

# ELECTIONS SASKATCHEWAN

Report of the Chief Electoral Officer  
pursuant to subsection 5.1(6) of *The Election Act, 1996*  
regarding actions taken during the constituency of  
Lumsden—Morse, Regina Coronation Park, and Regina  
Walsh Acres By-Elections

February 2024





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February 9, 2024

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 5.1(6) of *The Election Act, 1996* (the Act), I submit to you, within six months of the last day of voting, a written report respecting my actions pursuant to section 5.1 of the Act during the by-elections concluding on August 10, 2023, in the constituencies of Lumsden–Morse, Regina Coronation Park, and Regina Walsh Acres.

Respectfully Submitted,

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

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## Introduction

On August 10, 2023, voters cast the final ballots for three provincial by-elections in the constituencies of Regina Coronation Park, Lumsden-Morse, and Regina Walsh Acres.

The final votes of every by-election follow weeks of intense, committed service by Elections Saskatchewan's Field Leadership Team, election workers, and head office staff. In this case, those final votes symbolized all that and more: the culmination of 10 years of thoughtful, measured movement toward a fully modernized election system put forward by Saskatchewan's Chief Electoral Officer (CEO), Dr. Michael Boda.

**The subsequent vote count and extra testing confirmed what voters and election workers had already reported: the new system, which featured extensive procedural and process changes as well as the widespread implementation of electronic poll books and vote counting equipment, was a success.**

Efficient, accurate, and fully functional; Elections Saskatchewan had shown that election modernization was possible in the province.

## Saskatchewan's Road to Election Modernization

Simply stated, election modernization is the thoughtful, timely adoption of tools and processes that sustain and improve the voting system's security, integrity, and ease of use. Saskatchewan's decade-long, three-phase election modernization project began with the publication of Elections Saskatchewan's 2014–2016 strategic plan, *A Path for Renewal*, and was fully established in Volume IV of *A Report on the Twenty-Eighth General Election: Chief Electoral Officer's Recommendations for Legislative Reform*, published in April 2018.<sup>1</sup> This three-phase plan would have successive elements of modernization introduced in the province's 2020, 2024, and 2028 general elections.

Phase 1 of the modernization project was intended to take effect in Saskatchewan's 29th General Election, held in October 2020. Unfortunately, those plans were delayed, first by the potential for an early election and then by the COVID-19 pandemic. While the pandemic stalled some aspects of the modernization process, it also created unexpected opportunities to test new approaches. Granted a higher degree of discretion in response to the demands of the pandemic, the CEO implemented a range of new, necessary, and efficient processes during the 29th General Election. Centralization of the Vote by Mail initiative, for instance, was a crucial aspect of Elections

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<sup>1</sup> Strategic plans from 2014 onward are available on Elections Saskatchewan's website at <https://www.elections.sk.ca/reports-data/strategic-planning/>. For more information on Elections Saskatchewan's three-phased modernization initiative, see Volume IV of *A Report on the Twenty-Eighth General Election: Chief Electoral Officer's Recommendations for Legislative Reform*, available on Elections Saskatchewan's website at <https://www.elections.sk.ca/reports-data/reports-publications/>.

Saskatchewan's 2020 pandemic response. It revolutionized Saskatchewan's mail-in voting process in a very short time and was used by more than 56,000 voters.

Following the 29th General Election, the CEO prepared a post-election report, bringing lessons learned during that election to bear on the province's longstanding modernization project. *Chief Electoral Officer's Recommendations for Legislative Reform, Volume IV of A Report on the Twenty-Ninth General Election* ("Volume IV"), was released on October 17, 2022.<sup>2</sup> Volume IV drew on experience and best practices to outline a suite of practices that could significantly improve the administration of elections in Saskatchewan, supported by a list of recommended legislative changes.

On December 7, 2022, the Legislative Assembly adopted many of the CEO's recommendations in Bill 123, *The Election Amendment Act, 2022*. Under the newly added sections 5.3 to 5.5 of the Election Act and the previously existing section 5.2, the CEO was permitted to introduce many of the recommendations in Volume IV via CEO Directives, subject to the approval of the Board of Internal Economy (BOIE). Advances specifically addressed in the legislation include the adoption of a polling period (rather than separate advance and election day voting), electronic poll books, and other modifications. While the amendments left a few gaps, including the explicit ability to use vote counting equipment, they presented the possibility of significant modernization in line with plans for Phase 2 during Saskatchewan's 30th General Election, scheduled by legislation for October 2024. Only one thing was missing from Elections Saskatchewan's plans: an opportunity to thoroughly test the complete, modernized system in a real-world environment before implementing it in a general election.

## A Vital Testing Ground

Change moves slowly in election administration, due largely to the span of time between election events and complicated further by the logistical challenges of introducing untested processes in an event of the size, scale, and importance of a general election.

**By-elections provide rare but critical opportunities to test and refine new processes on a small scale before implementing them jurisdiction-wide.**

This important function of by-elections is directed by legislation. Section 5.1 of *The Election Act, 1996* (the "Act") provides Saskatchewan's Chief Electoral Officer (CEO) with authority to "direct the use of an alternate procedure, equipment or technology during a by-election."

Elections Saskatchewan's modernization project was significantly delayed by circumstances preventing implementation of Phase 1 in the October 2020 29th General Election. By-elections

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<sup>2</sup> Available on Elections Saskatchewan's website at <https://www.elections.sk.ca/reports-data/reports-publications/>.



provided the best opportunity of running the real-world tests on a truly modernized election system before Saskatchewan's 30th General Election, expected to take place in October 2024.

A first test was conducted during the September 2022 by-election in the constituency of Saskatoon Meewasin. During that event, electronic poll books were used during all advance voting dates, a key first step in setting the stage for future trials.

On February 10, 2023, Mark Docherty, Member of the Legislative Assembly (MLA) for Regina Coronation Park, resigned from office. This was followed by the resignation on March 23 of Lyle Stewart, MLA for Lumsden-Morse. On March 28, MLA Derek Meyers passed away, leaving a vacancy in the seat for Regina Walsh Acres. Faced with three vacancies covering both rural and urban ridings, Elections Saskatchewan had an unexpected opportunity to implement a large-scale test of the modernized election system, offering secure, convenient, and accessible voting options for voters in an array of situations.

## This Report

In April and June 2023, Saskatchewan's CEO, Dr. Michael Boda, issued eight CEO Directives authorizing pilot projects under section 5.1 of the Act. On July 13, 2023, Writs of Election were issued for three by-elections in the constituencies of Lumsden-Morse, Regina Coronation Park, and Regina Walsh Acres, with the last day of voting taking place on August 10, 2023.

This written report on the CEO's actions during those by-elections is submitted to the Speaker of the Legislative Assembly pursuant to subsection 5.1(6) of the Act. It includes a brief summary of the by-elections and a detailed account of the eight pilot projects. It closes with a discussion of implications for future elections, including Saskatchewan's upcoming 30th General Election, scheduled for October 28, 2024.

## August 2023 By-Elections

Three constituencies in Saskatchewan held by-elections in August 2023:

- **Regina Coronation Park** (RCP): Mark Docherty, Member of the Legislative Assembly (MLA) for Regina Coronation Park, resigned February 10, 2023.
- **Lumsden-Morse** (LUM): Lyle Stewart, MLA for Lumsden-Morse, resigned March 10, 2023.
- **Regina Walsh Acres** (RWA): Derek Meyers, MLA for Regina Walsh Acres, died March 28, 2023.

Legislation requires that a by-election be held no more than six months after a seat in the Legislative Assembly becomes vacant. The final day of voting for these by-elections was ultimately set for August 10, 2023, exactly six months after the RCP seat became vacant. Key dates were as follows:

- July 13, 2023: Writs of Election issued

- July 25, 2023: Nomination deadline
- August 1, 2023: Deadline to get on the voters list & vote by mail application deadline
- August 2, 2023: Homebound voting application deadline
- August 3–6 and 8, 2023: Early voting
- August 10, 2023: Last day to vote & first preliminary count
- August 12, 2023: Second preliminary count
- August 14, 2023: Ballot count confirmation
- August 21, 2023: Deadline to receive vote by mail ballots
- August 22, 2023: Final Count
- September 2, 2023: Return of the Writs

Complete results, including poll-by-poll results in CSV format, can be found on the Elections Saskatchewan website at [results.elections.sk.ca/](https://results.elections.sk.ca/).

The successful administration of the three by-elections demonstrated that the type of modernization the CEO has been recommending will work in Saskatchewan.

**The use of technology combined with process changes meant that significantly fewer workers were needed, decreasing from 499 workers required to support the three constituencies in the 2020 General Election to only 163 workers required for the three August 2023 by-elections (roughly 32 percent as many).**

Registered political parties received data via the electronic poll books regularly and as planned. Vote counting equipment produced results extremely quickly and accurately. Any voters who noticed a difference in the election processes were complimentary of the improved speed and service.

Together, these pilot projects showed that many key stakeholders are ready for widespread modernization of the ways in which voting is administered. They also demonstrated that Elections Saskatchewan is prepared to successfully deliver that modernized voting experience while maintaining trust and the integrity of the process. The only obstacle remaining is Saskatchewan's highly prescriptive legislation, which prevents the CEO from implementing the changes in general elections that are permitted in by-elections.

## August 2023 Pilot Projects

Section 5.1 of *The Election Act, 1996* (the "Act") provides the CEO with authority to "direct the use of an alternate procedure, equipment or technology during a by-election." When he does so, he is required to notify the Speaker of the Legislative Assembly and the Board of Internal Economy

(BOIE), providing them with a copy of the detailed directive.<sup>3</sup> The directive must also be shared with registered political parties and posted to the Elections Saskatchewan website.

Section 5.1 of the Act requires the CEO to provide this notice at least four weeks before the writ is issued for a by-election. Since the Chief Electoral Officer can only issue a writ of election upon instruction from the Lieutenant Governor in Council, and the date is often not publicly known, this means the directive must be delivered to stakeholders at least four weeks before an unknown date. To address this uncertainty, Elections Saskatchewan generally begins to prepare and submit piloting directives as soon as possible after a seat becomes vacant.

By-elections are an ideal opportunity to test alternative procedures. Previously, the Elections Saskatchewan team conducted several pilot projects on procedures relating to its modernization project in the September 26, 2022, Saskatoon Meewasin by-election.<sup>4</sup> That successful test, which included the use of electronic poll books at advance voting locations, laid the foundation for further testing of a broader range of modernization initiatives in the August 2023 by-elections.

On April 20, 2023, the CEO delivered seven CEO directives to the Speaker and the BOIE regarding a series of alternate procedures to be adopted during any by-elections conducted before September 30, 2023. On June 13, 2023, the CEO provided the Speaker and the BOIE with an eighth directive outlining an additional process that would be implemented to further verify the accuracy of vote counting equipment. The full list of directives is set out below:

Directive	Date	Title	Summary
2023-001	04/20/2023	Polling Period	Transition away from distinct advance and election day voting periods toward a unified “Voting Week.”
2023-002	04/20/2023	Polling Divisions	Changes to the traditional use of geographic sub-regions.
2203-003	04/20/2023	Elimination of Poll Clerk Position	Removal of the poll clerk position from most voting locations
2023-004	04/20/2023	Electronic Poll Books	Adoption of electronic poll books in lieu of traditional poll books and voters lists.
2023-005	04/20/2023	Vote Counting Equipment	Adoption of vote counting equipment in lieu of manual ballot counting

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<sup>3</sup> This is in contrast to the implementation of alternate procedures, equipment, or technology during a general election during which CEO Directives must be approved by the BOIE in advance of the event.

<sup>4</sup> For more information on pilot projects conducted during the Saskatoon Meewasin by-election, see the CEO’s *Saskatchewan Meewasin Section 5.1 Report*, dated September 26, 2022, at <https://www.elections.sk.ca/reports-data/reports-publications/>.

2023-006	04/20/2023	Vote by Mail	Replace traditional “absentee voting” with a centralized vote by mail system
2023-007	04/20/2023	Implementation of Voting Record	Replace traditional poll book and voters list with “Voting Record” form
2023-008	06/13/2023	Ballot Count Confirmation	Confirm accuracy of vote counting equipment by inspecting ballots

**While each directive addresses a different component of the election system, they were designed to work together to serve three main purposes:**

- (1) to make it simpler for voters to exercise their democratic rights;
- (2) to broaden access for voters; and
- (3) to strengthen the integrity of the election system.

They also have the benefit of increasing accuracy, efficiency, and speeding up the voting process. Finally, political stakeholders can gain access to real time data on who has voted, aiding “get out the vote” efforts.

Some key pilot projects were designed primarily to **simplify and broaden voter access**: Vote by Mail provides important access for those who are unable to vote in person, while the directives establishing Voting Week and eliminating polling divisions allow voters to vote when and where they like in their constituency.<sup>5</sup> In the long term, and if fully implemented alongside other modifications, these changes will make it simpler for voters to understand when and where they can vote.

Improved voter access must be accompanied by **strengthened system integrity**. Several pilot projects were designed to reinforce security, integrity, and trust in the system. The Voting Record and electronic poll books improve data accuracy by cutting out the process of manually recording voter information, and they increase security by storing all data in one central location. They also eliminate the possibility of duplicate voting, giving election workers access to a voter list that is updated in real time, and allowing workers to strike voters off as soon as they have received their ballot. Refinements to the Vote by Mail system ensure access while still preventing individuals from voting twice. The integrity of the system is reinforced by vote counting equipment, which is proven to be the most accurate method of ballot counting.<sup>6</sup> The pilot projects confirmed the

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<sup>5</sup> See discussion on subsequent pages regarding the exception for one-day standalone voting locations in rural areas of Lumsden–Morse. Each standalone voting location was available only to voters living within its specific geographic region (“catchment area”).

<sup>6</sup> See, for example, Stephen Ansolabehere, Barry C. Burden, Kenneth R. Mayer, and Charles Stewart III. *Learning from Recounts*. Election Law Journal: Rules, Politics, and Policy. Vol. 17, No. 2. Jun 2018. 100-116. This study looked at recounts conducted in Wisconsin in 2011 and 2016 and found that vote counting equipment was more accurate than hand counted paper ballots in both.

accuracy and reliability of this method through a manual verification process. And importantly, the hand-marked, paper ballots are always available should a judicial recount be necessary.

When all of these processes are combined, they have the added benefit of greater speed, accuracy, and efficiency. Poll clerks are no longer necessary to manually record voter names and addresses, reducing errors and shrinking the cost and complexity of election staffing. Elimination of polling divisions removes a cumbersome, unnecessary administrative process, freeing up resources. Finally, the combination of electronic poll books and vote counting equipment speeds up both the voting process and the ballot count.

**The overall purpose of these directives was to develop and test a coherent, modernized voting system marked by integrity, efficiency, and ease of access. The test was a success.**

Elections Saskatchewan gathered feedback from a number of key stakeholders through exit polling with voters, an online survey of election workers, and telephone interviews with the Field Leadership Team, IT staff, candidates, and parties' Chief Official Agents. **These stakeholders overwhelmingly indicated that the use of technology improved the process:**

- **Among voters**, 75.9 percent indicated that the changes improved the voting experience, with only 1.3 percent feeling that the changes made the voting experience worse.
- **Among election workers**, 80.8 percent either strongly (75.5 percent) or somewhat (5.3 percent) agreed that the electronic poll books and vote counting equipment should be used again in the next election, while only 5.4 percent disagreed.
- **The Field Leadership Team (returning officers and election clerks)** unanimously affirmed the value and importance of the changes, variously describing the technology as “highly effective,” “flawless,” and “essential for future elections.”
- **Elections Saskatchewan’s IT staff** indicated that the vote counting equipment worked “perfectly” and the use of electronic poll books went “extremely well.”
- **All candidates and party officials** interviewed supported the use of technology for voter strike-off and vote counting in future elections.

