

Election Readiness Update

Report of the Chief Electoral Officer

April 29, 2021



Message from the Chief Electoral Officer

I first identified the unique challenges facing Elections Nova Scotia's (ENS) election readiness planning for the 41st Provincial General Election (PGE) in our 2018-2019 Annual Report. Since then, I have published two election readiness update reports and the 2019-2020 annual report which outlined three significant challenges in our election planning not previously experienced: a lag by a full fiscal year in our budget appropriations, a global pandemic, and continued legislative uncertainty. Each of these reports are available on our website. In the last report, published January 2021, I stated that if Government proclaimed the legislative changes in Bill 225 by April 1, 2021 it would provide us the opportunity to incorporate changes by September 1, 2021 should an election be called after that date.

Now that we have met our first election readiness threshold of April 1, 2021. It is time to provide a further public up-date on what can be expected if an election is called between now and our next readiness gate of September 1, 2021.

Even though we are now ready to implement an election whenever the Premier decides to dissolve the current government, two of the three major challenges outlined in previous reports remain. Government has not proclaimed Bill 225 perpetuating legislative uncertainty. The provincial state of emergency continues so public health precautions remain a priority focus. Since the publishing of the January report, we have received a funding allocation for the 2021-2022 fiscal year that meets financial requirements for our September readiness target.

Since our last readiness report, we have also watched our Atlantic neighbours in Newfoundland and Labrador struggle to deliver an election efficiently because of a pandemic outbreak. Their experience was very different from the three other provinces and the territory which have all held general elections during the pandemic. ENS continues to examine this situation closely to determine strategies should a similar COVID-19 outbreak occur during our 41st PGE. This report contains more information on our concerns and proposed risk mitigations for similar circumstances related to Newfoundland and Labrador's pandemic election crisis.

What is most important at this time is to ensure that we can deliver a safe, fair, inclusive and balanced election. This continues to be our goal as we now look ahead and refocus our planning on our next election readiness date of September 1st, 2021.

The remainder of this report outlines what an election will look like, if called between now and September 1, 2021.

Background

ENS's mandate is to prepare for and deliver fair and inclusive elections, impartially and professionally. In the absence of a fixed date for the election, as the Chief Electoral Officer (CEO), I must anticipate the earliest date on which a PGE could be called and plan and budget accordingly. As the 40th PGE was held on May 30, 2017, the spring of 2022 is the latest possible time the 41st PGE could occur.

The ENS provincial general election cycle is made up of three phases as outlined below. Phase one and two take anywhere between 12 and 18 months to complete.

Election Planning Phases:

1. Planning and Preparation – staff prepare election readiness plans for implementation. These plans would account for any new revised procedural or legislative changes.
2. Implementation – with plans approved, staff begin to implement. This typically involves enhancements to our election management systems software, hiring and training core returning office election staff, procuring and preparing election equipment, technology and materials, as well as identifying and inspecting returning offices and voting locations (inspections validate accessibility and fit for use); and
3. Delivery – staff execute all election activities once the writs are issued.

Elections readiness is the completion of phase two, the implementation of those plans. Once complete, ENS has a warehouse with skids fully packed and prepared for each of the 55 electoral districts, all enhancements to our election management systems have been successfully implemented and all returning office core staff hired and fully trained in their responsibilities. Training materials are ready for polling staff, candidate official agent training has been prepared and uploaded onto our website, and all public communications and media materials developed and ready for dissemination.

Now that we have met our April 1, 2021 planning deadlines, ENS will review and prepare for a second election readiness target, September 1, 2021. There will inevitably be some staff turnover of appointed returning officers and their core election officials. Given the five-month gap, orientation training and refresher training will also be prepared and delivered in August. In addition, all technology to be sent to the field will need to undergo security patching, system upgrades and be re-checked to ensure it is in working order and ready for use. Communications materials will also be reviewed and updated if necessary, to reflect changes to the public context.

