order allowed parties and candidates to spend on needed PPE without affecting their ability to spend in other areas related to their campaign.

Questions on CEO Orders should be directed to Jennifer Colin, Deputy CEO, at [Jennifer.Colin@elections.sk.ca](mailto:Jennifer.Colin@elections.sk.ca). All CEO Orders are also posted on our website here: <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/>.

Finally, I wanted to take a moment and wish you both a Merry Christmas and a happy New Year. 2020 has been a year unlike any other and I sincerely hope that you can find time over the holiday season to relax and spend time with those closest to you. All the best, and I look forward to engaging with you in 2021.

Sincerely,



Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan



October 16, 2020

NAME

Registered Political Party

Address

Address

Dear NAME:

The Peter Ballantyne Cree Nation is on lockdown after the declaration of a COVID-19 outbreak. Since the lockdown was declared, I have worked closely with Chief Peter Beatty and the Northern Inter-Tribal Health Authority and determined that there will be no in-person voting in Peter Ballantyne Cree Nation communities. That affects the following polls in the Constituency of Cumberland.

Type	Poll #	Community	Location
Advance	A6	Pelican Narrows	Napoleon Merasty Memorial Arena
Election Day	2	Kinasoo First Nation	Irene Olson Memorial School
Election Day	3	Southend	Southend Band Community Hall
Election Day	21, 22, 23	Pelican Narrows First Nation	Community Band Hall
Election Day	24, 25	Sandy Bay	Gary Morin Memorial Hall
Election Day	33	Sturgeon Landing	Joe Michael Recreation Centre
Election Day	36A, 36B	Deschambeault Lake	Deschambeault Lake Band Hall

Instead, voters in the affected communities will be served using an Extraordinary Voting Process, the details of which can be found in the enclosed CEO Order. I am authorizing these changes under section 7(1)(c) of *The Election Act, 1996* and section 2(2)(a) of *The Election Act Regulations*.

I am working closely with Chief Beatty to ensure this information is provided to residents of Peter Ballantyne Cree Nation communities. More information can be found on our website at [www.elections.sk.ca/peterballantyne](http://www.elections.sk.ca/peterballantyne).

#### ELECTIONS SASKATCHEWAN

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**Fax:** 306.787.4052

**Email:** [info@elections.sk.ca](mailto:info@elections.sk.ca)  
**Web:** [elections.sk.ca](http://elections.sk.ca)



Please accept this letter as the required notice in accordance with section 7(3)(b) of *The Election Act, 1996*.

Sincerely,

A handwritten signature in blue ink, reading "Michael D. Boda". The signature is fluid and cursive, with the first name "Michael" and last name "Boda" clearly legible.

Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

Enclosure





October 23, 2020

NAME

Registered Political Party

Address

Address

Dear NAME:

On October 16, I informed you in a letter that the Peter Ballantyne Cree Nation was on lockdown following the declaration of a COVID-19 outbreak. At the time, after working with Chief Peter Beatty and Council as well as the Northern Inter-Tribal Health Authority, it was determined that there would be no in-person voting in Peter Ballantyne Cree Nation communities.

I am writing to inform you, that after the removal of the lockdown order in Peter Ballantyne Cree Nation communities (with the exception of Southend), and in consultation with Chief Beatty and Council, we are reinstating the following election day polls:

Type	Poll #	Community	Location
Election Day	2	Kinoosao First Nation	Irene Olson Memorial School
Election Day	21, 22, 23	Pelican Narrows First Nation	Community Band Hall
Election Day	24, 25	Sandy Bay	Gary Morin Memorial Hall
Election Day	33	Sturgeon Landing	Joe Michael Recreation Centre
Election Day	36A, 36B	Deschambeault Lake	Deschambeault Lake Band Hall

Please note that the poll in Kinoosao First Nation will be conducted using mobile poll provisions due to the travel time for our election officials.

Sincerely,

Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

**ELECTIONS SASKATCHEWAN**

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