The test was also a success from an objective point of view. Electronic poll books sped up the process for voters, and the vote counting process was much quicker and easier in locations with vote counting equipment than in traditional voting locations.

The accuracy of the vote counting equipment was also confirmed through the completion of a ballot count confirmation. All ballots that were counted by vote counting equipment in the

constituency of Regina Walsh Acres (the constituency that had the smallest margin between the first and second place candidate) were checked and hand counted by election officials. In each of the other two constituencies, a hand count of a randomly selected ballot box also confirmed the accuracy of the vote counting equipment. In all cases, the results from vote counting equipment perfectly matched those provided by hand counting. **This entire process was overseen by Justice John Klebuc, former Chief Justice of Saskatchewan, and Dr. Keith Archer, former Chief Electoral Officer of British Columbia, both attesting to the accuracy of the voting machine count.** <sup>7</sup>

#### Note: Adapting for Geographically Large Constituencies (Lumsden–Morse)

In a province as large and diverse as Saskatchewan, a one-size-fits-all approach is bound to fail. The pilot projects provided an ideal opportunity to test adaptations of the modernized voting process to accommodate a challenge that is particularly pointed in Saskatchewan: effective service of geographically large rural and northern constituencies.

The constituency of Lumsden–Morse is roughly 200 km wide. It encompasses several rural municipalities and sparsely populated areas. Elections Saskatchewan strives to ensure that no voter needs to drive more than 30 minutes to vote, necessitating the establishment of more voting locations in large constituencies like Lumsden–Morse than in more densely-populated urban ones. These rural locations have some unique features:

- The number of voters assigned to each voting location will be low in sparsely populated regions. This makes it unnecessary to keep the voting location open for the entire Voting Week.
- The Internet infrastructure supporting these voting locations is typically less developed than in urban areas. Network connections may be unreliable or completely unavailable, and backups can be difficult to source in the event of an equipment failure.
- The distance of these voting locations from supports and services, along with the low volume of voters, means that simplicity of processes is more important than speed or efficiency.

These issues were addressed in the Lumsden–Morse by-election by establishing a series of one-day standalone voting locations on the final day of voting. Nearly all CEO directives for the August 2023 by-elections included special provisions or exceptions to accommodate the standalone voting locations, as highlighted in the discussions of each CEO directive below.

Most notably, the standalone voting locations used traditional paper-based voting and manual vote counting methods rather than the electronic poll books and vote counting equipment. This traditional approach ensured that limited or non-existent network support would not impact the

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<sup>7</sup> More details can be found at <https://www.elections.sk.ca/media/news-releases/ballot-confirmation-count-complete/>. A copy of Justice Klebuc’s memorandum on the conduct of the confirmation is included as Appendix A and is also available at <https://cdn.elections.sk.ca/upload/Justice-Klebuc-to-CEO-Ballot-Confirmation-Memorandum.pdf>.

availability or quality of voting opportunities or reporting. To prevent anyone from voting twice, updated Voting Records were delivered to standalone voting locations before the final voting day began, and each standalone voting location was available only to voters living within a particular geographical region known as a catchment area.

The adaptations made in Lumsden-Morse successfully demonstrated both the importance and the possibility of accommodating the needs of all voters while continuing to modernize election administration.

The section below provides a detailed overview of each of the eight CEO Directives that were in place for these three by-elections. The overviews include a description of the purpose of each Directive, the overall outcomes and where applicable, what feedback key stakeholders offered on the changes.

### CEO Directive 2023-001: Polling Period

**This directive combined voting day and the days of advance voting into “Voting Week.”**

The purpose of this directive was to encourage voter participation and simplify communication by making it easier to understand when and where a person can vote. Ideally, Voting Week would consist of a continuous period of voting, during which any voter could visit any voting location in their constituency to cast their ballot. The times would also be consistent across all days, ensuring clarity and predictability for voters.

This ideal scenario is still a work in progress. In the August 2023 by-elections, Voting Week was interrupted twice: first by a statutory holiday and then by a one-day break before the last day of voting. The break for Saskatchewan Day on August 7, 2023, was unavoidable because legislation prohibits voting on statutory holidays. The final pause before the last day of voting is a longstanding practice used to update and prepare voters lists for the last day of voting and maintain process security. If it becomes possible to fully equip all voting locations with electronic poll books and vote counting equipment, this final pause could be eliminated.

In the two Regina constituencies, all voting locations were equipped with electronic poll books and vote counting equipment throughout the entire Voting Week (Directives 2023-004 and 2023-005). Voting hours followed the traditional practice, opening from 12 noon to 8 p.m. for the first five days of the polling period and 9 a.m. to 8 p.m. on the final day of the polling period. In Lumsden-Morse, stand-alone voting locations on the last day of voting used traditional paper-based processes, the Voting Record, and manual vote counting. As a result, it was not possible to eliminate the break prior to the last day of voting in this set of by-elections.

### CEO Directive 2023-002: Polling Divisions

**This second directive eliminated the subdivision of constituencies into polling divisions.**

In Saskatchewan’s previous elections, constituencies were broken into polling divisions and each voter was assigned a single voting location based on their polling division. While this practice

served an important purpose in the past, it is no longer necessary. Eliminating polling divisions allows voters to vote at any voting location within their constituency (subject to one exception, discussed in more detail below). This makes the voting system more convenient for voters and more efficient overall.

Historically, polling divisions served two purposes: to prevent an individual from voting at more than one location, and to limit overcrowding on voting day. With the adoption of electronic pollbooks, voter integrity is no longer a concern: once an individual votes, they are immediately struck off the voters list used at all polling locations and cannot vote again. Modernization has also done away with the risk of overcrowding: Voting Week and Vote by Mail reduce the number of voters likely to appear at any polling location on a given day, and electronic poll books and vote counting equipment speed up the voting process. As a result, the cost and labour involved in administering polling divisions was no longer justified for the August 2023 by-elections.

Voters welcomed the elimination of polling divisions. 66.2 percent of voters indicated that the ability to vote at any location in the constituency improved their voting experience. Only 0.2 percent indicated that it made the experience worse. More than 95 percent of voters polled indicated that it was either very (74.4 percent) or somewhat (20.8 percent) important to be able to vote anywhere in the constituency during the last day of voting.

There was one minor exception to the shift away from assigned voting locations: as noted above, Lumsden–Morse is a geographically large constituency that adopted the last-day standalone voting locations. A small number of voters in these constituencies were assigned to “catchment areas,” or larger polling divisions. On the final day of voting, each catchment area hosted a standalone voting location available only to voters who resided within that area and had not voted on a previous day. Stand-alone voting locations were subject to this restriction because they did not use electronic pollbooks (see Directive 2023-001).

### CEO Directive 2023-003: Elimination of Poll Clerk Position

**The third directive did away with the poll clerk at all voting locations that used an electronic poll book and vote counting equipment.**

Historically, the bulk of the poll clerk’s work consisted of writing down voters’ names and addresses into the poll book. The adoption of the electronic poll books (Directives 2023-004) eliminated this task, making the poll clerk unnecessary at most voting locations as the new process was faster, more accurate, and more efficient. Any remaining duties traditionally performed by the poll clerk were assigned to the deputy returning officer. Elimination of the poll clerk had already been tested in the 2022 Saskatoon Meewasin by-election and was implemented again in the August 2023 by-elections without difficulty.

Poll clerks were retained in a few specific contexts. They were necessary at the one-day standalone voting locations in Lumsden–Morse, which did not use electronic poll books, and they



continued to serve their usual functions vis-à-vis homebound voting and voting in hospital, remand, or personal care facilities. In all other locations, poll clerks were no longer required.

#### CEO Directive 2023-004: Electronic Poll Books

**The fourth directive authorized the use of electronic poll books at voting locations, doing away with the paper-based poll book and voters list and the manual procedures associated with them.**

An electronic poll book is software that allows an election official to complete activities such as voter strike off on a laptop computer rather than on a paper form. A bar code reader attached to the computer can read the bar code printed onto a voter information card (VIC), allowing workers to quickly identify voters in the system. If a voter does not bring their VIC, their name can be searched manually.

Electronic poll books have many benefits. They boost accuracy, nearly eliminating transcription errors. They are faster than paper-based methods and make the voting process much more efficient when used in combination with vote counting equipment (Directive 2023-005). They supply real time data specifying which voters have cast a ballot, which prevents voters from voting twice. The data can also be relayed electronically to candidates and political parties. This assists with campaigning and allows candidate representatives at the voting locations to focus on observing voting activities rather than manually collecting and relaying information to campaign headquarters.

65 percent of voters polled said the use of computers improved their voting experience. Only 1.9 percent said electronic poll books had a negative impact. Voters indicated a high degree of comfort with the use of electronic poll books: 94.9 percent of those polled said they were very (74.2 percent) or somewhat (20.5 percent) comfortable with the use of computers to strike off voters.

The Field Leadership Team were “unanimously enthusiastic” about the use of electronic poll books to strike off voters. Their perceptions were aptly summarized by one who described it as “a huge improvement.” More than 93 percent of election workers who operated the polling stations agreed that striking off voters using electronic poll books worked well, and 100 percent of those who worked directly with technology at voting locations indicated that it functioned well all (56.6 percent) or most (43.4 percent) of the time.

#### CEO Directives 2023-005 and 2023-008: Vote Counting Equipment and Ballot Count Confirmation

**The fifth directive authorized the use of automated vote counting equipment. The eighth directive stipulated that ballots from each constituency would be inspected to confirm the equipment’s accuracy.**

The traditional practice of counting ballots by hand is slow and subject to human error. Vote counting equipment promises to significantly improve the speed, efficiency, and accuracy of the ballot counting process. These by-elections provided an ideal opportunity to test that promise. Vote counting equipment was employed at all voting locations except the one-day standalone locations in Lumsden–Morse.

The equipment’s accuracy was tested and confirmed under Directive 2023-008 (Vote Counting Equipment: Ballot Count Confirmation). Election officials checked all ballots from Regina Walsh Acres, the constituency with the closest margin of victory, and held a random check of one ballot box from each of the other two constituencies.

**The ballot count confirmation was overseen by former Chief Justice of Saskatchewan, Justice John Klebuc, and by former Chief Electoral Officer of British Columbia, Dr. Keith Archer. Justice Klebuc and Dr. Archer found that the results from the vote counting equipment matched the hand-counted results exactly.**

Voters, workers, candidates, Chief Official Agents, and the Field Leadership Team all affirmed their trust in the equipment and their positive experiences with it. Among voters, the positive responses were overwhelming: almost three quarters of respondents (73.4 percent) said that the vote counting machines improved the voting experience, and only 1.7 percent said that the equipment made the voting experience worse. When asked about their comfort level, 95 percent of voters indicated that they were very (80.1 percent) or somewhat (14.9 percent) comfortable with the machines, with less than 5 percent indicating that they were somewhat (2.9 percent) or very (1.3 percent) uncomfortable.

Staff spoke highly of the machines, and a member of the Field Leadership Team commented: “The vote counting machines were awesome! They were fast and accurate. By the time the team hand-counted 43 ballots from care centres, all the machine counted ballots were done.”

Party official agents and candidates who were interviewed also recognized the value of the vote counting machines, “emphatically” supporting the use of this technology and electronic poll books in the future.

#### [CEO Directive 2023-006: Vote by Mail](#)

**The sixth directive outlined the Vote by Mail process to be adopted in the by-elections and suspended the absentee voting process in sections 86–88 of the Act.**

Absentee voting in Saskatchewan has traditionally been used to offer access to the ballot for voters who would be unable to attend an advance or election day voting location. However, this has been a little-used option, typically serving about one percent of all voters.

Directive 2023-006 replaced absentee voting with efficient, accessible postal voting, drawing on the practices developed in the 2020 election (held during the COVID-19 pandemic) and refined in the 2022 by-elections in Saskatoon Meewasin and Athabasca. Vote by Mail has proved to be both highly popular and highly reliable, making traditional in-person absentee voting unnecessary.

The directive suspended the absentee voting process outlined in sections 86–88 of the Act, clarifying that the small number of voters who attempt to use in-person absentee voting will be directed to Vote by Mail or another in-person voting opportunity. If a voter visits a returning office and wishes to use the traditional absentee process, returning officers will help the voter complete a Vote by Mail application. In total, 510 votes were cast using Vote by Mail in these three by-elections.

### CEO Directive 2023-007: Implementation of Voting Record

**The seventh directive consolidated the poll book and voters list into a new form called the Voting Record.**

This directive draws on a practice developed in the Saskatoon Meewasin by-election in 2022: combining the poll book and voters list into a single record. This eliminates a substantial amount of transcription and handwriting at the voting station, making voting faster and eliminating errors. It also facilitates speedy reporting of voter lists to candidates and registered political parties, and it simplifies the process of ensuring that no voter can vote both by mail and in person.

The unified Voting Record was an important tool at one-day standalone voting locations in the August 2023 Lumsden–Morse by-election, improving efficiency and accuracy even without the use of electronic poll books. While the CEO’s long-term vision for voting in the province will see far less reliance on paper forms, there will likely always be some locations that are too remote or too small for easy and efficient deployment of technology such as electronic pollbooks. In those cases, the speed, accuracy, and simplicity of the Voting Record makes it a far superior option to the traditional, legislated separation of the voters list and poll book.

### Results of Pilot Projects and Overall Assessment

Each of the technologies and processes tested in the August 2023 by-elections was a success.

The successful administration of the three by-elections demonstrated that the type of modernization the CEO has been recommending will work in Saskatchewan.

**Voters, workers, candidates, party official agents, and the Field Leadership Team all indicated that the pilot projects brought improvements in speed, accuracy, efficiency, and voter experience.**

During a by-election, the Chief Electoral Officer has the authority to move forward with pilot projects and modifications to legislation without seeking approval from the Board of Internal Economy (BOIE); he is required to inform them of the planned modifications at least four weeks

before a writ of election is issued. For a general election, however, the Chief Electoral Officer can move forward with a CEO directive modifying legislation only if it is approved by the BOIE.

Many of the practices piloted in the August 2023 by-elections will be adopted in Saskatchewan's next General Election with minimal modifications. Building on Directive 2023-001: Polling Period, Saskatchewan will formally transition away from distinct advance and election day voting periods toward a unified Voting Week. Polling divisions and poll clerks will be eliminated as they were in Directives 2023-002 and 2023-003, subject to appropriate exceptions for one-day standalone voting locations in geographically large constituencies. Vote by Mail will carry on as it did under Directive 2023-006, and a Voting Record will be employed at any voting location that still requires paper-based records, building on Directive 2023-007.

Electronic poll books consistent with those implemented under Directive 2023-004 will be partially adopted in the 30th General Election. All constituencies in Regina, Saskatoon, Moose Jaw, Prince Albert, Swift Current, Yorkton, and the Battlefords will use electronic poll books at all voting locations. All other constituencies will rely on traditional paper-based methods but with elements of modernization, such as the Voting Record, Voting Week, and larger polling divisions.