Similarly, ENS has plans for a third election readiness target of April 1, 2022 should a PGE not be called in 2021. If Bill 225 is proclaimed by September 1, 2021, ENS would be in a position to consider the implementation of those legislative changes for a PGE called after April 1, 2022. Previously packed returning office materials, manuals and training modules may require updates to reflect the legislative changes coming into force and all communications materials will be revisited. Official Agent training would be modified and IT changes, in terms of equipment and election management system's upgrades, would be contemplated.

Challenges and Issues

Proclamation of Bill 225 and Legislative Change

The election readiness report published on January 7, 2021 outlined the details of legislative Bill 225 which received Royal Assent on March 10, 2020 but has yet to be proclaimed. Appendix A provides a summary of the changes included in Bill 225.

Bill 225 was not proclaimed as of April 1, 2021. Therefore, as stated in our January report, the powers vested in under Section 5 of the *Act*, permit me to incorporate a few of the changes in the Bill for an election called between now and September 1, 2021.

If Bill 225 were to be proclaimed after the publication of this report, we reserve the right to assess which, if any, additional enhancements can be implemented. If some degree of implementation is possible, the Election Commission would be notified and the executive teams of the five registered parties would also be advised.

Internet Voting

Internet voting was widely used in Nova Scotia during the municipal elections in October 2020. The *Elections Act* does not provide authority for internet voting at a provincial level.

Internet voting has also been used in a limited capacity at the provincial and territorial levels but not for a full provincial general election. For example, PEI used both internet and phone voting exclusively during the 2019 referendum on electoral reform and NWT successfully offered internet voting in its general election for remote areas of the territory.

The provincial and territorial elections held during this pandemic experienced an understandable increase in uptake of remote voting opportunities as opposed to in-person options, with special or write-in ballots being the main remote voting opportunity offered. Societal pressures on election management bodies to offer more modernized remote voting opportunities, such as internet voting have increased over the years, particularly when other levels of government, such as municipal, offer it.

The amendments in Bill 225 include an option for internet voting specific to members of the Canadian military stationed outside of the province. An RFP to find a capable vendor and implement an internet voting solution for the military has been developed with the assistance of the Province's procurement department and will be posted shortly. While I am committed to the development of an internet solution for this target group, it is currently not part of our September 1, 2021 readiness plans. If Bill 225 has been proclaimed in the interim and I am satisfied that an IT solution can be successfully deployed in the time remaining, I will consider its use.

While we are preparing to have an internet voting solution on the shelf for Canadian military stationed outside of the province, it has not been my intent, nor the election commission's advice, that its use be extended to other groups of voters. Should it be the members of the Legislative Assembly's will to broaden its usage to other voters within Nova Scotia in a future election, having this initial solution developed would put the province in a good position to consider a broader implementation.

Continued COVID-19 Preparations

Nova Scotia remains under a provincial state of emergency due to the COVID-19 pandemic. We anticipate that public health precautions must be in place during the 41st PGE to ensure the safety of voters, election officials, candidates, and all those that will attend a voting location or returning office. ENS has consulted with Dr. Strang, the Nova Scotia Chief Medical Officer, and his team regarding public health precautions during a PGE. We have also learned from and considered the best practices applied during the provincial and territorial elections held during the pandemic, in New Brunswick, British Columbia, Saskatchewan, Newfoundland and Labrador, and Yukon.

ENS has worked within government process and through procurement to acquire the necessary personal protective equipment (PPE) to add physical barriers and sanitize surfaces during the voting process.

Further details of the impacts of these plans and precautions are outlined in the 41st PGE section below.

Lessons Learned from Other Jurisdictions (NB, SK, BC, NFLD and Yukon)

ENS engaged with Elections New Brunswick, Elections Saskatchewan, Elections British Columbia and Elections Yukon to learn from their experiences running elections during the pandemic. All these jurisdictions were able to safely facilitate in-person voting, providing lessons learned and best practices for ENS to incorporate in our planning.

Further details of the impacts of these lessons learned and what that means for voting opportunities is outlined in the 41st PGE section below.

