



Modernizing Saskatchewan's Provincial Voting Experience – Voting Services Modernization for Saskatchewan's 30th General Election

Dr. Michael Boda
Chief Electoral Officer of Saskatchewan
August 11, 2021

I - Introduction

Saskatchewan's residents went to the polls to vote in a provincial election on October 26, 2020. This election was unique amongst those that have been held in the past as it took place in the midst of the novel coronavirus disease (COVID-19) pandemic.

The implementation of this election clearly differed in a number of ways from those previous – workers and voters wore masks, there was a clear barrier separating individuals from each other, and there was far more space between voting stations. In most ways, however, Saskatchewan's 2020 General Election was conducted much the same as all others held in the province since 1905 – election workers completed their work using pen and pencil, and ballots were counted by hand.

The COVID-19 pandemic has revealed that there is a strong openness to reforming and revitalizing many long-held processes in Saskatchewan, including the way in which we vote. More than ten times as many people chose to vote by mail in 2020 as in any previous election. Moving forward, Elections Saskatchewan must continue to broaden access to a variety of voting opportunities, both traditional and new, to ensure that the province's democracy remains vibrant.

While COVID-19 has shown that meaningful change is possible, the Chief Electoral Officer and Elections Saskatchewan have been pointing to the need to modernize Saskatchewan's election system since 2012.¹

II – Foundations for Modernization in advance of the 2020 election

Following Saskatchewan's previous general election, held on April 4, 2016, I issued a report offering insights into the successes and challenges we experienced during that event. Volume IV, *Chief Electoral Officer's Recommendations for Legislative Reform*

¹ In 2013, I published *Toward an Improved Legislative Framework for Elections in Saskatchewan: Step One: Recommended Amendments for Saskatchewan's 28th General Election*. Page seven of that document included a line that read "[I have] found that many aspects of the current election legislation diminish the opportunity of the province's election management body to conduct elections at the greatest level of efficiency, and according to electoral best practice and standards in Canada and abroad."



proposed a vision of what future provincial elections could look like after three phases of modernization – during fixed-date provincial elections in 2020, 2024 and 2028.

The first phase of modernization that was proposed to take place during Saskatchewan’s 29th General Election in 2020 had three main features:

- Technology in the form of electronic poll books and ballot tabulators to streamline advance voting and efficiently count advance votes;
- Legislative authority for the CEO to “pilot” modernized voting procedures; and
- Administrative inefficiencies and problematic requirements of existing legislation addressed with “housekeeping” amendments.

Subsequent to the release of that report and following significant discussion with electoral stakeholders, Elections Saskatchewan invested considerable resources preparing to offer a modernized advance voting experience in 2020. E-poll books and ballot tabulators would have been used at all advance polls in 28 of the province’s 61 constituencies. Legislative amendments were made to allow pilot projects to take place and in December 2018, a bill was passed, fixing a number of problematic sections of *The Election Act, 1996*.

As the 2020 calendar year began, Elections Saskatchewan was well prepared to introduce these changes to the voting process. However, two events in the first quarter of the year necessitated a return to a more traditional voting experience. Between late-February and early-March 2020, speculation of an early election call became prominent. Given the possibility of an election up to six months earlier than expected, I concluded that any efforts to modernize would need to be suspended.² The second event to have a significant impact on preparations for the coming election was the COVID-19 pandemic. The arrival of COVID-19 in the province resulted in Premier Scott Moe announcing³ that there would be no spring election. It also meant changes to how we conduct our work, both at head office and in the province’s 61 constituencies.

While planned modernization efforts did not move ahead in 2020, the work that was completed forms a foundation for what will become known as the *Voting Services Modernization Initiative* as Elections Saskatchewan prepares for a general election in 2024. The ultimate form of what the VSM Initiative will entail must still be finalized. At present, I continue to meet with stakeholders, review administrative data from the October 26, 2020, election, and analyze information from other jurisdiction to create a set of final recommendations for how the province’s 2024 general election should be conducted. These recommendations will be captured in Volume IV of my report on Saskatchewan’s 29th General Election. This volume is to be published in the spring of 2022.

² For more information, see “Elections Saskatchewan preparing to administer a general election when instructed,” March 4, 2020. Available at <https://www.elections.sk.ca/media/news-releases/>.

³ See, for example, “Premier Scott Moe ends speculation of an early election call,” March 12, 2020. Global News.



III - Modernizing Saskatchewan's Voting Services leading to 2024

The COVID-19 pandemic has resulted in many changes to our way of life and the administration of elections has been no exception. To provide the most extreme example, Newfoundland & Labrador transitioned to conducting their provincial election entirely by mail-in ballot after an outbreak of a COVID-19 variant just days before in-person voting was set to conclude.⁴

Saskatchewan's 2020 electoral experience did not require drastic steps during the voting process to assure its integrity, but data from the general election show us that there were significant changes in how voters chose to cast their ballot. In 2016, nearly three quarters of all voters voted on election day. During the 2020 election, that fell to 45 percent. The number of advance voters jumped from 25 percent to more than 41 percent and the number of mail-in ballots increased from 4,420 in 2016 to more than 56,000.