The most significant variation between the system tested in the August 2023 by-elections and the 30th General Election is the absence of vote counting equipment. Despite the successful deployment of vote counting equipment in the by-elections, including 100 percent verification of results in the ballot count confirmation, the BOIE is not yet prepared to approve the use of vote counting equipment in a general election. This is not without risk as best practice is to pair vote counting equipment with electronic poll books. This ensures that efficiencies introduced at the front end through the use of electronic poll books can be balanced with the efficiencies at the back end from vote counting equipment. When this does not take place, there an imbalance can be introduced with front end workers able to process voters quickly and efficiently, but resulting in a worker having far too many ballots to count when voting is over. Nevertheless, the August 2023 by-elections remain an important stepping-stone in Elections Saskatchewan's long-term movement toward modernization. As a demonstration of the technology's value and reliability, the by-elections provided important information that will serve the province well as it continues advancing toward a fully modernized system.

## Notice to Required Stakeholders: Board of Internal Economy & Registered Political Parties

Subsection 5.1(4)(a) of the Act requires the CEO to advise the Speaker of the Legislative Assembly and the BOIE of his intention to proceed with the use of any alternate procedure, equipment, or technology during a by-election at least four weeks before the writ for the by-election is issued.

On April 20, 2023, the CEO provided the Speaker and the BOIE with a copy of seven CEO Directives containing language allowing for the testing of alternate procedures, equipment, and technologies in the pending Regina Coronation Park, Lumsden–Morse, and Regina Walsh Acres

by-elections. On that same day, the province's registered political parties were informed and provided a copy of the Directives attached to a CEO Communique. The alternate procedures, equipment, and technologies proposed were changes to the polling period, elimination of polling divisions, elimination of the poll clerk position, adoption of electronic poll books, adoption of electronic vote counting equipment, adoption of a modernized vote by mail system, and implementation of a single Voting Record in place of the traditional poll book and voters list forms. Each CEO Directive was also placed on the Elections Saskatchewan website.<sup>8</sup> A copy of the relevant CEO Directive and Communiques are included as Appendix B and Appendix C.

On June 13, 2023, the CEO provided the Speaker and the BOIE with a copy of one CEO Directive containing a directive allowing for the adoption of a ballot count confirmation procedure in the pending Regina Coronation Park, Lumsden–Morse, and Regina Walsh Acres by-elections. The same day, consistent with legislation, the province's registered political parties were informed and provided a copy of the Directive attached to a CEO Communique. The CEO Directive was also placed on the Elections Saskatchewan website.<sup>9</sup> A copy of the relevant CEO Directive and Communique are included as Appendix D and Appendix E.

## Conclusion

Election modernization is the thoughtful, timely adoption of tools and processes that sustain and improve the system's security, integrity, and ease of use. Modernizing an election administration system is a long-term process requiring care, patience, and deep investment. While these changes are slow, they are vitally important to the ongoing improvement and strengthening of a jurisdiction's democratic systems.

By-elections provide rare but critical opportunities to test and refine new processes on a small scale before implementing them province-wide. Last year, a decade of committed work paid off in the successful implementation of a modernized election system across the constituencies of Regina Coronation Park, Lumsden-Morse, and Regina Walsh Acres in August 2023.

The pilot projects implemented in those by-elections successfully overcame barriers and inefficiencies that have long plagued Saskatchewan's election system. While they introduced a variety of changes, they did so with the goal of implementing a single coherent, effective system.

**The combined impact of the pilot projects described in this report was significant:**

- Voter access was strengthened through adoption of a Voting Week, elimination of polling divisions, and the continued use of a secure, centralized Vote by Mail system.

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<sup>8</sup> See <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/#ceo-orders>.

<sup>9</sup> See <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/#ceo-orders>.

- Accuracy, integrity, and efficiency were improved through adoption of electronic poll books, use of vote counting equipment, and elimination of the poll clerk position where no longer needed.
- Rural voters were served more effectively than ever before through one-day standalone voting locations and centralized, week-long polling locations.
- The ballot count confirmation proved that vote counting equipment can be trusted to provide timely, accurate results.

The success of the August 2023 by-elections demonstrates the power and possibility of a modernized system. It also illustrates that Saskatchewan is ready for modernization. The upcoming 30th General Election will be a significant step toward the implementation of a modernized election system throughout the province of Saskatchewan. Elections Saskatchewan is committed to carrying on the focused, patient, and thoughtful work that will continue to move the province forward in this regard.

# Appendices

**Appendix A** - Memo from Justice John Klebuc to Dr. Michael Boda on Conduct of 2023 By-Election  
Ballot Count Confirmation

**Appendix B** – CEO Directives submitted to BOIE on April 20, 2023

**Appendix C** – RPP Communique sent on April 20, 2023

**Appendix D** – CEO Directive Submitted to BOIE on June 13, 2023

**Appendix E** – RPP Communique sent June 13, 2023







# Appendix A

## MEMORANDUM

From: Justice John Klebuc  
Fmr. Chief Justice  
Province of Saskatchewan

To: Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

Re: 2023 By-Election Ballot Count  
Confirmation

Date: August 14, 2023

On April 20, 2023, the Chief Electoral Officer submitted a series of directives to the Board of Internal Economy outlining his intent to use the authority he has under section 5.1 of *The Election Act, 1996* to use alternate procedures, equipment or technology during the pending by-elections. This included the use of Vote Counting Equipment (CEO Directive 2023-005).

A further directive (CEO Directive 2023-008) was submitted on June 13, 2023 outlining the process for a ballot count confirmation to be performed on those ballots counted by vote counting equipment. As the directive states, "The purpose of this ballot count confirmation process is to verify the accuracy of vote counting equipment used in the by-elections and to learn how vote counting can be improved in advance of the next general election in October 2024."

On July 13, 2023, pursuant to an Order of the Lieutenant Governor in Council, writs of election were issued by the Chief Electoral Officer for the constituencies of Lumsden-Morse, Regina Coronation Park, and Regina Walsh Acres. In the Constituencies of Regina Coronation Park and Walsh Acres, all voting locations open to the general public used vote counting equipment as defined in CEO Directive 2023-005. In Lumsden-Morse, voting locations used on all six days of voting employed vote counting equipment. However, on the sixth day of voting, there were additional voting locations where ballots were counted manually.

With respect to which ballot boxes are to be inspected, the directive submitted on June 13 specifies that "Within the constituency with the closest margin of victory between the candidate with the most votes and the candidate with the second most votes, all ballots counted by vote counting equipment will be inspected."

Based upon the results of the preliminary count on August 10, 2023, the constituency of Regina Walsh Acres had the closest margin of victory. As such, all five ballot boxes that had been counted with Vote Counting Equipment were selected for confirmation.

With respect to the other two constituencies, Regina Coronation Park and Lumsden-Morse, the directive further specifies that "A minimum of one ballot box from a voting location within each constituency where vote counting equipment was used will be randomly selected, opened and the ballots inspected under the supervision of independent election audit officials."

Mr Justice Klebuc oversaw the placement of the names of all vote counting equipment locations into a black bag and the following ballot boxes were selected: for Regina Coronation Park, Imperial Community School, and for Lumsden-Morse, Canswan Building.

The ballot boxes listed above were opened on August 14, 2023 under the direction of myself, Fmr. Chief Justice John Klebuc and Dr. Keith Archer. The ballots were then inspected and counted by election officials under my supervision and in a process open to candidates and their representatives. The following tables contain both the results from the preliminary count on August 10 as well as the results from the Ballot Count Confirmation held on August 14.

#### **Lumsden-Morse: Canswan Building Ballot Box**

	<b>Preliminary Count Results</b>	<b>Confirmation Results</b>
<b>Candidate</b>	<b>Votes</b>	<b>Votes</b>
Les Guillemin, Buffalo Party of Saskatchewan	5	5
Kaitlyn Stadnyk, New Democratic Party	62	62
Isaiah Hunter, Saskatchewan Green Party	2	2
Blaine McLeod, Saskatchewan Party	375	375
John Hromek, Saskatchewan United Party	94	94
Rejected in Canswan Building Ballot Box		
Total Ballots Cast in Canswan Building Ballot Box	538	538

### Regina Coronation Park: Imperial Community School Ballot Box

	<b>Preliminary Count Results</b>	<b>Confirmation Results</b>
<b>Candidate</b>	<b>Votes</b>	<b>Votes</b>
Noor Burki, New Democratic Party	356	356
Olasehinde Ben Adebayo, Progressive Conservative Party of Saskatchewan	42	42
Kendra Anderson, Saskatchewan Green Party	14	14
Riaz Ahmad, Saskatchewan Party	154	154
Reid Hill, Sask Progress	16	16
Rejected in Imperial Community School Ballot Box		
Total Ballots Cast in Imperial Community School Ballot Box	582	582

### Regina Walsh Acres – All Vote Count Machine Ballot Boxes

	<b>Preliminary Count Results</b>	<b>Confirmation Results</b>
<b>Candidate</b>	<b>Votes</b>	<b>Votes</b>
Jared Clarke, New Democratic Party	2,395	2,395*
Rose Buscholl, Progressive Conservative Party of Saskatchewan	215	215
Joseph Reynolds, Saskatchewan Green Party	38	38*
Nevin Markwart, Saskatchewan Party	1,783	1,783*
Rejected	2	2
Total Ballots Cast	4,433	4,433

\*In one ballot box in Regina Walsh Acres, the hand count produced one less for Clarke and one more each for Markwart and Reynolds than the vote machine count. A recount of the ballots was ordered by the CEO, and the results of the

hand count then matched the original vote machine count, as the human error was eliminated. Likewise, in another ballot box, the hand count produced one extra vote for Clarke. The CEO ordered a recount, and the subsequent result matched the original machine count.

Based on my direct observation of the entire hand count confirmation process, and in view of the finding that the results of the hand count confirmation exactly match the voting machine count, I hereby attest to the accuracy of the voting machine count of ballots used in the by-elections of August 10, 2023.

Attested to on this day, August 14, 2023 by



Justice John Klebuc  
Fmr. Chief Justice  
Province of Saskatchewan



Dr. Keith Archer  
Fmr. Chief Electoral Officer  
Province of British Columbia

## CEO Directive – Polling Period

<b>DIRECTIVE NO.</b>	CEO DIRECTIVE 2023-001
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	Polling Period
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections Clause 2(1)(a), Clause 2(1)(o), Clause 2(1)(ee), Clause 2(1)(mm), Subsection 5.1(6), Subsection 7(6), Subsection 10(3), Subsection 12(3), Subsection 13(4), Clause 16(1)(a), Clause 16(1)(b), Subsection 16(4.1), Clause 29(1)(c), Section 31, Section 32, Section 34, Clause 36(6)(c), Subsection 41(4), Clauses 42(2)(c) & (d), Clause 51(2)(c), Subsection 52(1), Section 53, Subsection 58(1), Subsection 60(1), Clause 61(2)(a), Subsection 62(1), Section 84, Section 85, Section 86, Section 87, Section 88, Section 89, Subsections 89.1(2) & (3), Subsection 89.2(2), Subsections 89.3(1) & (2), Subsection 91(1), Subsections 92(1), (2) & (10), Subsections 93(2) & (3), Subsection 122(1), Subsection 125(1), Subsection 126(2), Sections 129 – 135, Subsection 143(1), Clause 171(1)(a), Section 190, Clause 220(h)(iii), Subsection 221(6), Subsection 251(1), Subsection 256(1), Section 257, Subsections 261(1) & (5), and Subsection 267(4).
<b>Intent</b>	To combine polling day and the days of advance polling into a polling period which includes one day of non-voting before the final day of the polling period. The polling period will be referred to as Voting Week.

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These CEO Directives must be provided to the Speaker of the Legislative Assembly, the Board of Internal Economy and each registered political party at least four weeks before the writ for a by-election is issued.

For any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023, the Chief Electoral Officer hereby directs the establishment of a “polling period” as an alternate procedure for organizing and conducting voting in accordance with subsection 5.1(2) of the Act. The polling period, which may be referred to publicly as “Voting Week” will consist of five consecutive days of voting, followed by one-day of non-voting before resuming for the final day of voting in the polling period. The hours of voting for the first five days of the polling period will be 12 noon to 8 p.m. with voting taking place on the final day of the polling period from 9 a.m. to 8 p.m.

# CEO Directive – Polling Period

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In accordance with subsection 5.1(4), this alternate procedure will be implemented if a by-election is called at least four weeks after the date of this CEO Directive.

The intent of moving to a polling period rather than having distinct days described as advance polls and polling day is to encourage greater voter participation and to simplify communications with voters. In densely populated constituencies, voting will take place in the same locations, supplemented by electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005), for the entire polling period. In constituencies that are geographically large and ones with lower population density, voting will also take place in the same locations, supplemented by electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005), for all six days of the polling period. However, on the final day of the polling period, a limited number of stand-alone voting stations will be established. These stand-alone voting stations will not have electronic poll books or vote counting equipment, but they will use the Voting Record (see CEO Directive 2023-007). The purpose of these stand-alone voting stations on the final day of the polling period is to minimize the distance that voters will need to travel to vote.

Section 5.3 of the Act provides additional instruction that the Chief Electoral Officer can follow to issue a directive, subject to approval by the Board of Internal Economy, in relation to the rules that must be followed relating to the calculation of dates when transitioning to a polling period. While the Chief Electoral Officer is relying on section 5.1 of the Act and not 5.3 to issue this directive, the timing instructions offered in subsection 5.3(3) have been followed throughout this CEO Directive.

The Chief Electoral Officer hereby directs that the following provisions of the *Act* be modified as set out in Appendix “A” to this Directive:

- Clause 2(1)(a) – “advance poll” – definition
- Clause 2(1)(o) – “during an election” – definition
- Clause 2(1)(ee) – “polling day” – definition
- Clause 2(1)(mm) – “spoiled ballot” - definition
- Subsection 5.1 - Authority to direct the use of alternate procedures, equipment or technology during by-election
- Subsection 7(6) – Chief Electoral Officer – emergency powers
- Subsection 10(3) – Deputy returning officer
- Subsection 12(3) – Election clerks
- Subsection 13(4) – Poll clerk

- Clause 16(1)(a) and (b) – Who is entitled
- Subsection 16(4.1)– Who is entitled
- Clause 29(1)(c) – Voter information card
- Section 31 - Lieutenant Governor in Council to commence elections
- Section 32 – Issuing a writ
- Section 34 – Election proclamation
- Clauses 42(2)(c) & (d) – Qualifications of candidates
- Clause 51(2)(c) – If more than one candidate nominated
- Subsection 52(1) – Withdrawal of candidate
- Section 53 – Death of candidate – new nomination
- Subsection 58(1) – Posting of notices
- Subsection 60(1) – Employees entitled to vote
- Subsection 62(1) – Hours of voting
- Sections 84 to 89 – Absentee Voting
- Subsections 89.1(2) & (3) – Homebound voting
- Subsection 89.2(2) – Application – homebound voting
- Subsections 89.3(1) & (2) – Voting procedures – homebound voters
- Subsection 91(1) – When mobile polls are to be held
- Subsections 92(1), (2) & (10) – Voting at mobile polls
- Subsections 93(2) & (3) – Duties of deputy returning officer at mobile poll
- Subsection 122(1) – Alternative hours of voting
- Subsection 125(1) – Statement of voters making a voter’s declaration
- Subsection 126(2) – Dealing with ballot boxes
- Sections 129 – 135 – Advance polls
- Subsection 143(1) – Returning officer to receive and deal with ballot boxes
- Clause 171(1)(a) – Return to writ of election
- Section 190 - Prohibited displays, devices and actions on polling day
- Clause 220(h)(iii) – exempt election expenses – definition
- Subsection 221(6) – Calculation of adjusted amounts
- Subsection 251(1) - Party’s election expenses return
- Subsection 256(1) – Time limit to enforce claims against candidate
- Section 257 – Time limit to pay bills
- Subsections 261(1) & (5) – Candidate’s election expenses
- Subsection 267(4) – Reimbursement of auditing expenses



# CEO Directive – Polling Period

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This Directive is in effect for any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
APRIL 20, 2023





# CEO Directive – Polling Period

## Appendix A

<b>DIRECTIVE NO.</b>	CEO DIRECTIVE 2023-001
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	Polling Period
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Regulations</i> Impacted</b>	Sections Clause 2(1)(a), Clause 2(1)(o), Clause 2(1)(ee), Clause 2(1)(mm), Subsection 5.1(6), Subsection 7(6), Subsection 10(3), Subsection 12(3), Subsection 13(4), Clause 16(1)(a), Clause 16(1)(b), Subsection 16(4.1), Clause 29(1)(c), Section 31, Section 32, Section 34, Clause 36(6)(c), Subsection 41(4), Clauses 42(2)(c) & (d), Clause 51(2)(c), Subsection 52(1), Section 53, Subsection 58(1), Subsection 60(1), (2) & (3), Clause 61(2)(a), Subsection 62(1), Section 84, Section 85, Section 86, Section 87, Section 88, Section 89, Subsections 89.1(2) & (3), Subsection 89.2(2), Subsections 89.3(1) & (2), Subsection 91(1), Subsections 92(1), (2) & (10), Subsections 93(2) & (3), Subsection 122(1) & (2), Subsection 125(1), Subsection 126(2), Sections 129 – 135, Subsection 143(1), Clause 171(1)(a), Section 190, Clause 220(h)(iii), Subsection 221(6), Subsection 251(1), Subsection 256(1), Section 257, Subsections 261(1) & (5), and Subsection 267(4).
<b>Intent</b>	To combine polling day and the days of advance polling into a polling period which includes one day of non-voting before the final day of the polling period. The polling period will be referred to as Voting Week.