Newfoundland and Labrador's Experience

It is important to note that the experience of running an election during a pandemic was very different in Newfoundland and Labrador where the writ period coincided with a COVID-19 outbreak creating an atmosphere of fear in the eyes of the voting public and those hired to work in the polls. In response to the outbreak the Chief Medical Officer imposed a lockdown effective immediately. Election workers resigned their positions in large numbers out of fear for their personal safety. As a result, their Chief Electoral Officer cancelled all in-person voting in all 22 districts and unilaterally extended the writ for special ballots to March 1, 2021 (original election day was February 13, 2021).

If something similar were to happen in Nova Scotia, the *Elections Act* is somewhat contradictory with respect to what the CEO could or could not do. While the *Act* provides the CEO some discretionary powers under Sections 5(q) and 351, it also expressly forbids the CEO to extend voting beyond midnight on election day under Section 4(3)(a)(1). That said, Section 33 does permit the Governor in Council to rescind a writ, specify a new date for a writ and election day if the CEO certifies it is impossible to hold an election on the date specified. While this does provide an escape route to effectively deal with an emergency in one or more districts, it does not lend itself to a nuanced approach in that all writs of election during a general election would be necessarily cancelled. ENS has carefully contemplated contingencies that could be used in various situations to offer an appropriate response plan within the authority provided by our legislative framework. A discussion of these situations and potential remedies is contained in Appendix B.

The use of Schools as Voting Locations

Historically ENS has had the opportunity, in various electoral districts across the province, to use schools as voting locations. Schools provide space for voting locations that are geographically well known to communities and are often accessible, providing barrier free access to all voters. Considering the pandemic, access is more important as the spaces rented are often generous in size, for example school gymnasiums.

The Department of Education and Early Childhood Development (EECD) has, and continues to maintain, a protocol that stipulates schools should only be used as voting locations, when no other suitable space exists. Simply put, such use should not be our first choice.

ENS respects the position of EECD and the Regional Centres for Education and appreciates the access historically afforded to us and our returning officers during elections. This access has recently become increasingly more challenging. Currently all schools across the province are enforcing essential only access while children are present in the schools. This limitation to access will pose a significant challenge for us to find alternative suitable voting locations unless election day were to fall in the period between late June and early September this year.

As with schools, other locations traditionally used as voting locations have also indicated to returning officers that access will not be provided. So, during a time where increasing our inventory of voting locations is a key element of our vote safely strategy, we find ourselves in a position with fewer potential voting locations.

Budget for 2021-2022 Fiscal Year

The approved budget allocation for ENS in the 2021-2022 fiscal year was \$606,000 lower than the estimates recommended by the Special Committee of the House of Assembly. The final budget includes funding to meeting our September 1 election readiness gate. Items excluded from funding includes the April 2022 election readiness gate, a potential byelection, and outside legal council.

Note: The former Premier, Stephen McNeil, has announced he will officially vacate his seat effective May 3, 2021 necessitating the call of a by-election within six months unless a PGE is called in the interim.

What to Expect for the 41st Provincial General Election

This section highlights the most significant changes that will be included for the 41st PGE and differ from the 40th PGE held in 2017. These changes will impact voters, election officials and political stakeholders should an election be called between April 1 - September 1, 2021. Most of the changes highlighted here are a result of running an election during a pandemic.

Shift in Focus for Voting Opportunities

Based on the changes in voter preferences observed in the PGE held under COVID-19 conditions and discussions with those electoral management bodies, ENS plans to reduce the risks posed by the pandemic by offering more early voting options across the province. In 2017, 69% of those that voted chose election day. In 2021, a similar turnout would make it the most crowded day for voters and would provide the least ability for voters to physically distance to meet COVID precautions. By focusing on expanding early voting options and vote-by-mail, we aim to drive voters toward choosing one of these options and thereby reduce the exposure risk posed on election day. Providing information about voting options and emphasizing how to vote safely, we anticipate that voters will take advantage of vote-by-mail and early voting opportunities in much greater numbers. It is not unreasonable to expect a large increase in those who chose to vote before election day in 2021 if COVID persists (from 31% in 2017 to an estimated 64% in 2021).

