

ELECTIONS SASKATCHEWAN

Report of the Chief Electoral Officer  
pursuant to subsection 7(6) of *The Election Act, 1996*  
regarding actions taken during the constituency of  
Lloydminster by-election

January 2015





January 9, 2015

The Honourable Dan D'Autremont  
Speaker of the Legislative Assembly  
Room 129, Legislative Building  
2405 Legislative Drive  
Regina, SK S4S 0B3

Mr. Speaker:

Pursuant to subsection 7(6) of *The Election Act, 1996*, (the Act), I submit to you, within 60 days of Polling Day, a written report respecting my actions pursuant to subsection 7(1) of the Act taken during the November 13 constituency of Lloydminster by-election.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Michael Boda', is written over a light blue background.

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

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## **Report of the Chief Electoral Officer Pursuant to subsection 7(6) of *The Election Act, 1996***

This report is written as per subsection 7(6) of *The Election Act, 1996*, requiring submission to the Speaker, within 60 days of a polling day, a written report with respect to actions taken pursuant to subsection 7(1) of *The Election Act, 1996*. It focuses on the need to engage outside-of-constituency workers during the recent constituency of Lloydminster by-election.

### **November 13, 2014 by-election announced for constituency of Lloydminster**

On September 18, 2014, Mr. Tim McMillan, MLA for the constituency of Lloydminster, resigned effective September 30, 2014. *The Legislative Assembly Act, 2007* requires that a by-election be held within six months after a seat becomes vacant. Although a date had not yet been announced, upon this resignation, Elections Saskatchewan began to advertise via newspaper, radio, and other means within the constituency that workers would be required for an upcoming electoral event. In this light, Elections Saskatchewan collected contact information from individuals with the hope that those expressing interest would maintain their interest when the by-election was called. On October 16, 2014, the Chief Electoral Officer (CEO) was ordered by the Lieutenant Governor in Council to issue a writ of election for the constituency of Lloydminster. Polling day was fixed as November 13, 2014.

### **Outside-of-constituency workers engaged for enumeration and by-election day**

Returning Officer Josephine Taylor began hiring enumerators and by-election day workers as soon as the by-election date was announced. Elections Saskatchewan continued to advertise for workers, contact workers who had been involved in the conduct of previous municipal, provincial and federal elections, while also relying on the Returning Officer's network of local contacts to find qualified individuals.

In total, 28 enumerators living within the constituency of Lloydminster were hired, trained and put to work. It is important to note that several more individuals were hired but did not report when required. This situation proved problematic during a time sensitive operation, adding pressure to a process that needed to begin as quickly as possible. To address the shortage of workers and with the CEO's approval, the Returning Officer hired six enumerators from outside the constituency of Lloydminster, constituted of experienced election officials from past elections.

Elections Saskatchewan continued to advertise for by-election day workers throughout enumeration and leading up to polling day. In total, 94 individuals from the constituency were engaged to staff advance and by-election day polls. Despite these efforts, it was necessary to bring in an additional six by-election day officials from outside the constituency. One supervisory deputy returning officer, three deputy returning officers and two poll clerks were recruited from nearby constituencies. All were experienced election officials.

### **Barriers to engaging workers for enumeration and by-election**

Several factors contributed to the difficulty in recruiting election officials. Some general factors might be considered initially. It is known, for example, that unemployment in the constituency of Lloydminster would be even lower than the provincial unemployment level set in November 2014 at 3.4 per cent.<sup>1</sup> Wages have also been on the rise,<sup>2</sup> while the Schedule of Fees, which governs how election officials are paid, has not been adjusted since before the 2011 General Election. Low compensation rates combined with a time-sensitive process has meant that election-related positions, and particularly those related to enumeration, are viewed as increasingly unappealing. Environmental factors, including the time of the year and the weather, were also likely a factor.

The timing of the enumeration had perhaps the greatest impact on Elections Saskatchewan's need to draw on outside-of-constituency workers. The enumeration was conducted under the instructions contained in *The Election Act, 1996* which apply to a by-election (and not to a general election). A preliminary voters list was prepared within 10 days of the issue of the writ, an approach that differs from how an enumeration for a general election would be conducted. For a fixed date general election, *The Enumeration Regulations* would have allowed the CEO to conduct an enumeration in advance of the issue of the writ and over a longer period of time. The requirement to follow *The Election Act, 1996* meant the enumeration would necessarily take place from October 17 to 26, with a preliminary voters list being prepared by October 27. Conducting the enumeration *within* the writ period has long proven problematic in Saskatchewan and elsewhere. In this instance, the timing placed significant pressure on the Returning Officer's ability to ensure that an adequate number of election workers were available to conduct both the enumeration and by-election in a constituency where economic circumstances dictate a shortage of workers.

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<sup>1</sup> Saskatchewan. "Economic Progress in 2014." <http://www.saskatchewan.ca/government/news-and-media/2014/december/29/economic-progress-in-2014>. December 29, 2014.

<sup>2</sup> Saskatchewan. "Saskatchewan Wages hit All-Time High." <http://www.saskatchewan.ca/government/news-and-media/2014/june/26/weekly-earnings>. June 26, 2014.

Elections Saskatchewan is currently assessing these and other variables that are proving problematic to engaging election workers in light of the upcoming 28th General Election.