### Modifications to *The Election Act, 1996* and *The Election Act Regulations*

As identified in CEO Directive 2023-001, the Chief Electoral Officer hereby directs that the following provisions of *The Election Act, 1996* (the *Act*) and *The Election Act Regulations* (the *Regulations*) be modified in the manner described below to facilitate the establishment of a polling period. Certain sections of the *Act* which are not applicable during by-elections have not been included herein.

#### 1. General Modifications with respect to Polling Period

Except where otherwise stated herein:

- (a) anything required by the *Act* to occur before polling day must occur before the first day of the polling period;

- (b) anything required by the Act to take place on a specific date that is counted before, from or after the polling day shall be counted before, from or after the final day of the polling period;
- (c) anything required by the Act to take place before, on or after the close of voting on polling day or the close of a polling place must occur before, on or after the close of voting on the final day of the polling period;
- (d) anything that is prohibited by the Act from occurring on polling day is prohibited from occurring during the polling period;
- (e) anything that is prohibited by the Act from occurring during a specific time on polling day is prohibited during that specific time on each day of the polling period;
- (f) reference to a polling day:
  - (i) in subsection 16(1) refers to the final day of the polling period;
  - (ii) in subsection 16(4.1) refers to the date on which the individual votes;
  - (iii) in subsection 42(2) refers to the polling period; and
  - (iv) in subsection 60(1) refers to any single day of the polling period;
- (g) the provisions of the Act respecting advance polls do not apply.

## **2. Clauses 2(1)(a), (o), (ee), & (mm):**

Clauses 2(1)(a), (o), (ee) and (mm) are modified to read:

- a. (a) "advance poll" means a poll taken on any of the first five (5) days of the polling period.
- b. (o) "during an election" means the period commencing the day a writ is issued for an election and ending on the final day of the polling period.
- c. (ee) "polling day" means the final day of the polling period fixed pursuant to clause 31(3)(c) for taking the votes of voters.
- d. (mm) "spoiled ballot" means a ballot that on any day of the polling period has not been deposited in the ballot box but has been:
  - i. found by the deputy returning officer to be soiled or improperly printed; or
  - ii. handed by the deputy returning officer to a voter to cast his or her vote, spoiled in marking by the voter and handed back to the deputy returning officer and exchanged for a replacement ballot.

## **3. Subsection 5.1(6) - Authority to test alternate procedures, equipment or technology during by-election**

Subsection 5.1(6) shall be modified to read:

If the Chief Electoral Officer takes any action pursuant to this section during a by-election, the Chief Electoral Officer shall prepare and submit to the Speaker, within six months after the final day of the polling period, a written report that:

- (a) deals with the alternate procedure, equipment or technology used; and
- (b) if appropriate, makes recommendations with respect to amending this Act to allow for the adoption of the alternate procedure, equipment or technology on a permanent basis.

#### **4. Subsection 7(6) – Chief Electoral Officer – emergency powers**

Subsection 7(6) shall be modified to read:

If the Chief Electoral Officer takes any action pursuant to this section during an election, the Chief Electoral Officer shall prepare and submit to the Speaker, within 60 days of the final day of the polling period, a written report respecting actions taken pursuant to this section.

#### **5. Subsection 10(3) – Deputy returning officer**

Subsection 10(3) shall be modified to read:

A returning officer shall appoint deputy returning officers before the first day of the polling period and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.

#### **6. Subsection 12(3) – Election clerks**

Subsection 12(3) shall be modified to read:

The Chief Electoral Officer shall appoint an election clerk before the first day of the polling period and, unless the appointment is made before a writ is issued, as soon as possible after the writ is issued.

#### **7. Subsection 13(4) – Poll clerk**

The returning officer will not be appointing poll clerks at polling places where electronic poll books (implemented in accordance with CEO Directive 2023-005) and vote counting equipment (implemented in accordance with CEO Directive 2023-004) are being used during the polling period. Further information can be found in CEO Directive 2023-004 related to the elimination of the Poll Clerk.

#### **8. Clauses 16(1)(a) & (b) – Who is entitled**

Clauses 16(1)(a) and (b) are modified to read:

An individual is entitled to vote during an election if he or she:

- (a) on the final day of the polling period is a Canadian citizen;
- (b) on the final day of the polling period is at least 18 years old;

#### **9. Subsection 16(4.1) - Who is entitled**

Subsection 16(4.1) is modified to read:

Notwithstanding subsection (4), an individual is entitled to vote within the polling division in which the individual ordinarily resides on the date on which the individual votes, if that polling division is different than the polling division mentioned in subsection (4).

#### **10. Clause 29(1)(c) – Voter information card**

The voter information card will be modified to indicate the dates of the polling period and the voting hours and locations of polling places in the voter's constituency at which the voter is able to vote.

## **11. Section 31 - Lieutenant Governor in Council to commence elections**

In this section all references to "polling day" will refer to the final day of the polling period. References to "advance polls" will refer to the 5 days of voting within the polling period prior to the final day of the polling period. In addition, the restriction within 31(3)(d)(i) regarding the holding of an advance poll on a holiday will not be in effect.

## **12. Section 32 – Issuing a writ**

In this section all references to "polling day" will refer to the final day of the polling period. References to "advance polls" will refer to the 5 days of voting within the polling period prior to the final day of the polling period.

## **13. Section 34 – Election proclamation**

In this section all references to "polling day" will refer to the final day of the polling period. References to "advance polls" will refer to the 5 days of voting within the polling period prior to the final day of the polling period. These changes will also apply to Form C - *Proclamation of the Returning Officer Declaring the Time and Place for the Nomination of Candidates and the Day of Opening the Polling Place* in *The Election Act Regulations*.

## **14. Subsection 41(4) – Delay in nomination**

Subsection 41(4) is modified to read:

Notwithstanding any other provision of the *Act*, the final day of the polling period must be 16 days after the nomination day set pursuant to this section.

## **15. Clauses 42(2)(c) & (d) – Qualifications of candidates**

Clauses 42(2)(c) and (d) are modified to read:

The following persons are not qualified to be candidates:

- c. a person who, at any time during the polling period, is in a correctional facility, jail or prison because of being convicted of an offence against an Act or an Act of the Parliament of Canada;
- d. a person who, at any time during the polling period, is subject to a disposition of a review board established pursuant to section 672.38 of the *Criminal Code*;

## **16. Clause 51(2)(c) – If more than one candidate nominated**

Clause 51(2)(c) is modified to read:

On or immediately after nomination day, the returning officer shall publish the following information:

- c. the dates of the polling period and the hours during which voting will take place.

## **17. Subsection 52(1) – Withdrawal of candidate**

Subsection 52(1) is modified to read:

A candidate who is nominated may withdraw at any time after his or her nomination and before the close of voting on the final day of the polling period by filing with the returning officer a written declaration in the prescribed form.

## **18. Section 53 – Death of candidate – new nomination**

Section 53 is modified to read:

If a candidate dies after being nominated and before the close of voting on the final day of the polling period, the returning officer shall:

- (a) fix a new nomination day, which must be the earliest practicable day following the required delay between the posting of the new election proclamation and the nomination day;
- (b) fix a final day of the polling period, which must be 16 days after nomination day or, if that day is a holiday, Saturday or Sunday, on the first following day that is not a holiday, Saturday or Sunday;
- (c) advise the Chief Electoral Officer of the new nomination day and the new dates of the polling period; and
- (d) make a written report to the Chief Electoral Officer of the cause of postponing the election and forward that report together with the return to the writ.

## **19. Subsection 58(1) – Posting of notices**

Subsection 58(1) is modified to read:

Prior to opening the polling place for voting on the first day of the polling period, a deputy returning officer shall post:

## **20. Subsection 60(1), (2) & (3) – Employees entitled to vote**

Subsections 60(1), (2) & (3) are modified to read:

- (1) Every employee who is a voter is entitled, while the polling places are open for voting during the polling period, to three consecutive hours on any single day when voting occurs during the polling period for the purpose of casting his or her vote.
- (2) If the hours or days of employment do not allow for three consecutive hours during the polling period, the employee's employer shall allow the employee the additional time to vote that may be necessary to provide those three consecutive hours.
- (3) The hours or day for voting must be granted at the convenience of the employer.

## **21. Subsection 62(1) – Hours of voting**

Subsection 62(1) is modified to read:

Subject to subsection (2) and except where special hours are prescribed pursuant to Division E [Special Voting Provisions], every polling place is to be open for voting between the hours of 12:00 p.m. and 8:00 p.m. for the first five days of the polling period and from 9 a.m. to 8 p.m. on the final day of the polling period.

## **22. Sections 84, 85, 86, 87, 88 and 89**

These sections are substantially modified by CEO Directive 2023-006 implementing a Vote by Mail process. The minor changes made as a result of the transition to a polling period are included within that CEO Directive.

## **23. Subsections 89.1(2) & (3) – Homebound voting**

Subsection 89.1(2) and (3) are modified to read:

(2) A voter is eligible to vote as a homebound voter if that voter presents evidence satisfactory to the returning officer of the constituency in which the voter is eligible to vote that the voter:

- (a) is unable to vote during the polling period in the constituency due to a disability; or
- (b) is providing care to a person mentioned in clause (a).

(3) Except where otherwise provided in this section and sections 89.2 and 89.3, the provisions of the Act and the regulations apply, with any necessary modification, to homebound voting.

## **24. Subsection 89.2(2) – Application – homebound voting**

Subsection 89.2(2) is modified to read:

An application pursuant to this section must be received by the returning officer at least eight days before the final day of the polling period.

## **25. Subsections 89.3(1) & (2) – Voting procedures – homebound voters**

Subsections 89.3(1) and (2) are modified to read:

(1) If the returning officer is satisfied that the applicant is a homebound voter and that it is reasonably practicable to do so, the returning officer shall ensure that the applicant is contacted to schedule an appointment at an agreed time for two election officers to attend on the homebound voter between the first day of the polling period and the close of voting on the final day of the polling period for the purposes of voting in accordance with this section.

(2) If personal attendance by an election officer is not reasonably practicable, the returning officer shall:

- (a) advise the homebound voter to vote by mail; and
- (b) not less than four days before the final day of the polling period, deliver the vote by mail voting ballot and other voting materials to the homebound voter.

## **26. Subsection 91(1) – When mobile polls are to be held**

Subsection 91(1) is modified to read:

Mobile polls are to be open at any hours during the polling period that the returning officer considers necessary and that the Chief Electoral Officer has approved.

## **27. Subsections 92(1), (2) & (10) – Voting at mobile polls**

Subsections 92(1) and (10) are modified to read as shown below. Subsection 92(10) will not apply and is shown struck through below.

(1) Voting at mobile polls is to be conducted in the same manner as voting at polls during the polling period.

~~(2) The provisions of this Act and the regulations with respect to voting:~~

~~(a) at advance polls apply, with any necessary modification, to mobile polls open on advance polling days;~~

~~(b) at polls on polling day apply, with any necessary modification, to mobile polls open on polling day.~~

(10) A voter who votes at a mobile poll is not entitled to vote at any other poll.

## **28. Subsections 93(2) & (3) – Duties of deputy returning officer at mobile poll**

Subsections 93(2) and (3) are modified to read:

(2) At the close of any mobile poll held during the first 5 days of the polling period, the deputy returning officer shall immediately return the prescribed form to the returning officer.

(3) Before the opening of polling places on the final day of the polling period:

(a) the returning officer shall send to each deputy returning officer responsible for the polling place a copy of each form mentioned in subsection (1) that contains the names of voters who have been noted as being eligible to vote at the polling place for the polling division; and

(b) the deputy returning officer shall strike from the voters' list the names of voters whose names are on forms sent pursuant to clause (a).

## **29. Subsection 122(1) – Alternative hours of voting (Hospital & Remand Centres during by-elections)**

Subsection 122(1) & (2) are modified to read:

The period of four consecutive hours mentioned in subsection (1) is to be between the hours of 12:00 p.m. and 8:00 p.m. if during the first five days of the polling period and between 9 a.m. and 8:00 p.m. if during the final day of the polling period.

## **30. Subsection 125(1) – Statement of voters making a voter's declaration**

Subsection 125(1) is modified to read:

Immediately after the close of a polling place established pursuant to section 121, the deputy returning officer shall complete a statement in the prescribed form that sets out the name and address of every voter who made a voter's declaration during the polling period.

### **31. Subsection 126(2) – Dealing with ballot boxes**

Subsection 126(2) is modified to read:

Within two days after the final day of the polling period, the deputy returning officer shall personally deliver the ballot box mentioned in subsection 123(10) and the ballot box mentioned in subsection 124(11) to the returning officer or to a person appointed by the returning officer to receive the ballot boxes.

### **32. Sections 129 – 135 – Advance polls**

The provisions of the Act respecting advance polls (sections 129 – 135) do not apply.

### **33. Subsection 143(1) – Returning officer to receive and deal with ballot boxes**

Subsection 143(1) is modified to read:

Within two days after the final day of the polling period, the deputy returning officer shall personally deliver the ballot box to the returning officer or to a person appointed by the returning officer to receive the ballot box.

### **34. Clause 171(1)(a) – Return to writ of election**

Clause 171(1)(a) is modified to read:

The returning officer shall make a return to the writ in the prescribed form:

- (a) 23 days after the final day of the polling period or, if that day is a Sunday or a holiday, the first following day that is not a Sunday or a holiday; or

### **35. Subsections 190(1), (2) and (5) - Prohibited displays, devices and actions during the polling period**

Subsections 190(1), (2) and (5) are modified to read:

(1) No person shall use or cause to be used a public address system or other loud-speaker device during the polling period for the purpose of:

- (a) promoting or securing the election of any candidate; or
- (b) opposing the election of any candidate.