Table 1 shows the impact of COVID in the other jurisdictions that held general elections during the pandemic and the working estimates for the anticipated turnout by voting option for our 41st PGE.

Table 1

	Nova Scotia			Saskatchewan		British Columbia		New Brunswick		Newfoundland & Labrador*		Yukon*	
	41 st PGE Est. (%)	2017 40 th PGE (%)	2013 39 th PGE (%)	2020 (%)	2016 (%)	2020 (%)	2017 (%)	2020 (%)	2018 (%)	2021 (%)	2019 (%)	2021 (%)	2016 (%)
Vote-By-Mail	12	1.1	2.4	12.7	1.0	26.4	0.3	3.5	0.03	83**	4	17	7
Early Voting	42	30.0	22.0	41.6	25.5	36.1	33.5	34.9	22.8	17	10	23	29
Election Day	46	68.9	75.4	44.8	72.8	37.5	66.1	47.8	65.2	0	85	60	65
Turnout	TBD	53.35	58.20	54.21	56.82	54.09	60.82	66.14	66.40	50.00	60.70	65.50	73.37

* Estimates at the time of compiling.

** approximately 33,000 special ballots cast during the election and 119,000 cast after election day

Voting by mail

A key voting option that will be emphasized to voters is vote-by-mail. In previous elections most voters chose this option because they were out of the province during the election. Because of COVID, we plan to support this voting method through widespread communications outlining the how (procedures to apply and vote), the who (qualifications) and the when (timing of when ballot packages will be mailed and when ballots must be received to be counted).

To reduce the time for processing applications for a write-in ballot, ENS has developed a write-in ballot application system that allows voters to submit their application online and be reviewed and approved by election officers. This ensures faster mail out of the write-in ballot packages to voters. This system is planned to go live in May for pre-writ applications for write-in ballots for the up-coming 41st PGE.

Given the experience in four provinces and territory that have held elections during the pandemic, ENS is expecting a significant increase in the number of voters choosing to use this method, from approximately 4,500 in 2017 to more than 50,000 in the 41st PGE. Despite the anticipated increase in efficiency of processing applications and mailing out ballot kits, the prospect of having to reject late returned mail-in ballots (after 8:00 pm on election day) has increased tenfold. Some jurisdictions chose to provide prepaid express post or courier services for the return of these ballots, which is costly. ENS is considering all available options to expedite their return.

Voting in Person

The most significant changes to voting experiences on election day and at the early voting options (advance polls, community polls, and returning office polls) will be the added precautions to keep voters and election workers safe. Some of these are:

- Election workers will be required to wear the PPE designated for their position.
- Voters will need to wear a mask to enter the voting location (exceptions granted for those with medical reasons).
- Transparent table-top barriers will be in place in all voting locations and every returning office to further protect election workers and voters.
- Election workers will be hired to disinfect following each voter interaction.
- Capacity limits and physical distancing will be clearly marked and enforced at all voting locations and returning offices.
 - Limiting scrutineer volumes – Using the discretionary authority in the *Elections Act*, candidates will be limited to one scrutineer at each poll.
- Increased early voting options by opening community polls to operate for more days and in more electoral districts.
- Adoption of one stop service model for all early voting locations – Staff assigned to each poll will register voters and provide them their ballot, which decreases the time voters need to be present at a voting location.

Voting at Mobile Polls (Nursing Homes and Residential Centres)

In the January election readiness report, we documented our decision to reduce the number of mobile polls across the province, while maintaining service levels to those voters residing in such residences.

During the 2017 PGE mobile polls were held at any nursing home or residential centre with 10 or more voters. We have determined that it is not an efficient use of election workers serving mobile polls with less than 40 voters. The *Elections Act* requires election workers to remain at a mobile poll for a minimum of two and a half hours. Mobile polls with less than 40 voters are often fully serviced within the first 30 minutes, leaving the election workers sitting idle for two hours before they can proceed to their next mobile poll.