Voters have shown that they are capable of and see benefit in taking advantage of a more fulsome range of voting opportunities. Voters no longer want to be told when and where to cast their ballot – they would like to be presented with a menu of options and to choose the one that works best for them. In response, election administrators need to offer a broader network of voting services and opportunities. At the same time, the technology that will make this network possible will also allow for greater provision of data to all electoral stakeholders. Parties and candidates, for example, should no longer need to rely on the physical collection of “bingo sheets” at polling locations to determine who has voted at each poll.

The changes discussed as part of the *Voter Services Modernization Initiative* focus on our “election system” (that is, on how the election is administered) and not on the province’s “electoral system” (how votes cast are translated into seats in the Legislative Assembly). An overarching theme present throughout these potential changes is “flexibility.” Flexibility for voters to cast their ballot when, where and how they choose and flexibility for Elections Saskatchewan to administer the election in different ways in different parts of the province but with the same level of integrity and security throughout.

The proposed changes within the Voting Services Modernization Initiative relate to three broad areas:

1. **Moving from “Election Day” to “Election Period”:** Reconsidering the traditional distinction between Election Day and advance voting.
2. **Modernizing Election Processes and Administration:** Making use of e-poll books and ballot tabulators while introducing greater efficiencies in Elections Saskatchewan’s oversight of the election process.
3. **Broadening Access to Voting:** Expanding opportunities to access the ballot for electors.

⁴ See, for example, “Coronavirus variant puts N.L. back in lockdown; in-person voting in provincial election suspended,” CBC News, Feb. 12, 2021.



1. Moving from “Election Day” to “Election Period”

Saskatchewan currently offers 51 hours of in-person voting spread over six days (40 hours evenly distributed over five days of advance voting and 11 hours on election day). This is in addition to the ability for any voter to cast a ballot in person at their returning office as an absentee voter between the issuance of the writ of election and nine days before election day.

At one time, most voters were expected to vote at their assigned, polling division specific location on election day. And prior to the 2016 general election, advance voting was only to be available to voters who met specific criteria – such as working the election or having a disability. When these restrictions were lifted and advance voting was made available to all voters, advance voting participation skyrocketed. This is further proof that voters want to vote when it is convenient for them and not at an assigned date and time.

Given that there is no longer any legislated difference between the requirements to vote at an advance poll in comparison to an election day poll, it is possible to combine these periods to allow for greater efficiencies and service to voters. One option could be to remove the day that is currently required to feature no voting between the end of advance voting and election day and run all six days of voting consecutively. Other options could be to offer voting in a smaller number of locations for a longer period of time, or to offer polls in different communities at different times. Different options may work better for urban constituencies than for rural ones - flexibility will be key.

Conversations around changes to voting periods will need to consider time required to ensure “strike off” activities can take place (strike off refers to marking which voters have voted and ensuring this information is transferred to all applicable polling locations). In a system that uses technology, transferring strike off data is relatively simple but given that some polls in the province will not use technology, consideration must be given to ensuring this activity can take place and that all necessary integrity protocols are in place.

2. Modernizing Election Processes and Administration

Elections Saskatchewan’s plans to modernize the advance voting process, while not ultimately carried out in 2020, forms the basis of a modernization initiative for 2024. Significant work has gone into preparing to have e-poll books and ballot tabulators at a number of advance polls in the province and that work can be expanded and built on.

As we look toward 2024, I envision that e-poll books and tabulators will be present in far more polling locations than we had planned for in 2020. It is unlikely that e-poll books and tabulators will be used in all polling locations – in some cases, a community may not have sufficient internet coverage or there may be too few voters for such technology to be economically feasible. While in the past we have typically talked about e-poll books and tabulators as if they are a package which must always work together, it is also possible that we would implement e-poll books only in some locations or rely on centrally located tabulators in some areas. The benefits of this technology have been well-



documented but include faster and more accurate ballot counting and the provision of real-time strike off information to political parties and candidates.

Still, not all process modernization necessarily involves technology. One change that has taken place in election administration over the past several decades is an increasing centralization of processes and responsibility. This has been, in part, due to higher expectations of consistency in service levels from voters and political stakeholders. Legislation, however, has traditionally placed a great deal of responsibility in the hands of local returning officers – and there must be one returning officer appointed for each constituency. Moving forward, efficiency with respect to administering elections in constituencies should be reconsidered.