(2) During the polling period, no person shall post or display any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or device that could be taken as an indication of support of or for a candidate or political party or group:

(5) During the polling period, prior to the close of the polling places for voting, no person shall participate in any parade or demonstration or in view of the public arrange, organize, promote or prepare for a parade or demonstration.

### **36. Clause 220(h)(iii) – exempt election expenses – definition**

Clause 220(h)(iii) is modified to read:

“exempt election expense” means:



(iii) expenses for goods and services incurred at any time and used after 8:00 p.m. the final day of the polling period for:

- (A) social functions, meetings or gatherings; or
- (B) communicating with voters and campaign workers;

### **37. Subsection 221(6) – Calculation of adjusted amounts**

Subsection 221(6) is modified to read:

If a writ is issued in one year and the polling period is in the next year, the adjusted amount for any item related to the election is the adjusted amount for the year in which the writ was issued.

### **38. Subsection 251(1) - Party's election expenses return**

Subsection 251(1) is modified to read:

Within six months after the final day of the polling period for the election to which the election expenses return relate, the chief official agent of a registered political party shall file with the Chief Electoral Officer:

### **39. Subsection 256(1) – Time limit to enforce claims against candidate**

Subsection 256(1) is modified to read:

Every person who issues a bill to, or makes any charge on or claim against, a candidate with respect to a good or service used during an election shall deliver the bill, charge or claim to the candidate or to the candidate's business manager within 60 days after the final day of the polling period.

### **40. Section 257 – Time limit to pay bills**

Section 257 is modified to read:

Every candidate and the business manager of the candidate shall ensure that every bill, charge or claim with respect to a good or service used during an election and delivered to the candidate within the period mentioned in section 256 is paid within 90 days after the final day of the polling period.

### **41. Subsections 261(1) & (5) – Candidate's election expenses**

Subsections 261(1) & (5) are modified to read:

(1) Within three months after the final day of the polling period, the business manager of each candidate shall file with the Chief Electoral Officer:

(5) Within three months after the final day of the polling period, each candidate shall file with the Chief Electoral Officer a solemn oath or declaration, in the prescribed form, with respect to the election expenses incurred by the candidate.

### **42. Subsection 267(4) – Reimbursement of auditing expenses**

Subsection 267(4) is modified to read:

A candidate is eligible to be reimbursed for auditing expenses if the candidate or the candidate's business manager files with the Chief Electoral Officer, within three months after the final day of the polling period:

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-002</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Polling Divisions</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 2, 16, 18, 18.1, 18.7, 19, 25, 34, 36, 37, 38, 54, 61, 88, 89, 89.3, 93,
<b>Intent</b>	To eliminate the subdivision of the constituency into polling divisions

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These CEO Directives must be provided to the Speaker of the Legislative Assembly, the Board of Internal Economy and each registered political party at least four weeks before the writ for a by-election is issued.

For any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023, the Chief Electoral Officer hereby directs that there will be no direction given to the returning officer to subdivide the constituency into polling divisions where electronic poll books and vote counting equipment will be used and that the constituency will be treated as a single polling division.

Traditionally, during elections, constituencies were subdivided into polling divisions and on polling day voters were required to vote at a particular polling place designated for their polling division. This geographic grouping of voters was primarily for the benefit of election administrators since it ensured that a limited and manageable number of voters would be eligible to attend a particular polling place to vote. This also helped to ensure the integrity of the vote by restricting a voter to a single assigned voting place. The increased popularity of advance voting and Vote by Mail has made polling day voting less popular, meaning polling divisions currently serve less purpose than they once did.

The transition to a polling period (see CEO Directive 2023-001) along with the implementation of vote counting equipment (see CEO Directive 2023-005) and electronic poll books (see CEO Directive 2023-004) has made the transition away from polling divisions possible. The intent of all of these modifications is to create a system of voting that is more convenient for voters and more efficient overall. While this transition away from polling divisions will apply to most voters, a small number of voters in large geographic constituencies will be assigned to “catchment areas” or a single larger polling division and these catchment areas will host stand-alone polling locations on the final day of voting. Only voters who reside within these catchment areas will be able to vote at these stand-alone locations, however, these voters will also be able to vote at any voting location that has been established for the entirety of the polling period and where electronic poll books and vote counting equipment are being used.

In accordance with subsection 5.1(4), the elimination of polling divisions will be implemented if the by-election is called at least four weeks after the date of this CEO Directive.

The Chief Electoral Officer hereby directs that the following provisions of the *Act* be modified as set out in Appendix “A” to this CEO Directive: Sections 2, 16, 18, 18.1, 18.7, 19, 25, 34, 36, 37, 38, 54, 61, 88, 89, 89.3, and 93.

This Directive is in effect for any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023.

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
APRIL 20, 2023



# CEO Directive – Polling Divisions

## Appendix A

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-002</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Polling Divisions</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 2, 16, 18, 18.1, 18.7, 19, 25, 34, 36, 37, 38, 54, 61, 88, 89, 89.3, 93,
<b>Intent</b>	To eliminate the subdivision of the constituency into polling divisions

As identified in CEO Directive 2023-002, the Chief Electoral Officer hereby directs that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) be modified in the following manner:

### Modifications to *The Election Act, 1996*

In order to facilitate the elimination of polling divisions, the following definitions will apply, and the following sections of *The Election Act, 1996* will be modified as shown below.

#### 1. Clause 2(1)(ff) – Interpretation:

- (ff) "polling division" – the definition of polling division will not apply in voting locations where e-poll books and vote counting equipment are being used. In certain geographically large constituencies a number of "catchment areas" will be established with stand-alone voting locations so as to help ensure that every voter has a polling station within a reasonable traveling distance

#### 2. Subsections 16(4) and (4.1) – Who is entitled:

Subsections 16(4) and (4.1) are modified to read:

(4) An individual is entitled to be registered only on the voters' list for the constituency in which he or she ordinarily resided on the day on which the writ for that election was issued.

(4.1) Notwithstanding subsection (4) but subject to subsection 16(1)(c)(i), an individual is entitled to vote within the constituency in which the individual ordinarily resides on polling day, if that constituency is different than the constituency mentioned in subsection (4).

### **3. Section 18 - Rules respecting ordinary residence:**

Subsection 18(10), (11), (13), and (14) are modified to read:

(10) If an individual has left his or her place of residence in Saskatchewan to study at an educational institution outside Saskatchewan, the individual is deemed to be ordinarily resident in the constituency in which he or she was resident immediately before leaving Saskatchewan and is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies

(11) If an individual has left his or her place of residence in Saskatchewan to study at an educational institution in Saskatchewan, the individual is deemed to be ordinarily resident in the two following places:

(a) in the constituency in which he or she was residing immediately before leaving to pursue his or her studies, and the individual is deemed to continue to have that ordinary residence until he or she completes or abandons his or her studies;

(b) in the constituency to which he or she has moved for the purpose of pursuing his or her studies and in which he or she was residing on the day on which the writ was issued.

(13) A member of the Senate or the House of Commons of Canada who at the time of becoming a member was ordinarily resident in Saskatchewan, the member's spouse if living with the member and the member's unmarried dependent are deemed to be ordinarily resident in the constituency in which the member resided at the time of becoming a member, notwithstanding that the member may have established a residence outside Saskatchewan.

(14) If an individual is in a correctional facility, jail or prison because of being convicted of an offence against an Act or an Act of the Parliament of Canada, the individual must choose one of the following constituencies and, on that choice, is deemed to be ordinarily resident in that constituency:

(a) the constituency, if any, in which the individual was ordinarily resident before being in the correctional facility, jail or prison;

(b) the constituency, if any, in which a spouse, parent or dependent of the individual is ordinarily resident.

### **4. Subsection 18.1(2) – Ordinary residence – Canadian Forces**

Subsection 18.1(2) is modified to read:

(2) If a person leaves his or her residence in Saskatchewan to serve as a member of the Canadian Forces outside Saskatchewan, the person is deemed:

(a) to be ordinarily resident in the constituency in which he or she was resident immediately before leaving Saskatchewan; and

## **5. Subsection 18.7(1) and Clause 18.7(3)(e) – Use of register of voters – preparation of voters’ list**

The use and format of the voters list will be affected by CEO Directive 2023-005 implementing electronic poll books and CEO Directive 2023-007 implementing a voting record. Subsection 18.7(1) and Clause 18.7(3)(e) are modified to read:

- (1) The Chief Electoral Officer shall use the register of voters to prepare a voters list for each constituency or subset of the constituency as the Chief Electoral Officer considers necessary for the administration of voting.
- (3)(e) This clause will not apply.

## **6. Section 19 – Polling divisions to be established**

This section will not apply. The only exception will be in certain geographically large constituencies where, for the convenience of voters, a number of “catchment areas” may be established so as to help ensure that every voter has a voting location within a reasonable traveling distance. These will be referred to as “stand-alone” voting locations and will not feature technology in the form of electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005) but will use a Voting Record (see CEO Directive 2023-007).

In addition, the returning officer may also establish separate catchment areas for personal care facilities within their constituency.

## **7. Subsections 25(4) and (6) – Preparation of voters’ list**

Subsections 25(4) and (6) are modified to read:

- (4) If requested by a registered political party or candidate, the Chief Electoral Officer shall arrange the names on each voters list provided to the registered political party or candidate in geographical order by reference to streets and address numbers, sorted firstly by streets and secondly by address numbers.
- (6) In producing a voters’ list for the constituency, the Chief Electoral Officer shall place on the voters list:
  - (a) beginning on the line immediately following the last name on the voters’ list, the prescribed form of certificate; and
  - (b) the date and, in the place provided for the signature of the returning officer, the name and phone number of the returning officer.

## **8. Subsection 34(2) – Election Proclamation**

The content and format of the election proclamation are also modified in CEO Directive 2023-001 which implements a polling period as opposed to distinct advance polls and polling day polls. CEO Directive 2023-001 also makes modifications to the regulated Form C which is the Election Proclamation. Subsection 34(2) is modified to read:

- (2) An election proclamation must set out:
  - (b) the polling places at which the voting will be held;

## **9. Section 36 – Polling places**

Section 36 is modified in the following manner:

(1) Subject to subsections (2) to (8), on receiving the writ, a returning officer shall provide polling places in the constituency that the returning officer considers most convenient for voters. If the returning officer considers that it would be more convenient for voters, the returning officer may, with the approval of the Chief Electoral Officer, provide for a polling place in an adjacent constituency. The Chief Electoral Officer may offer direction as to the placement and location of any polling place.

(2) This subsection will not apply.

(3) If a returning officer considers it advisable, the returning officer may establish a central polling place where the polling places of any constituency may be centralized. A returning officer may also establish stand-alone polling places which will serve only a smaller geographic area.

(5) This subsection will not apply.

(6) This subsection will not apply.

(7) This subsection will not apply.

## **10. Section 37 – Supervisory deputy returning officer**

This section is modified to read:

(1) The returning officer may appoint a supervisory deputy returning officer for each polling place.

(2) Subject to the direction of the returning officer, the supervisory deputy returning officer shall supervise the polling place on behalf of the returning officer and shall inform the returning officer with respect to all matters that take place at the polling place.

(3) For the purpose of performing his or her responsibilities, a supervisory deputy returning officer may do all those things he or she considers necessary to preserve peace and maintain order at the polling place, including requesting the assistance of a police officer.

## **11. Section 38 – Polling subdivisions**

This section will not apply.

## **12. Subsection 54(2) – Candidate's representative**

Subsection 54(2) is modified to read:

(2) A candidate may have, at any time, a maximum of two candidate's representatives for each polling place or other place.

## **13. Section 61 - Where voters are to vote**

This section is modified so that all voters can vote at any polling location within their constituency for the first five days of the polling period. In constituencies which do not have stand-alone polling stations established on the final day of voting, voters can vote in any location within their constituency on the final day of voting as well. However, in constituencies which have stand-alone polling stations on the last day of voting (which will not have electronic poll books or vote counting equipment), voters assigned to a stand-



alone polling station can vote either at their assigned location or at any of the other locations established for the polling period which use technology, such as electronic poll books and vote counting equipment. Voters who are not assigned to a stand-alone polling station cannot vote at a stand-alone polling location unless they live within the catchment area described above under modifications to section 19.

#### **14. Sections 88 and 89 – Voting procedures and Post voting procedures**

These sections are substantially modified by CEO Directive 2023-006 implementing a Vote by Mail process. The minor change made as a result of the elimination of polling divisions is included within that CEO Directive.

#### **15. Subsection 89.3(11) – Voting procedures – homebound voters**

Subsection 89.3(11) is modified to read:

(11) As soon as is practicable after all homebound voters have voted pursuant to this section, the returning officer shall provide the name and address of each homebound voter to the deputy returning officers for the constituency where the homebound voter is eligible to vote.

#### **16. Clauses 93(1)(e) and 93(3)(a) – Duties of deputy returning officer at mobile poll**

Clause 93(1)(e) will not apply. Slight modifications were made to subsection 93(3) by CEO Directive 2023-001 which implemented a polling period. Clause 93(3)(a) is modified to read:

(3) Before the opening of polling places on the final day of the polling period:

(a) the returning officer shall send to each deputy returning officer responsible for the polling place a copy of each form mentioned in subsection (1) that contains the names of voters who have been noted as being eligible to vote at the polling place; and

# CEO Directive – Elimination of Poll Clerk Position

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-003</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/App
<b>Subject</b>	<b>Elimination of Poll Clerk Position</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 13, 63, 66, 71, 72, 77, 78, 81, 82, 84, 85 and 142 of <i>The Election Act, 1996</i>
<b>Intent</b>	To eliminate the poll clerk position and have the duties of the poll clerk performed by the deputy returning officer at all polling places during the first five days of the polling period and at polling places on the final day of polling where electronic poll books and vote counting equipment are used. The poll clerk position will remain at polling places on the last day of voting at any locations where electronic poll books and vote counting equipment are not used.

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These CEO Directives must be provided to the Speaker of the Legislative Assembly, Board of Internal Economy and each registered political party at least four weeks before the writ for a by-election is issued.

For any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023, the Chief Electoral Officer hereby directs that an alternate voting procedure be implemented whereby the poll clerk position is eliminated at all polling places during the first five days of the polling period and at polling places on the final day of voting (a polling period was implemented via CEO Directive 2023-001 in place of traditional advance and polling day voting) where electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005) are used. The poll clerk position will remain for any polling places on the last day of polling at any locations where electronic poll books and vote counting equipment are not used. In accordance with subsection 5.1(4), this alternate procedure will be implemented if the by-election is called at least four weeks after the date of this CEO Directive.

# CEO Directive – Elimination of Poll Clerk Position

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The legislated duties of the poll clerk will be performed by the deputy returning officer. This change can be made due to the implementation of electronic poll books and vote counting equipment.

The purpose of this modification is to continue to learn how the administration of voting can be improved in advance of the next general election in October 2024. A secondary purpose is to determine what efficiencies could be introduced in the administration of the voting process due to the implementation of technology.

The Chief Electoral Officer hereby directs that the duties assigned to a “poll clerk” under sections 13, 63, 66, 71, 72, 77, 78, 81, 82, 84, 85 and 142 will be assigned to the deputy returning officer with necessary modifications during the first five days of the polling period and at polling places on the final day of voting where electronic poll books and vote counting equipment are used. The duties assigned to a “poll clerk” under sections 13, 63, 66, 71, 72, 77, 78, 81, 82, 84, 85 and 142 will remain unchanged for any polling places on the last day of voting at any locations where electronic poll books and vote counting equipment are not used.