Nursing homes and residential centres with fewer than 40 voters will be served by the write-in ballot teams.

Election Night Results

One of the most significant legislative recommendations made following the 2017 PGE was the request to implement an e-ballot (digital on-screen voting) for early voting. This recommendation was made because of issues counting the in-district and out-of-district early voting ballots, which took until 2:30 a.m. following election day to conclude. The e-ballot process, including the digital count process, would reduce the time to deliver the election results for all early voting polls significantly.

As Bill 225 has not been proclaimed, I intend to proceed with using a paper ballot-on-demand at all early voting locations, which was done in 2017. This decision would be of less significance should we not be in a pandemic. As I intend to promote early voting as an alternative to voting on election day to help 'flatten the curve', I am expecting significantly greater numbers of early vote ballots to count on election night than in 2017, which was itself a record number.

Under the new precautions, with the added complication of physical distancing, and potentially more ballots to count, I anticipate that election night vote counting challenges will extend the time required to report preliminary results in many of the 55 districts. While I expect the preliminary results from all election day and mobile polls will be reported on election day, we may be required to delay the delivery of early voting results until the day after election day to reduce the risk of human error in the count because of fatigue. I expect that we will stop counting ballots from these polls at midnight and resume at 10 am the next day.

Conclusion

As we now look ahead to our September 1, 2021 election readiness date, I will continue to assess and mitigate risks associated with our election plans and commit to report to the Members of House of Assembly and publicly any significant change to our preparations.

Respectfully,

A handwritten signature in blue ink, appearing to read "R. Temporale". The signature is fluid and cursive, with a large loop at the end.

Richard Temporale

Chief Electoral Officer

APPENDIX A – Summary of Bill 225 Changes

Provisions in Bill 225 (These provisions in Bill 225 will come into effect once proclaimed by Executive Council)

Change	What Does It Do?
Election advertising will no longer be restricted within 60 metres of a voting location or returning office	Loosens a restriction on political advertising.
The HQ of a registered party, candidate, or candidate’s agent will no longer be restricted from being within 60 metres of a returning office.	Loosens a restriction on locations used in an election. Note: Candidates need the agreement of the CEO for their HQ to be in the same building as a returning office.
The CEO will publicly communicate candidate withdrawals or the withdrawal of party endorsement after the close of nominations. The CEO will have the authority to update ballots for both early voting and election day depending on time remaining.	Reduces voter confusion and to clarify what is on the ballot.
The CEO may introduce internet voting for members of the Armed Forces stationed outside of NS during an election.	Allows the CEO to introduce more technology options into the voting process and makes it easier for members of the Armed Forces stationed out of Nova Scotia to vote. (Referred to as e-Voting or internet voting)
The CEO may introduce the use of technology to support the voting process at early voting options.	Allows the CEO to use technology to streamline the voting process for voters at early voting polls. (Referred to as e-Ballots, or digital ballots). This will make it easier and faster to count the ballots used at early voting and will reduce delays in reporting the election results after close of polls on election day.
Removed the requirement that two witnesses/observers be present before starting the counting of ballots for any poll.*	Allows counting to proceed when observers are not available.

Removed the redundant step of checking the voter's identity twice.

Makes it easier and faster to count ballots.

Removed the requirement that the notice of election and the grant of poll be published in a newspaper.

Allows the CEO flexibility to use social media and other media to announce elections, to reach more people and be more cost effective.

The maximum number of voters assigned to each polling division will be at the discretion of the CEO with consideration given to travel time standards.*

Allows the CEO flexibility to align polling divisions to standardize the travel time of voters to their voting location and improve voter traffic flow.

Pilot projects (including an e-poll book solution) will be allowed after presenting the details to the Election Commission, considering their feedback, and receiving unanimous consent of the Commission.

Makes it easier for Elections Nova Scotia to innovate and be responsive to new advancements in election procedures, equipment or technology.

Declined ballots will be reported in the Official Results.

Affords more transparency in the reporting of votes cast.