Returning officers (and election clerks) have served Saskatchewan well for many decades. However, in the interests of efficiency and economics it is worth considering whether voters, candidates and political parties are well served by the current arrangement. It may be possible to consolidate the oversight of multiple constituencies underneath one returning officer. For example, there are twelve provincial constituencies and therefore twelve returning officers in the city of Regina while federally, the city is overseen by three returning officers managing three larger constituencies. This does not mean that such amalgamation should take place throughout all parts of the province – given the different needs and geographic realities of rural Saskatchewan, different approaches will be required. A flexible approach, that allows Elections Saskatchewan to pursue efficiencies that make sense, is key.

It is important to note that this would not affect the number of constituencies, or the number of MLAs elected, but only the behind-the-scenes administration conducted by Elections Saskatchewan.

3. Broadening Access to Voting

3.1 Integrating In-Person Voting

I have already explained the significant changes that took place to election day and advance voting numbers during our last election. As described above, this could mean a transition away from discrete advance and election day voting periods to one continuous period of voting.

Legislation requires that Elections Saskatchewan try to keep the size of each election day polling division to 300 voters. This is despite significant increases in the number of advance voters and in this past election, Vote by Mail voters. The result of these changes is that each election day poll serves far fewer voters than is intended – on October 26, more than 860 of our polls served less than 50 voters. Moving forward, we need to examine how we can leverage technology to provide the same level of service to more voters with fewer polls. Again, it is very likely that a different approach will need to be taken in urban areas than in rural ones where distance to drive could become a significant factor in voter participation.



We need also to consider how we will direct voters to the option of voting in-person at any time between the beginning of the election period and nine days before election day as an absentee voter. This option has never been widely advertised and we have seen drastic differences in volume in different constituencies. For example, in 2020, 233 voters cast their ballot as absentee voters in the returning office in Saskatoon Eastview. Saskatoon Meewasin, on the other hand, had only 7 voters come into the returning office and vote as absentee voters. Long term, Elections Saskatchewan will consider what role in-person absentee voting should play in our “menu” of voting opportunities.

Another item Elections Saskatchewan must consider is how we will continue to remove barriers for traditionally underserved groups. This includes new voters who have just turned 18, voters with a disability, First Nations both on and off reserve, Métis, as well as new Canadians. Election management bodies across the country have struggled to serve these groups in an effective manner. Possible avenues worth exploring include expanding the ability to place polls in unique locations such as on post-secondary campuses (while also taking advantage of “Vote Anywhere” possibilities to allow all students, and not just those who live in the specific constituency the school is in to vote). Elections Saskatchewan will also explore what role real-time interpretation services via phone or Internet could play in resolving language barriers during voting.

3.2 Re-aligning Vote by Mail

One of the stories of Saskatchewan’s 2020 general election, and of other pandemic elections held across Canada, is the significant increase in voting by mail. The number of Vote by Mail ballots processed by Elections Saskatchewan increased by 52,000 between 2016 and 2020. This process, which was reworked and finalized only a few months before election day, was a remarkable success.

There are questions as to what demand for Vote by Mail will look like in future elections, but it seems unlikely to fall to pre-COVID levels. My original vision for modernization leading to the 2024 election would have seen mail in voting used to provide access to the ballot to voters residing in remote or very rural locations. This would have provided convenient access to the ballot while recognizing that there are certain economic factors which make it difficult to put physical polling locations in all locations where they might be needed.

While such an arrangement may still work, data from our most recent election showed that Vote by Mail was far more popular in urban constituencies than in rural ones. There are many possible reasons for this, especially given the impact of COVID-19, however constituencies in Regina and Saskatoon accounted for nearly 40,000 of the 56,500 Vote by Mail ballots during our 2020 general election.

Currently, *The Election Act, 1996* requires that absentee voting (which includes voting by mail) be managed out of each constituency returning office. In 2020, given COVID-19 and the timelines available to make changes, we chose to manage the process centrally including receiving applications, mailing out ballot packages and counting ballots. Given the complexities involved, I expect that moving forward we will continue



to manage Vote by Mail centrally from our head office. What we must consider is what demand will look like, where in the province that demand will come from, and what adjustments that means for in-person voting opportunities. For Vote by Mail to be successful outside Saskatchewan's larger centers, I envision that a system will have to be devised that relies less on the postal system and more on a network of drop off locations within each constituency. The focus of creating such a system would be on increasing usage in rural areas where postal service is not always as convenient as in urban ones.

3.3 Reassessing Special Voting Opportunities

By legislation, "Special Voting" refers to every voting opportunity that does not take place at a regular poll on election day.⁵ This reflects an era where election day voting was the norm and every other avenue of voting the exception. Moving forward, I expect that we will use the term "Special Voting" to refer to voting that takes place outside of in-person voting and Vote by Mail. This could include voting that takes place in Personal Care Facilities, Hospitals/Remand Centres, and possibly even voting offered in extremely remote rural or northern locations.