For further clarity, references in the *Act* to a “poll clerk” not included above, including during other voting opportunities such as Homebound voting, Hospital/Remand centre voting and personal care facility voting are not impacted by this CEO Directive.

This Directive is in effect for any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
APRIL 20, 2023



# CEO Directive – Elimination of Poll Clerk Position

## Appendix A

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-003</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/App
<b>Subject</b>	<b>Elimination of Poll Clerk Position</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 13, 63, 66, 71, 72, 77, 78, 81, 82, 84, 85 and 142
<b>Intent</b>	To eliminate the poll clerk position and have the duties of the poll clerk performed by the deputy returning officer at all polling places during the first five days to the polling period and at polling places on the final day of polling where electronic poll books and vote counting equipment are used. The poll clerk position will remain at polling places on the last day of polling at any locations where electronic poll books and vote counting equipment are not used.

As identified in CEO Directive 2023-003, the Chief Electoral Officer hereby directs that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) be modified in the following manner:

### **Modifications to *The Election Act, 1996***

The poll clerk position will be eliminated at all polling places during the first five days of the polling period and at polling places on the final day of voting (a polling period was implemented via CEO Directive 2023-001 in place of traditional advance and polling day voting) where electronic poll books (see CEO Directive 2023-004) and vote counting equipment (see CEO Directive 2023-005) are used. The poll clerk position will remain for any polling places on the last day of polling at any locations where electronic poll books and vote counting equipment are not used. In order to facilitate these changes, the following sections of *The Election Act, 1996* will be modified.

## **1. Section 13 – Poll clerk:**

At any polling place where an electronic poll book and vote counting equipment are being used, there will not be a poll clerk. At such polling places, all duties and responsibilities of the poll clerk described in the Act will be performed by the deputy returning officer. Poll clerks will be present at other voting opportunities including at polling places on the last day of polling that do not have electronic poll books and vote counting equipment as well as homebound voting, hospital voting, remand centre voting and personal care facility voting.

## **2. Section 63 - Who is entitled to be in polling place and at counting of votes**

While it is not specified in the Act as a duty of the poll clerk, typically the poll clerk will observe the ballot count, record data in the poll book and assist the deputy returning officer as needed while the ballots are being counted. If electronic poll books and vote counting equipment are being used at the polling place, the ballots will be counted automatically by the vote counting equipment under the supervision of a special election officer operating the vote counting equipment. For more information on vote counting equipment, see CEO Directive 2023-005.

## **3. Section 66 – Poll book**

At any polling place where an electronic poll book and vote counting equipment are being used, the deputy returning officer will record all required voter information and interactions electronically. This information will be used to create an electronic voting record which combines poll book and voters list information. At locations on the final day of polling which do not have electronic poll books and vote counting equipment, a voting record which combines the traditional poll book and voters list will be used – for more information on the voting record, see CEO Directive 2023-007.

## **4. Section 71 – Taking voter’s declaration**

At any polling place where an electronic poll book and vote counting equipment are being used, the duty of the poll clerk to confirm identification, complete a voter’s declaration form and record voter information in the poll book will be undertaken by the deputy returning officer.

## **5. Section 72 - When individual not entitled to ballot paper or to vote**

Satisfactory evidence of a voter’s identity and ordinary residence will be provided to the deputy returning officer and failure of a voter to do so or to make a voter’s declaration will be recorded in the electronic poll book by the deputy returning officer.

## **6. Section 77 - Voter may request assistance in marking ballot**

The deputy returning officer will record in the electronic poll book, the reason a voter's ballot was marked for the voter, whether the ballot was marked by the deputy returning officer or the name of the friend who marked the ballot, and whether the required oaths or declarations were made.

## **7. Section 78 – Interpreters**

The deputy returning officer will record in the electronic poll book if the voter was accompanied in the voting station by a friend, the name of the friend, and whether the required oaths or declarations were made.

## **8. Section 81 – Voting outside polling place**

The duty to have the poll clerk remain with the unused ballot paper and ballot box while the deputy returning officer conducts voting outside the polling place, will be performed by a second election official inside of the polling place, such as a supervisory deputy returning officer, an information officer or a special election officer.

## **9. Section 82 – If impersonation alleged**

In a situation where an individual claiming to be a voter applies for a ballot paper after another individual has voted under that voter's name, the duty of the poll clerk to record the voter's name, that a second ballot was issued in the name of that voter, that the required voter's declaration was made, the name of any candidate or candidate's representative that objected to the issuing of a second ballot, and the nature of the objection, will be performed by the deputy returning officer and the required information will be recorded in the electronic poll book.

## **10. Section 84 – When voting is deemed to be done**

Significant changes to this section are made in CEO Directive 2023-005 affecting all polling places which feature vote counting equipment (which therefore also do not have poll clerks). See CEO Directive 2023-005 for more information.

## **11. Section 85 – Statement of all voter's declaration required**

The statement of the names and addresses of all voters who have made a declaration will be signed only by the deputy returning officer and may also be signed by any candidate or candidate's representative who wishes to sign the statement.

## **12. Section 142 – What are rejected ballots**

At polling places where an electronic poll book is being used, the poll clerk will not be present to witness the deputy returning officer's treatment of an uninitialed ballot.

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-004</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Electronic Poll Books</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 2, 13, 66, 71, 81, 85, 134, 135, 145, 159, 167, and 177
<b>Intent</b>	To direct the use of electronic poll books

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These CEO Directives must be provided to the Speaker of the Legislative Assembly, the Board of Internal Economy and each registered political party at least four weeks before the writ for a by-election is issued.

For any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023, the Chief Electoral Officer hereby directs the use of electronic poll books for the purpose of searching the names of eligible voters on the voters list, striking off the names of voters after they have been issued a ballot paper and maintaining a record of voter information and interactions at the polling place instead of using a paper-based poll book and voters list.

In accordance with subsection 5.1(4), this alternate procedure will be implemented if the by-election is called at least four weeks after the date of this CEO Directive.

It is expected that the use of electronic poll books rather than the current paper-based, manual procedures described in the *Act*, will eliminate transcription errors and improve the efficiency of the voting process. Electronic poll books will be used at all voting locations which are established for the entirety of the polling period (see CEO Directive 2023-001). Electronic poll books will not be used at stand-alone voting locations on the final day of the polling period.

# CEO Directive – Electronic Poll Books

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The Chief Electoral Officer hereby directs that the following provisions of the *Act* be modified as set out in Appendix “A” to this CEO Directive:

- Clause 2(1)(dd) – “poll book” – definition
- Clause 2(1)(rr) – “voters’ list” – definition
- Section 13 – Poll clerk appointment, duties and responsibilities
- Subsection 36(6) – Dividing the voters’ list
- Section 38 – Voters’ lists for polling subdivisions and arranging the voters’ list
- Section 66 – Poll book – Information recorded in the poll book by poll clerk
- Subsection 71(4) – Signing the poll book
- Section 81 – Voting outside polling place
- Section 85 – Statement of all voter’s declarations
- Section 134 – Sealing ballot box after close of advance poll
- Section 135 – Procedures on close of advance poll
- Section 141 – Preliminary count after close of polls on polling day
- Section 145 – Final count by returning officer
- Subsection 145(7) – Inspection of poll book and voters’ list
- Section 159 – Election officers and others to attend
- Section 177 – Public inspection of election documents and voter data

This Directive is in effect for any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
APRIL 20, 2023





# CEO Directive – Electronic Poll Books

## APPENDIX A

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-004</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Electronic Poll Books</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 2, 13, 66, 71, 81, 85, 134, 135, 145, 159, 167, and 177
<b>Intent</b>	To direct the use of electronic poll books

### Preamble – General Modifications

The following general modifications to the Act and Regulations apply with respect to the use of electronic poll books:

1. Any requirement in the *Act* for the signature of a person in the poll book is satisfied by an electronic signature that is in, attached to or associated with any part of the poll book in electronic form;
2. The furnishing of poll book entries after the closing of a polling place is satisfied by the provision of the entries in an electronic or printed format, at the option of the Chief Electoral Officer;
3. During voting, the Chief Electoral Officer will have access at all times to the electronic poll book and, in the Chief Electoral Officer's discretion, may provide electronic updates of unique voter identification information or other information from the poll book entries to candidates and registered political parties by secure transmission from the poll book;
4. Electronic forms may be completed and transmitted to the Chief Electoral Officer respecting voter registration at the polling place, with information supplied by the

- voter, if that registration is provided for by the *Act*;
5. After closing of the polling place, data from the electronic poll book will be securely stored and protected from loss, disclosure or unauthorized access, with any part of the poll book in a physical form being placed in a ballot box as required by the *Act*; and
  6. The Chief Electoral Officer may adapt any other section of the *Act* and the regulations that the Chief Electoral Officer considers necessary or advisable to facilitate the use of electronic poll books.

As identified in CEO Directive 2023-004, the Chief Electoral Officer hereby directs that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) be modified in the following manner:

## **Other Modifications to *The Election Act, 1996***

In order to facilitate the use of Electronic Poll Books, the following definitions will apply, and the following sections of *The Election Act, 1996* will be modified.

### **1. Definitions:**

- a. "Poll book" means a record containing the names of persons who have received ballot papers or who have applied for ballot papers at an election, whether in electronic form or otherwise.
- b. "Voters list" means the voters list for a constituency, or a polling division prepared by the Chief Electoral Officer pursuant to section 18.7, whether in electronic form or otherwise.
- c. "Voting Record" means a document which combines elements of the "poll book" (described in s. 2(1)(dd) of the *Act*) and the "voters list" (defined in s. 2(1)(rr) of the *Act*).

### **2. Section 13 – Poll clerk:**

At polls where electronic poll books are used, there will not be a poll clerk. At such polling places, all duties and responsibilities of the poll clerk described in the *Act* will be performed by the deputy returning officer. See CEO Directive 2023-003 for more information.

### **3. Section 66 – Poll book**

At any polling place where an electronic poll book is used, the deputy returning officer will record all required voter information and interactions electronically in the poll book. This information will be used to create an electronic voting record which combines poll book and voters list information.

#### **4. Section 71 – Taking voter’s declaration**

At any polling place where an electronic poll book is used, the requirement for a signature of a person making a voter’s declaration will be satisfied by an electronic signature that is attached to or associated with any part of the poll book in electronic form.

#### **5. Section 81 – Voting outside polling place**

The duty to have the poll clerk remain with the unused ballot paper and the ballot box while the deputy returning officer conducts voting outside the polling place, will be performed by a second election official inside of the polling place, such as the supervisory deputy returning officer. The deputy returning officer will deal with the voter in the manner described within the Act, with the exception of first verifying identification and eligibility, then returning to the polling location to strike the voter off electronically before returning to the voter with a ballot and a secrecy sleeve.

#### **6. Section 85 – Statement of all voter’s declarations required**

At any polling place where an electronic poll book is used, the statement of the name and address of all voters who made a voter’s declaration may be provided electronically to each candidate in the constituency.

#### **7. Section 134 – Sealing ballot box after close of advance poll**

At any polling place where an electronic poll book is used, the requirement for the deputy returning officer to sign the poll book after closing of the polling place will not be complied with.

#### **8. Section 135 - Procedures on close of advance poll**

- a. All entries in the poll book at polls featuring electronic poll books and vote counting equipment will be made electronically.
- b. A copy of the entries made in the electronic poll book during voting will be available to political parties and candidates in a manner determined by the Chief Electoral Officer.
- c. The counting and recording of the number of voters whose names appear in the poll book as having voted will be performed automatically by the electronic poll book.
- d. All entries for the purpose of completing the Ballot Paper Account and Poll Statement will be completed in electronic form and can be made available to candidates’ representatives in either paper or electronic form.
- e. The Ballot Paper Account and Poll Statement stored in the electronic poll book will be an electronic form.
- f. The name and address of every voter who made a voter’s declaration will be struck off the voters list electronically at the time the voter votes.

- g. The voters list used at stand-alone polling locations on the last day of voting will indicate the names of voters who have been struck off the voting record as having previously voted. For information on the voting record, see CEO Directive 2023-007.

## **9. Section 145 - Final count by returning officer**

- a. For polling places using electronic poll books, the Ballot Paper Account and Poll Statement will be made available to candidates and candidates' representatives in either paper or electronic form. The Ballot Paper Account and Poll Statement will be made available in paper form for polling places not using electronic poll books.
- b. For polling places which have used electronic poll books, each candidate or candidate's representative present will be given an opportunity to view an electronic version of each poll book and the voters list used in voting at the polls.

## **10. Section 159 – Election officers and others to attend**

- a. There will be no poll clerks at the polling places which feature electronic poll books and vote counting equipment.
- b. In the event of a judicial recount or addition, there will be no poll clerks from polling places using electronic poll books and vote counting equipment in attendance.
- c. The ballot paper accounts, poll statements and poll books supplied at a judicial recount or addition for a poll where an electronic poll book was used will be available in electronic or paper form.

## **11. Section 167 – If judge required to undertake recount or appeal**

Election documents required for use at a judicial recount or addition that were created or maintained in electronic form at advance polling places using electronic poll books will be supplied in electronic or paper form at a recount or addition.

## **12. Section 177 – Public inspection of election documents and voter data**

All documents the public is permitted to inspect that were created or maintained in electronic form at advance polling places using electronic poll books will be provided for inspection to the public in paper or electronic form.



# CEO DIRECTIVE – VOTE COUNTING EQUIPMENT

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<b>DIRECTIVE NO.</b>	CEO DIRECTIVE 2023-005
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/A
<b>Subject</b>	<b>Vote Counting Equipment</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 35, Part IV Division D, and Part V of <i>The Election Act, 1996</i> and Appendix – Part II – Form A and Form D of The Election Act Regulations
<b>Intent</b>	To direct the use of vote counting equipment

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These CEO Directives must be provided to the Speaker of the Legislative Assembly, the Board of Internal Economy and each registered political party at least four weeks before the writ for a by-election is issued.

For any provincial by-elections held in the Province of Saskatchewan before September 30, 2023, the Chief Electoral Officer hereby directs the use of automated vote counting equipment as an alternate procedure for counting ballots in accordance with the Act subsection 5.1(2).

In accordance with subsection 5.1(4), this alternate procedure will be implemented if the by-election is called at least four weeks after the date of this CEO Directive.

The purpose of using vote counting equipment is to learn about its effectiveness as an alternate procedure to manual vote counting prior to the next provincial general election. Counting ballots using automated vote counting equipment will be faster and more efficient than the manual process described in the Act. Vote counting equipment will be used at all voting locations which are established for the entirety of the polling period (see CEO Directive 2023-001). Vote counting equipment will not be used at stand-alone polling locations established on the final day of the polling period.