Voters or their representatives can no longer apply for a correction to their information orally and must do so in writing.*

Increases integrity and security of the voting process by limiting opportunity for voter fraud through identity theft.

Removed the requirement that the CEO must request lists of election officers from the candidate of the registered parties that came in first and second in the previous election.

Speeds up poll staffing process while allowing returning officer more flexibility in staffing decisions.

Removed the requirement that voters must provide their "sex" when making applications for the Register or List of Voters.*

Affords more privacy to voters and make provision of this information optional.

An applicant applying for a recount must provide specific justification to the Justice. Specific justifications are that: a Deputy Returning Officer (DRO) has improperly counted any ballot or improperly rejected any ballot or made an incorrect statement of the number of ballots cast for any candidate; or the RO has improperly tabulated the votes; or where the court has

Brings Nova Scotia in line with standards adopted by other Canadian and provincial electoral jurisdictions.

determined there may be other grounds to justify a recount.

Provides funding for candidates who incur additional costs during the writ period for disability expenses, childcare, elder care, or spousal care if they receive a minimum of 10 percent of the valid votes cast.

Potentially lowers the financial barriers to becoming a candidate for some people who care for a child, spouse or elderly relative or those who are disabled.

** These provisions in Bill 225 will be considered for implementation for the 41st PGE without Proclamation from Executive Council.*

APPENDIX B – Pandemic Election – Potential Situations and Responses Under Existing *Election Act*

Potential Situation	A voter or voters are in isolation and want to vote.
Potential response within current legislative provisions	<p>The voter would be encouraged to apply for a write-in ballot or have a friend or family member (from outside the voter’s home) to facilitate the drop-off and pick-up of the application and ballot kit.</p> <p>If the voter did not have any friends or family to act as an agent on their behalf and there wasn’t enough time to rely on mail for the transportation of the application and ballot kit, a home visit team could be used. The team would only be dropping off and picking up, from outside of the home, no interaction with the voter.</p>
Legislative Reference	<p>101 (3) A voter may make an application for a write-in ballot in the prescribed form during the hours the returning office is open to the public.</p> <p>(b) by a voter’s agent appointed pursuant to Section 108, at the returning office in the district where the voter is resident, up to the hour of three o’clock in the afternoon on election day.</p>
Potential Situation	A returning officer or returning officers are dealing with election worker loss affecting a few polling divisions.
Potential response within current legislative provisions	<p>Where reasonable, merge the polling divisions with others redirecting voters to other voting locations.</p> <p>Response will depend on exactly when this would need to take place during the election calendar. The closer to Election Day the greater the challenge. Would require communications, notices, to ensure voters are aware.</p>
Legislative Reference	36 (1) The Chief Electoral Officer may amalgamate two or more polling divisions or subdivide a polling division if the amalgamation or subdivision will improve the conduct of an election.
Potential Situation	Election worker(s) diagnosed with COVID-19 that have been working in the polls and/or returning office.
Potential response within current legislative provisions	ENS staff would follow instruction from Public Health. As per existing Public Health guidelines, all staff who worked with the affected individual and voters that voted at the impacted locations, would need to be tested and isolate. Public access to either the impacted voting location (polls) and/or returning office