### **Adherence to subsection 7(3) of *The Election Act, 1996***

As per subsection 7(3) of *The Election Act, 1996*, the CEO informed the Chief Official Agents of the province's registered political parties that out-of-constituency election officials had been recruited to assist with the conduct of the by-election. This was achieved through a "communique"—the principal tool used by the CEO to communicate with the political parties throughout the by-election. A copy of the relevant communique, dated November 21, 2014, is attached as Appendix A. This document, and all other communiqués issued to the political parties during the campaign period, was made publicly available on Election Saskatchewan's website in the Lloydminster by-election section.

It is important to note that *The Election Amendment Act, 2014*, proclaimed on December 8, 2014, contains legislative change that enables the CEO to permit the use of outside-of-constituency election officials without using the powers found in Section 7 of *The Election Act, 1996*. While not active for the constituency of Lloydminster by-election, these changes will be in effect for the coming 28th General Election.

The CEO recommended these changes in December 2013 to reflect the changing labour market of the province and the fact that it was becoming more difficult for returning officers to recruit the necessary workers from within the borders of their constituencies.<sup>3</sup> The preference remains for election workers to reside in the constituency in which they work and a returning officer will not be able to make the decision to bring in assistance from outside the constituency without authorization from the CEO. This authorization will not, however, constitute a use of the powers found in Section 7 of *The Election Act, 1996*.

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<sup>3</sup> Chief Electoral Officer. *Toward an Improved Legislative Framework for Elections in Saskatchewan – Step One: Recommended Amendments for Saskatchewan's 28th General Election: A Chief Electoral Officer's Assessment*. Regina, Elections Saskatchewan, December 2013.



**From:** Dr. Michael Boda  
Chief Electoral Officer  
Province of Saskatchewan

**Date:** November 21, 2014

**To:** Chief Official Agents  
Registered Political Parties of Saskatchewan

**Re:** Lloydminster By-Election Update

Good Friday! Subsequent to By-Election Day and before the Final Count scheduled for next week, I wanted to communicate with our registered political parties on a few items. I hope you will take a few minutes to review this information and forward it along to your candidates and business managers.

- **CEO's Section 7 Powers:** I wanted to let you know that, during the recent by-election, it was necessary for Elections Saskatchewan to recruit some election officials from outside the constituency. While pending legislation will no longer require this, *The Election Act, 1996* states that certain election officials are to be resident in the constituency where the election is being held. Section 7 of the Act gives the Chief Electoral Officer certain powers to adapt provisions of the legislation as necessary to successfully administer an election. As CEO, I used these powers to provide our Returning Officer with the ability to acquire needed assistance. All election workers reported to the Returning Officer, completed the same training, and fulfilled their duties to the requirements established in the Act. A number of factors contributed to our shortfall in staff, including: the nature of a by-election being called with little notice; an in-writ enumeration which makes recruitment difficult; and a strong economy in the area resulting in a limited availability within the workforce.

In total, six enumerators, one supervisory deputy returning officer, two poll clerks, and three deputy returning officers needed to be brought in from outside the constituency of Lloydminster.

Within 60 days, as is required by *The Election Act, 1996*, a formal report on the use of the CEO's Section 7 powers will be provided to the Speaker of the Legislative Assembly.

**Continued...**

- **Elections Saskatchewan Head Office Relocation:** You may know that Elections Saskatchewan was scheduled to move to a new Head Office location on Friday, November 14. With a by-election call, we delayed this move to earlier today, Friday, November 21. As of this morning, we have officially transitioned from Park Street to Hillsdale Street in Regina. Our availability to you at Head Office will not be affected by this move.

The same telephone and fax numbers and email addresses will remain active throughout the transition. Our new mailing address is:

**Elections Saskatchewan  
3303 Hillsdale Street  
Regina, SK S4S 6W9**

- **Final count:** Final Count will be held at the Lloydminster Returning Office on Tuesday, November 25, beginning at 10 a.m. Central Time (9 a.m. Mountain Time). As always, your candidates and up to two representatives are welcome to attend. Please contact Josephine Taylor at 306.825.6462 for more information.
- **Return of the Writ:** Consistent with legislation and as you'll see in the by-election calendar, the Return of the Writ will take place on Saturday, December 6. During this process, the Writ will be returned from Lloydminster to the Chief Electoral Officer, along with other materials identified in Section 171 of *The Election Act, 1996*.
- **Expense return filing dates:** Just a friendly reminder of two upcoming by-election-related deadlines:
  - February 17, 2015 is the last day for candidates to file their return of election expenses, and
  - May 14, 2015 is the last day for registered political parties to file their return of election expenses. In both cases, Elections Saskatchewan will complete our review within 90 days of the date the expense return is submitted.
- **Business manager training:** We have already been in touch with your candidates' business managers to make arrangements for training sessions, but would also extend this invitation to any Chief Official Agents who are new to their position or would like a refresher course. Dates and times will be confirmed soon. If you have questions, please contact Jennifer Colin, Deputy Chief Electoral Officer for Corporate Services and Electoral Finance, at 306.787.4061 or [jennifer.colin@elections.sk.ca](mailto:jennifer.colin@elections.sk.ca).

Continued...

I want to thank all of you for your continued participation in the Lloydminster By-Election!

You will be aware that on Monday, November 17, Bill No. 160, *The Lloydminster Constituency By-Election Act* was approved by the Legislative Assembly and assented to by the Lieutenant Governor. This Bill deems Colleen Young duly elected for the constituency of Lloydminster, but it also retains the primacy of all by-election-related processes still to come under applicable legislation. I have attached a copy of Bill No. 160 for your review.

Best wishes,

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