# CEO DIRECTIVE – VOTE COUNTING EQUIPMENT

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The Chief Electoral Officer hereby directs that the following provisions of the Act and *The Election Act Regulations* be modified as set out in Appendix "A" to this CEO Directive:

- Section 35 – Ballot Papers - the form of the ballot paper
- Regulations Appendix – Part II – Form A
- Part IV DIVISION D – Voting - specified voting provisions
- Part V – COUNTING – specified vote counting provisions
- Section 171 – Returns to the Writ

This Directive is in effect for any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
APRIL 20, 2023



# CEO DIRECTIVE – VOTE COUNTING EQUIPMENT

## APPENDIX A

DIRECTIVE NO.	CEO DIRECTIVE 2023-005
Date	April 20, 2023
Date Revised	N/App
Subject	Vote Counting Equipment
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted	Sections 35, Part IV Division D, and Part V of <i>The Election Act, 1996</i> and Appendix – Part II – Form A and Form D of The Election Act Regulations
Intent	To direct the use of vote counting equipment

As identified in CEO Directive 2023-005 the Chief Electoral Officer hereby directs that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) and *The Election Act Regulations* be modified in the following manner:

### **Modifications to *The Election Act, 1996* and *The Election Act Regulations***

In order to facilitate the use of Vote Counting Equipment, the following definitions will apply, and the following sections of *The Election Act, 1996* will be modified. These modifications do not apply to certain stand-alone polling locations, with the exception of the use of machine-readable ballots, established for the final day of voting which will not use vote counting equipment.

## 1. Definitions:

- a. "Auxiliary compartment" means the separate compartment of the ballot box where voters' ballots are temporarily stored in the event the vote counting equipment fails to operate.
- b. "Ballot" means the portion of a ballot paper that is to be marked by a voter and deposited in the ballot box. A machine-readable ballot paper will not change in substance, insofar as is possible, the requirements set out in *The Election Act, 1996* and *The Election Act Regulations* respecting ballot papers.
- c. "Ballot box" means the box to which the vote counting equipment is affixed where ballots are stored once they are accepted by the vote counting equipment.
- d. "Memory card" means a digital card that is a removable from the vote counting equipment, where all tabulated vote totals of the ballots in the ballot box are stored.
- e. "Secrecy sleeve" means the folder into which a ballot can be placed so as to conceal the name of the candidates and any mark made by the voter upon the face of the ballot, but which exposes the initials of the deputy returning officer or special election officer.
- f. "Special election officer" means one or more persons appointed by the chief electoral officer in consultation with the returning officer for the purpose of operating the vote counting equipment and to assist electors with its use under the direction of the special election officer.
- g. "Unreadable ballot" means a ballot that will not be accepted by the vote counting equipment because the ballot it is unreadable by the vote counting equipment.
- h. "Vote counting equipment" means equipment that digitally reads a specified area on the ballot to record the vote of the voter and to tabulate the results of the election.
- i. "Zero totals report" means the report from a vote counting equipment memory card that confirms no votes have been cast through the vote counting equipment.

## 2. Section 5(6) – CEO - Powers and responsibilities:

The Chief Electoral Officer will not be sending the returning officer stereotypes, printer's blocks or other printing aids for making impressions on the back of the ballot.

## 3. Section 35 - Ballot papers:

- a. For the purposes of section 35, machine-readable ballot papers will not have a detachable counterfoil or a stub and will not be consecutively numbered.
- b. Machine-readable ballot papers will not be folded by the voter. These ballot papers will be inserted by the voter into a secrecy sleeve and fed into the vote counting equipment and read before being deposited into the ballot box.



- c. The Chief Electoral Officer, not the returning officer, will arrange for, instruct and cause a printer to print the machine-readable ballot papers.
- d. The form of the machine-readable ballot paper will be determined by the Chief Electoral Officer and will conform to the requirements of sections 35 of *The Election Act, 1996* and Part II of *The Election Act Regulations* Appendix describing the Form A ballot, except that:
  - i. the machine-readable ballots will be printed with unique timing marks to provide appropriate security features;
  - ii. the printer's name and address and printing aid impression will not be printed on the back of the ballot;
  - iii. all required information, including "instructions to vote", the constituency name and date of the election, will be printed on the front of the ballot; and
  - iv. the ballots will not be numbered consecutively, will not have a counterfoil and will not have stubs as they will not be stapled or stitched into booklets.

#### **4. Section 59 – Examination and sealing of ballot boxes:**

- a. For the purposes of section 59, before voting begins, the special election officer will show the ballot box to those present in the polling place so that they may see that it is empty.
- b. The ballot box will be sealed using seals prescribed by the Chief Electoral Officer. The ballot box will be covered by the vote counting equipment so that ballots fed into the vote counter will automatically be deposited into the ballot box.
- c. The ballot box will be situated under the vote counting equipment in a manner so that it is raised above the floor in full view of all present.

#### **5. Section 63 - Who is entitled to be in polling place and at counting of votes:**

For the purposes of section 63, any special election officer position appointed by the Chief Electoral Officer to operate vote counting equipment is entitled to be present in the polling place during the time that the polling place remains open for voting and at the counting of votes.

#### **6. Section 73 – Giving ballot paper:**

For purposes of subsection 73(2), machine-readable ballot papers will not be folded, but rather will be inserted into a secrecy sleeve by the voter.

#### **7. Section 74 – Marking ballot:**

- a. For purposes of subsection 74(3), machine-readable ballot papers will not be folded by the voter, but rather will be inserted into a secrecy sleeve and fed into the vote counting equipment before being deposited into the ballot box.

- b. For purposes of subsection 74(3) & (4), after marking his or her ballot the voter will place the marked ballot in the secrecy sleeve provided, leave the voting station and deliver their marked ballot to the special election officer who is operating the vote counting equipment.
- c. The special election officer will feed the voters marked ballot into the vote counting equipment while it is still in the secrecy sleeve causing it to be counted and deposited into the ballot box.

## **8. Section 75 – Examination and deposit of ballot:**

- a. For greater clarity, the voter's marked ballot paper will be placed into a secrecy sleeve by the voter before the voter leaves the voting station.
- b. After leaving the voting station, the voter will deliver their marked ballot to the special election officer who is operating the vote counting equipment and not to the deputy returning officer who issued the ballot to the voter.
- c. The special election officer will examine the deputy returning officer's initials on the ballot paper before feeding it into the vote counting equipment.
- d. The ballot paper will not have a counterfoil.

## **9. Section 77 – Voter may request assistance in marking ballot:**

- a. For purposes of subsection 77(3), a deputy returning officer who assists a voter to mark their ballot inside or outside the voting station will immediately place the marked ballot in a secrecy sleeve to ensure the marked ballot is not visible to others present inside or outside the polling place.
- b. The voter's marked ballot will be delivered by the voter, the deputy returning officer or the voter's friend who is accompanying the voter to the special election officer who is operating the vote counting equipment.
- c. For purposes of subsection 77(7) and subsection 78(6), the deputy returning officer will record remarks in the electronic poll book.

## **10. Section 80 – Ballots to be kept in polling place (declined ballots):**

- a. In situations where a voter takes their ballot paper out of the polling place and where the voter returns their ballot paper to the deputy returning officer declining to vote, the voter's ballot will be marked as "declined". In addition, where the special election officer operating the vote counting equipment returns a ballot to a voter that is unmarked or has been marked in such a manner that it is unreadable by the vote counting equipment and the voter declines to mark their original ballot or re-mark a replacement ballot, the voter's ballot will be marked as "declined" if it is not inserted into the vote counting equipment but will be recorded as "rejected" should it be inserted into the vote counting equipment.

## **11. Section 81 - Voting outside the polling place:**

- a. For purposes of subsection 81(3), unused ballot papers and the ballot box will be left inside the polling place in the custody of a supervisory deputy returning officer, information officer or special election officer rather than the poll clerk.

- b. Reference to a pencil should read “marking device”.
- c. For purposes of subsection 81(5), once the voter has marked a ballot paper outside the polling place, the deputy returning officer will place the voter’s marked ballot in a secrecy sleeve and deliver it to the special election officer who is operating the vote counting equipment. The special election officer will feed the marked ballot into the vote counting equipment.

## **12. Section 84 – When voting is deemed to be done:**

For greater clarity, under subsection 84(2) a voter who delivers his or her ballot to the special election officer who is operating vote counting equipment may be given the opportunity to mark their original ballot if it is determined to be unmarked or to remark a replacement ballot if the original ballot issued has been marked in such a manner that it is unreadable by the vote counting equipment.

## **13. Section 134 – Sealing ballot box after close of advance poll:**

For purposes of section 134, the special election officer who is operating the vote counting equipment (or the deputy returning officer) will secure the ballot box and the vote counting equipment at the end of every day during the polling period. The special election officer who is operating the vote counting equipment (or the deputy returning officer) will also remove all ballots from the vote counting equipment at the end of every day during the polling period and securely store them throughout the remainder of the polling period.

## **14. Section 135 – Procedures on the close of advance poll:**

For the purposes of section 135, vote counting equipment will remain in the polling location after the first five days of voting so that it can be used for the final day of voting in that same location.

## **15. Section 141 – Preliminary count after close of polls on polling day:**

- a. For the purposes of subsections 141(10) & (11), the ballot boxes from polling period polls will not be opened by the deputy returning officer after the close of polls on the final day of the polling period. Ballots which have been deposited into a ballot box through the vote counting equipment will be counted by the special election officer in the polling location at the end of voting on the final day of voting according to the closing procedures for conducting an automated vote count.
- b. Subsections 141(12), (13), (14) & (15) will not apply to a poll where vote counting equipment is used. Ballots that could not be read by the vote counting equipment will be marked as spoiled and placed in a spoiled ballot envelope. The voter will be offered a replacement ballot to mark. However, if a voter indicates that they want their unreadable ballot to be cast, then it will be deposited into the ballot box.
- c. The oath or declaration referred to in subsection 141(19) will be administered by the deputy returning officer to the special election officer who has operated the vote counting equipment.

- d. For the purpose of subsection 141(20), clauses (a) and (b) do not apply.

## 16. Section 142 – What are rejected ballots:

- a. For the purpose of s. 142, vote counting equipment will be programmed to only count validly cast ballots. The following ballots will not be read by the vote counting equipment:
  - i. Ballot papers which have not been initialed by the deputy returning officer;
  - ii. Ballot papers that have been marked for more than one candidate;
  - iii. Ballot papers on which no vote has been marked for a candidate;
  - iv. Ballots where the vote counting equipment could not determine whether a valid vote had been cast (ambiguous mark).
- b. Ballot papers that have not been initialed by the deputy returning officer, ballot papers that have been marked for more than one candidate, ballot papers that have not been marked for a candidate, and other improperly marked ballot papers that cannot be read by the vote counting equipment will be returned to the special election officer operating the vote counting equipment.
- c. A returned ballot paper that does not bear the initials of the deputy returning officer will be taken by the special election officer to the deputy returning officer to verify that it was issued by the deputy returning officer and, if so, it will be initialed by the deputy returning officer and re-fed into the vote counting equipment to be read.
- d. A ballot paper that does not record a vote will be marked as spoiled and the voter will be given the opportunity to mark a replacement ballot. If the voter agrees to mark a replacement ballot, their unreadable ballot will be marked as “spoiled”. If the voter declines to mark a replacement ballot, the previous ballot will be deposited into the ballot box and considered to be a rejected ballot.
- e. Subsections 142(2), (3), (4), & (5) do not apply.

## 17. Section 143 – Returning officer to receive and deal with ballot boxes:

References to “ballot box” in s. 143 will include “vote counting equipment”.

## 18. Section 171 – Return to writ of election

As a result of process and procedure changes introduced by this Directive as well as CEO Directive 2023-001, which introduces a polling period, certain changes will be required to be made to Form D *Return to the Writ, Statement of Returning Officer respecting Votes Cast and Ballot Papers Used at the Polling Places*. Form D will continue to set out the name of the candidate elected as a member.

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-006</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/App
<b>Subject</b>	<b>Vote by Mail</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 84, 86, 87, 88, 89, 89.3, 141, 145, 146 & 287 of <i>The Election Act, 1996</i>
<b>Intent</b>	To implement a Vote by Mail process

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These CEO Directives must be provided to the Speaker of the Legislative Assembly, the Board of Internal Economy and to each registered political party at least four weeks before the writ for a by-election is issued.

For any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023, the Chief Electoral Officer hereby directs that an alternate procedure, called Vote by Mail be implemented as an alternate procedure in accordance with subsection 5.1(2) of the Act. In accordance with subsection 5.1(4), these alternate procedures will be implemented if the by-election is called at least four weeks after the date of this CEO Directive.

The Vote by Mail process to be implemented will be substantially similar to the Vote by Mail processes used during the Saskatoon Meewasin by-election held on September 26, 2022, the Athabasca by-election held on February 15, 2022, and the October 26, 2020, general election. For the Athabasca by-election and the 2020 general election, the amended procedures were authorized by the Chief Electoral Officer under section 7 of the Act and section 2 of *The Election Act Regulations* which allowed the Chief Electoral Officer to declare that an emergency existed due to the COVID-19 pandemic for which no adequate provision was made by the Act. Vote by Mail was authorized under section 5.1 for the September 2022 Saskatoon Meewasin by-election.

The purpose of implementing Vote by Mail is to offer voters a postal voting process that is more efficient and accessible than the process described in the *Act*.

The Chief Electoral Officer hereby directs that the absentee voting provisions under sections 84, 86, 87, 88, 89, 141, 145, 146 and 287 of the *Act* be modified as set out in Appendix “A” to this Directive and that measures be taken to implement the adaptations to the previously implemented Vote by Mail voting procedures in the manner set out in Appendix “A”.

For further clarity, the absentee voting process described in sections 86 to 88, including the “in person absentee voting process” will be suspended by this Directive. Alternatively, voters will be referred to the Vote by Mail voting procedure or to an in-person voting opportunity.

This Directive is in effect for any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023.

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
APRIL 20, 2023



# CEO DIRECTIVE – VOTE BY MAIL

## APPENDIX A

DIRECTIVE NO.	CEO DIRECTIVE 2023-006
Date	April 20, 2023
Date Revised	N/App
Subject	Vote by Mail
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted	Sections 84, 86, 87, 88, 89, 89.3, 141, 145, 146 & 287 of <i>The Election Act, 1996</i>
Intent	To implement a Vote by Mail process

### Modifications to *The Election Act, 1996* and *The Election Act Regulations*

As identified in CEO Directive 2023-006, the Chief Electoral Officer hereby directs that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) be modified in the following manner described below. In addition, certain changes made as a result of other CEO Directives, including the transition to a polling period (see CEO Directive 2023-001), are reflected below as well.

#### 1. Subsection 84(1.1) – When voting is deemed to be done

For purposes of section 84, a voter who has applied for and been issued a mail-in ballot will not be struck from the voters list as having voted until their ballot has been received by Elections Saskatchewan. Therefore, voters who have applied to vote by mail will be able to vote on any day during the polling period before their mail-in ballot is received without having to make a declaration. If a voter votes at a polling place during the polling period and their mail-in ballot is subsequently received, the mail-in ballot will not be placed in the ballot box and be counted.

## 2. Section 86 – Absentee voters – definition, eligibility

For the purposes of sections 86 to 89 and Part IV, Division E and Part V, the duties of the “returning officer” and “deputy returning officer” will be performed by the centralized “Vote by Mail team” established by the Chief Electoral Officer and located at the head office of Elections Saskatchewan and at any additional off-site location of Elections Saskatchewan used for the purpose of administering the Vote by Mail voting procedure. This administration will include managing Vote by Mail-related software; receiving Vote by Mail applications; providing support and assistance to voters who have applied to Vote by Mail; reviewing Vote by Mail applications; coordinating and overseeing compliance with required Vote by Mail voting and ballot acceptance procedures; reconciling and accepting or rejecting Vote by Mail ballot packages submitted by voters; and counting accepted Vote by Mail ballots.