	<p>would need to cease. All impacted locations would be deep cleaned.</p> <p>Voters impacted by the shutdown of a voting location would need to be merged with another polling division and redirected to another voting location.</p> <p>Returning office services would need to cease until all staff were cleared. Depending on when in the Election Calendar this occurs services may need to continue digitally and from home.</p>
Legislative Reference	<p>5 (q) In addition to any other powers or duties of the Chief Electoral Officer under this Act, the Chief Electoral Officer shall generally adapt the provisions of this Act to meet existing circumstances.</p> <p>36 (1) The Chief Electoral Officer may amalgamate two or more polling divisions or subdivide a polling division if the amalgamation or subdivision will improve the conduct of an election.</p>
Potential Situation	<p>If there are significantly more write-in ballot kits issued during the election and a significant number of voter's write-in ballots may be received after the Election Day deadline. Based on current legislation, all the ballots received after the close of polls will be rejected.</p>
Potential response within current legislative provisions	<p>More write-in ballot home visit teams used to move applications and ballot kits around, scheduling drop-off and pickup dates and times, not entering the residence.</p> <p>Provide drop-off locations at returning offices and other voting locations to allow people to drop their completed ballot kit off, rather than put it in the mail.</p>
Legislative Reference	<p>101(4) The write-in ballot poll must be open for the receipt of write-in ballots up to the close of polls on election day.</p> <p>103(4) Unless voting by means of a write-in ballot co-ordinator, it is the voter's responsibility to return the completed write-in ballot before the close of polls on election day.</p> <p>103(6) Where the voter or the voter's agent has applied at a returning office of an electoral district where the voter is not resident or to a location prescribed by the Chief Electoral Officer for that purpose, the ballot must be returned to (a) the returning office where the application was received, before the close of advance polls on the third day before election day; (b) the returning office of the electoral district where the voter is resident, before the close of polls on election day; or (c) a location prescribed by the Chief Electoral Officer for that purpose, before the close of polls on election day.</p>

Potential Situation	A significant number of election workers have reported that they will not work, and the loss will affect many polling divisions.
Potential response within current legislative provisions	<ol style="list-style-type: none"> 1. With large-scale loss of election workers, merging polling divisions is not ideal as it would overburden other voting locations and polls risking further loss of election workers. It remains a risky response. 2. Consider serving the poll with stationary write-in ballot teams. Results would be reported through the in-district write-in ballot poll instead of the Election Day poll. This option would require the CEO to adapt the provisions for write-in ballot due to the circumstances. 3. Last resort would be to evoke <i>Section 33</i> of the <i>Elections Act</i> and certify to the Governor in Council that it is impossible to hold an election in one or more electoral districts.
Legislative Reference	<p>5 (q) In addition to any other powers or duties of the Chief Electoral Officer under this Act, the Chief Electoral Officer shall generally adapt the provisions of this Act to meet existing circumstances.</p> <p>33 Where the Chief Electoral Officer certifies it is impossible to hold an election in an electoral district on the day specified in a writ, the Governor in Council may make an order (a) withdrawing the writ; (b) specifying a new date for the writ and election day; and (c) requiring the Chief Electoral Officer to issue a new writ.</p> <p>101 (15) A write-in ballot co-ordinator accompanied by an assistant write-in ballot co-ordinator shall carry out the write-in ballot poll procedures outside the returning office.</p>
Potential Situation	Public health circuit breaker is declared in a community or communities across the province affecting elector’s abilities to access polls.

Potential response within current legislative provisions	Under the current legislation the Chief Electoral Officer’s options are limited. The CEO may not move the election date for the impacted areas but may only certify to the Governor in Council that the election is impossible to deliver and cannot proceed. This is not ideal when only specific areas are being affected. However, within the current legislation, the CEO may request the cancellation of the election.
Legislative Reference	29 An election must be instituted when the Governor in Council passes an order fixing (a), the date of the writ, which must be the same for all writs issued for a general election; and 33 Where the Chief Electoral Officer certifies it is impossible to hold an election in an electoral district on the day specified in a writ, the Governor in Council may make an order (a) withdrawing the writ; (b) specifying a new date for the writ and election day; and (c) requiring the Chief Electoral Officer to issue a new writ. 101 (15) A write-in ballot co-ordinator accompanied by an assistant write-in ballot co-ordinator shall carry out the write-in ballot poll procedures outside the returning office.
Potential Situation	There is a province wide provincial lockdown declared during the election.
Potential response within current legislative provisions	The CEO can leverage Section 33 of the <i>Elections Act</i> and certify to the Governor in Council that it is impossible to hold the election.
Legislative Reference	33 Where the Chief Electoral Officer certifies it is impossible to hold an election in an electoral district on the day specified in a writ, the Governor in Council may make an order (a) withdrawing the writ; (b) specifying a new date for the writ and election day; and (c) requiring the Chief Electoral Officer to issue a new writ.