A robust set of special voting provisions helps to ensure that all eligible voters in our province have access to the ballot. We must examine how we can serve voters in unique or difficult circumstances and determine what efficient methods exist. This could even be a combination of existing ways to vote – in-person voting in some locations complimented perhaps with a default option to Vote by Mail. More research and analysis are needed but it is incumbent upon my office to ensure that we offer an adequate level of service to all voters, not just those who reside in places that are the most efficient or easiest to serve.

3.4 Expanding Extraordinary Voting

Extraordinary voting was the solution Elections Saskatchewan put in place to serve voters forced to quarantine due to COVID-19 who missed the deadline to vote by mail. The Extraordinary Voting process was similar to Vote by Mail but rather than using the postal system, it relied on couriers, messengers and personal delivery to get ballot packages to voters. The deadline to apply to Vote by Mail was Thursday, October 15. Extraordinary voting was available for five more days, until Tuesday, October 20. This left a space of just under a week where if a voter was required to quarantine due to COVID-19 (and therefore couldn't attend a polling station in person), they would be unable to vote.

As Chief Electoral Officer, my authority was limited to *adapting* legislative provisions and I did so to make the expanded Vote by Mail and Extraordinary Voting processes successful. To serve voters quarantining at the last minute, however, I would have needed to *create* an entirely new voting process not contemplated in our legislation. Such processes exist in other jurisdictions – B.C., for example, uses a form of telephone

⁵ Division E of *The Election Act, 1996*, "Special Voting Provisions" includes instructions for absentee voting, homebound voting, mobile polls, hospital/remand/temporarily displaced polls, personal care facility voting, and advance polls. See section 86 to 135.1 of the Act for more information.



voting to serve voters who cannot leave their home, such as in the case of COVID-19 or due to disability or age.

While COVID-19 will hopefully not always be present, there are always situations wherein a voter is unable to vote in person at their assigned voting location and the deadline to apply to vote by mail has passed. There should be a legislatively allowable method to “bridge this gap” for voters who are truly meet all necessary requirements. Possibilities include telephone voting, some form of video conference voting, or a limited internet voting option.

3.5 Introducing Vote Anywhere

One of the advantages of introducing technology to the voting process is that it becomes possible to serve voters in a manner far different than what has been seen in the past. In all Saskatchewan elections up until now, voters have only been able to vote within their constituency, or if they were not going to be in their constituency when voting was taking place, then by mail as an absentee voter. If the deadline to apply to vote had passed and they could not travel to their home constituency, they would be unable to vote.

E-poll books and tabulators make it administratively possible to implement a “vote anywhere” model whereby a voter can vote in one location (outside of their own constituency) but be struck from the voters list and have their vote counted in their home constituency. I expect that, in 2024, we would implement Vote Anywhere in select locations in certain constituencies to provide a higher level of service to voters while limiting administrative complexity.

Conclusion

Change must come to how Saskatchewan administers its provincial elections. The process is too manual, too reliant on a small army of workers and has become too far removed from the types of work people expect to do. I have spent nearly my entire term as Chief Electoral Officer pointing to the need for modernization of this system. We have made progress over the past two elections, but more work is needed.

COVID-19 has shown us that significant reform can take place, and when needed, it can take place very quickly. I would argue that the processes which elect our representatives should not be casually reworked, but neither should they be allowed to become stagnant while society moves beyond them. In the months since our October 26, 2020, election, I have been engaging with stakeholders and speaking with my team at Elections Saskatchewan to determine how we might most effectively modernize and adapt to our changing society. In that time, I have concluded that wide-scale modernization is not one project, but rather several projects which are captured within our *Voting Services Modernization Initiative*.



While this paper includes ideas and recommendations that would transform many aspects of the voting process, its broad theme is based around ensuring comprehensive access to the ballot for all eligible voters in the province. This will involve reimagining and reworking some of our traditional processes while also considering what new opportunities should be introduced. As part of these changes and alongside the introduction of necessary technology, additional services, such as real-time strike off information, can be provided to candidates and registered political parties.

By making plans now, Elections Saskatchewan can be well prepared to bring forward a substantially modernized voting experience in October 2024. This paper is a precursor to the recommendations that will formally be made in my Volume IV report on our October 26, 2020 election. Consistent with the approach we took during our last cycle, I will be recommending a set of legislative changes that are far less prescriptive than election legislation has traditionally been in this province. I anticipate that we will need to work closely with legislators and registered political parties to determine a course of action, but Elections Saskatchewan must have flexibility to adapt processes to different parts of the province while also ensuring a certain level of service to all voters.

The Chief Electoral Officer's Volume IV report will be published in the spring of 2022. My hope is that the report and its recommendations can be discussed over the course of that summer with comprehensive legislation introduced in the fall 2022 sitting of the Legislative Assembly and passed in the spring 2023 sitting.