For greater clarity, the definition of “absentee voter” in section 86 will refer to eligible voters who vote via the Vote by Mail procedure established in CEO Directive 2023-006.

For greater clarity, any eligible voter who applies to Vote by Mail and whose application is received no later than the deadline established by the Chief Electoral Officer, shall be considered to have met the evidentiary requirements of subsection 86(2) of the *Act*. There will be no requirement for the voter to present satisfactory evidence that he or she will be unable to vote during the polling period in the constituency.

## 3. Section 87 – Application – absentee voters

For purposes of subsection 87(1), satisfactory evidence of a voter’s identity and ordinary residence pursuant to section 72.1 must include:

- a. 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; or
- b. two pieces of prescribed information, at least one of which is issued by the Government of Saskatchewan, the Government of Canada or an agency of those governments, each of which establishes the voter’s name and at least one of 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).

For purposes of clause 87(2)(a), applications to Vote by Mail may be received by the Chief Electoral Officer no earlier than 7 months before the final day of the polling period and at least 9 days before the final day of the polling period. For purposes of clause 87(2)(b), applications to Vote by Mail must be received by the returning officer no earlier than the day on which the writ is issued and at least 9 days before the final day of the polling period.



For purposes of subsection 87(3), in addition to the procedures established in subsection 87(3), voters applying to Vote by Mail may apply to the Chief Electoral Officer on Election Saskatchewan's external website through the Vote by Mail Application Portal (the "Portal").

For purposes of subsection 87(4), 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 will forward the application to the Vote by Mail processing team.

#### **4. Section 88 – Voting Procedures**

For purposes of this section, where the Vote by Mail team is satisfied that the applicant is eligible to vote by mail, the Vote by Mail team will comply with all of the procedures prescribed in section 88, with the following exceptions:

- a. For purposes of subparagraph 88(1)(a)(ii), the ballot paper will not be initialed by the returning officer or election clerk.
- b. For purposes of subsection 88(3), the name and address of each voter will not be provided to the applicable deputy returning officer immediately after the deadline of 11 days before the final day of the polling period. Instead, the Vote by Mail team will provide the name and address of each Vote by Mail voter to the deputy returning officer where the Vote by Mail voter is eligible to vote after the Vote by Mail Team receives the completed ballot package back from the voter.
- c. For purposes of subsection 88(8), ballot papers for Vote by Mail voters will be issued centrally by the Vote by Mail team.

#### **5. Section 89 – Post voting procedures**

Where the Vote by Mail Team is satisfied that the Vote by Mail applicant is an eligible voter, the Vote by Mail team will comply with section 89 of the *Act*, with the following exceptions:

For purposes of subsection 89(1), the duties of the returning officer or election clerk will be performed by the Vote by Mail team.

- a. For purposes of paragraph 89(2)(c) and subsections 89(4) and (5), the Vote by Mail team will open the certificate envelope, and the ballot envelope contained within (which contains a marked ballot) will be deposited in the ballot box maintained at Elections Saskatchewan's Head Office;
- b. For purposes of paragraph 89(2)(c) and subsections 89(4) and (5), all Vote by Mail certificate envelopes that are accepted, opened, and have their ballot envelope removed and placed in a ballot box, will be retained, sorted and tracked.

- c. For purposes of paragraph 89(2)(d) and subsections 89(3) and (9), any unopened certificate envelope that is received before the deadline for receiving Vote by Mail ballots and is retained pursuant to paragraph 89(2)(d) will be placed in a separate secured container labelled “rejected” and retained at Elections Saskatchewan’s Head Office. These unopened certificate envelopes will be sorted and tracked.

Except as modified by CEO Directive, the Vote by Mail team will comply with the requirements of subsections 89(6)-(8) with respect to the Preliminary Count and the Final Count of ballots.

For purposes of subsections 89(7) & (8), there will be two separate counts of Vote by Mail ballots:

- a. The Preliminary Count will include all Vote by Mail ballots received up to the end of Day -1 and will take place from Day +2 to Day +9.
- b. The Final Count will include all Vote by Mail ballots received from the final day of the polling period (Day 0) to the end of Day +10 following the final day of the polling period and will take place on Day +12. The counting of Vote by Mail ballots at the Final Count will continue as long as required for completing the count of all accepted ballots in accordance with sections 147 and 151 of the *Act*.

## **6. Subsections 141(15-22) and subsections 141(24-26) – Preliminary count after close of polls on the final day of the polling period**

For greater certainty, the Vote by Mail team will comply with the applicable requirements of Part V with respect to Vote by Mail ballots received through the Vote by Mail procedures, including subsections 141(15-22) and subsections 141(24-26).

## **7. Subsection 145(8) – Final count by returning officer**

For purposes of subsection 145(8), the duties of the returning officer will be performed by the Vote by Mail team.

## **8. Subsections 146(1) & (4) – Counting votes cast using special voting procedures**

For purposes of subsection 146(1) & (4), the duties of the returning officer will be performed by the Vote by Mail team.

## **9. Clauses 287(1)(a.11) & (a.2) - Regulations**

For purposes of subsection 287(1), references to “absentee ballot”, will mean Vote by Mail ballot.

<b>DIRECTIVE NO.</b>	<b>CEO DIRECTIVE 2023-007</b>
<b>Date</b>	April 20, 2023
<b>Date Revised</b>	N/App
<b>Subject</b>	<b>Implementation of Voting Record</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 65, 66, 67, 69 – 73, 77, 78, 80, 81, 82, 141, 145, 159, 177, 205 and 206 of <i>The Election Act, 1996</i>
<b>Intent</b>	To implement a new form called a Voting Record which consolidates the poll book and voters list

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These CEO Directives must be provided to the Speaker of the Legislative Assembly, the Board of Internal Economy and each of the registered political parties at least four weeks before the writ for a by-election is issued.

For any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023, the Chief Electoral Officer hereby directs that an alternate procedure, called a Voting Record be implemented as an alternate procedure in accordance with the Act subsection 5.1(2). In accordance with subsection 5.1(4), this alternate procedure will be implemented should the by-election be called at least four weeks after the date of this CEO Directive.

The Voting Record will be a new form which combines elements of the “poll book” (defined in section 2(1)(dd) of the Act) and the “voters list” (defined in section 2(1)(rr) of the Act). The Voting Record will improve the efficiency of voting procedures by eliminating a substantial amount of transcription and handwriting that is required at the voting station. This will make voting faster and eliminate transcription errors.

The purpose is to continue to learn about how the administration of voting can be improved in advance of the next general election in October 2024. A secondary purpose is to serve voters with procedures that are more efficient than the procedures described in the Act.

# CEO Directive – Voting Record

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The Voting Record will be used at all voting stations which are established as standalone voting stations on the last day of the polling period (see CEO Directive 2023-001 for information on the Polling Period). These standalone voting stations will not have electronic poll books (see CEO Directive 2023-004) or vote counting equipment (see CEO Directive 2023-005).

The Chief Electoral Officer hereby directs that the references to a “voters list” and/or a “poll book” in sections 65, 66, 67, 69 – 73, 77, 78, 80, 81, 82, 141, 145, 159, 177, 205 and 206 in relation to standalone voting stations on the final day of the polling period shall be satisfied through the use of the “Voting Record” described in this directive.

This Directive is in effect for any provincial by-elections held in the province of Saskatchewan on or before September 30, 2023.

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
APRIL 20, 2023

## ELECTIONS SASKATCHEWAN



### Lumsden-Morse, Regina Coronation Park & Regina Walsh Acres By-Election Communique for Chief Official Agents Issue 1: April 20, 2023

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#### CEO Directives for Pending By-Elections

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#### CEO Directives – By-Elections

Under section 5.1 of *The Election Act, 1996* (the Act), the Chief Electoral Officer has the authority to direct the use of “an alternate procedure, equipment or technology” during the administration of a by-election. During the upcoming by-elections, all of which must be administered no later than September 28, 2023 (although two have earlier “deadlines”), I have determined that I will be issuing seven Directives that will significantly amend the election process in these by-elections.

The system that these seven CEO Directives will result in is consistent with the vision of a modernized experience for voters, election workers, and political stakeholders that I have presented for some time, most recently in *A Report on the Twenty-Ninth General Election*, Volume IV, Chief Electoral Officer’s Recommendations for Legislative Reform.

By CEO Directive, I am directing the following:

- **The Polling Period (CEO Directive 2023-001):** Authorizes a transition away from distinct advance and election day voting periods toward a unified “Voting Week.”
- **Polling Divisions (CEO Directive 2023-002):** Directs changes to the traditional use of geographic sub-regions.
- **The Poll Clerk (CEO Directive 2023-003):** Establishes that this position will not be required at most, but not all, voting locations. This is possible due to the use of electronic poll books and vote counting equipment.
- **Electronic Poll Books (CEO Directive 2023-004):** Introduces technology to make it faster and easier to process an increased number of voters while enabling real time data sharing with political stakeholders.

- **Vote Counting Equipment (CEO Directive 2023-005):** Directs the use of equipment to count ballots linked to the use of electronic poll book, allowing election officials to manage the higher number of ballots that comes when using electronic poll books. Vote counting equipment counts ballots faster and more accurately than hand counting.
- **Vote by Mail (CEO Directive 2023-006):** Continues use of the centralized Vote by Mail process developed for Saskatchewan's 29th General Election, held on October 26, 2020; and
- **Voting Record (CEO Directive 2023-007):** Introduces a voting record at locations that do not feature technology.

I want to be clear that these CEO Directives will only be implemented, in accordance with legislation, should my office be instructed to issue a writ of election at least four weeks following today's submission, meaning a by-election called no earlier than May 19, 2023. I would also add that I have written these Directives so as to be open ended enough that if an additional by-election is needed and is held before September 30, 2023, we would follow the amended procedures directed within. Copies of each CEO Directive have been attached to this By-Election Communique.

While I will provide you with substantially more information on how this will affect you, your candidates, and their candidate representatives in the coming weeks, I want to assure you that the system provided for will serve all stakeholders better than the one prescribed in legislation. The use of electronic poll books in most voting locations will provide you with real-time data on who has voted and when (should you choose to access it), allowing your campaigns to better target their efforts. And the use of vote counting equipment for most ballots cast will provide fast results on the final day of voting.

All information related to our modernization initiatives, including CEO Directives, can also be found on the Elections Saskatchewan website at <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/>.



Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan



## Appendix D

# CEO By-Election Directive – Ballot Count Confirmation

<b>DIRECTIVE NO.</b>	<b>CEO BY-ELECTION DIRECTIVE 2023-008</b>
<b>Date</b>	June 13, 2023
<b>Date Revised</b>	N/App
<b>Subject</b>	<b>Vote Counting Equipment - Ballot Count Confirmation</b>
<b>Reference</b>	Section 5.1 of <i>The Election Act, 1996</i>
<b>Provisions of <i>The Election Act, 1996</i> and <i>The Election Act Regulations</i> Impacted</b>	Sections 156 & 178 of <i>The Election Act, 1996</i>
<b>Intent</b>	To inspect ballots from each constituency for the purpose of confirming the accuracy of ballot counting by vote counting equipment.

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These CEO By-Election Directives must be provided to the Speaker of the Legislative Assembly, the Board of Internal Economy and each of the registered political parties at least four weeks before the writ for a by-election is issued.

For any provincial by-elections held in the Province of Saskatchewan on or before September 30, 2023, the Chief Electoral Officer hereby directs that an alternate procedure involving an inspection of ballots be implemented as an alternate procedure in accordance with the Act subsection 5.1(2). In accordance with subsection 5.1(4), this alternate procedure will be implemented should the by-election be called at least four weeks after the date of this CEO Directive.

The purpose of this ballot count confirmation process is to verify the accuracy of vote counting equipment used in the by-elections and to learn how vote counting can be improved in advance of the next general election in October 2024.

An inspection of ballots from each constituency which have been counted by vote counting equipment will be conducted for the purpose of confirming the count accuracy following the preliminary counting of ballots on the final day of the polling period. This inspection will occur between Day +3 and Day +6 following the final day of voting (Day 0). A minimum of one ballot box from a voting location within each constituency where vote counting equipment was used will be



# CEO By-Election Directive – Ballot Count Confirmation

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randomly selected, opened and the ballots inspected under the supervision of independent election audit officials. Within the constituency with the closest margin of victory between the candidate with the most votes and the candidate with the second most votes, all ballots counted by vote counting equipment will be inspected. The results of the ballot count confirmation process will be reported by the Chief Electoral Officer prior to the final count of votes by the Returning Officer.

Candidates will be informed of the date, time and place of this ballot count confirmation within each constituency and will be permitted to attend along with up to two candidate's representatives for each candidate. The independent audit election officials will inspect machine counted ballots in the presence and in full view of the candidates or candidate's representatives who are present.

In the event there is a difference between the results obtained by vote counting equipment and the ballot count confirmation, the Chief Electoral Officer will be immediately notified. In such a case, the Chief Electoral Officer may, at his discretion, order a subsequent hand-counting of the ballots originally considered in the ballot count confirmation. If, in the opinion of the Chief Electoral Officer, the difference between the results obtained by vote counting equipment and the ballot count confirmation is material, the Chief Electoral Officer may order that the ballots from one or more additional voting locations within the constituency be hand-counted.

A candidate or the financial agent of a candidate may consider the results of the ballot count confirmation process reported by the Chief Electoral Officer in their decision to apply to a judge of the court for a recount or an addition pursuant to ss. 156(1)(a) of the Act.

The Chief Electoral Officer hereby directs that section 178 of the Act shall be modified to permit the Chief Electoral Officer to authorize the inspection of ballots following the preliminary count for the purpose of verifying the accuracy of results obtained by vote counting equipment.

This Directive is in effect for any provincial by-elections held in the province of Saskatchewan on or before September 30, 2023.

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

DR. MICHAEL BODA  
CHIEF ELECTORAL OFFICER  
PROVINCE OF SASKATCHEWAN  
JUNE 13, 2023



## ELECTIONS SASKATCHEWAN



### Lumsden-Morse, Regina Coronation Park & Regina Walsh Acres By-Election Communique for Chief Official Agents Issue 2: June 13, 2023

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#### CEO Directives for Pending By-Elections

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#### Additional CEO Directive – By-Elections

Under section 5.1 of *The Election Act, 1996* (the Act), the Chief Electoral Officer has the authority to direct the use of “an alternate procedure, equipment or technology” during the administration of a by-election. On April 20, I sent you copies of 7 CEO By-Election Directives that will be in force during our pending events. During the upcoming by-elections, all of which must be administered no later than September 28, 2023 (although two have earlier “deadlines”), I have determined that I must issue an additional Directive.

By CEO Directive, I am directing the following:

- **Vote Counting Equipment - Ballot Count Confirmation (CEO By-Election Directive 2023-008):** Authorizes a process whereby the accuracy of vote counting equipment will be confirmed by a manual inspection of ballots. Candidates or their representatives will be able to observe this inspection.

I look forward to sharing more information with parties and candidates on this process after the by-elections are called and we verify times and dates.

I also want to ensure that there is no confusion between the attached CEO By-Election Directive, which relates to our pending by-elections, and the CEO General Directive I sent to you yesterday. I would have preferred to leave more time between these two submissions, but the need to prepare for the general election and the four-week window between when my by-election directives must be submitted and when they become in effect, meant that both needed to be sent to you as soon as possible. In the interests of clarity, I have designated the enclosed document as a “CEO By-Election Directive,” and will use that language when referring to this set of Directives moving forward.

Please feel free to be in touch if you have comments or questions. I would be happy to speak with you.

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

Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan