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## CHIEF ELECTORAL OFFICER ORDER 2020/05

September 15, 2020

**To:** All School Council Returning Officers

**Info:** Hon. Tracy-Anne McPhee, Minister of Education  
Michael McBride, Director Policy and Planning, Department of Education  
Lori Choquette, School Council Liaison, Department of Education  
Elaine Taylor, Executive Director, Association of Yukon School Councils, Boards and Committees  
Wanda Rollins, Executive Director, Catholic Education Association  
Jolande Cherepak, Executive Assistant to Bishop Vila, Catholic Episcopal Corporation

### SUBJECT: ADAPTATION OF THE EDUCATION ACT PROVISION REGARDING MAIL-IN VOTING

Under the authority provided to the chief electoral officer in the Education Act section 84(2), this directive is to adapt section 99(1), entitled *Mail-In Voting*, for the school council election period beginning on September 14, 2020 and ending on October 5, 2020, as follows:

**Adaptation:** Add: 99(1) "(g) any other reason."

**Purpose:** This adaptation is to support elector access to the vote during the COVID-19 pandemic to allow mail-in voting. The current provision restricts who may apply for a mail-in ballot. There is no provision which would permit mail-in voting for convenience, individual preference, or to avoid voting at a poll due to COVID-19 concerns. As such, unless one of the categories for mail-in voting was applicable, the only option to vote would

**Authority:** As allowed by section 84(2), this is in consideration of the unusual and unforeseen circumstances related to COVID-19 which otherwise may restrict the elector's right to vote and participate in the school council general election. The Yukon government declared a state of emergency on March 27, 2020 because of the COVID-19 pandemic. The Civil Emergency Measure Act remains in effect and includes public health measures to deploy resources and limit the spread of COVID-19.

**Meaning:** Effective immediately, and for the duration of this school council general election only, any eligible elector can apply for a mail-in ballot. No reason is required.

Mail in ballot applications are available online, from returning officer, or at the school. They can be submitted to the returning officer after the close of nominations at noon on Thursday, September 24<sup>th</sup> up to the close of polls at 8PM on polling day, October 5th. The completed ballots must be returned to the returning officer by the close of polls on October 5, 2020 in order to be counted.

A handwritten signature in blue ink, appearing to read "Max Harvey", with a horizontal line underneath it.

Max Harvey  
Chief Electoral Officer

Attachment: 1 (Amended Provision)

## ADAPTED EDUCATION ACT PROVISION

### Mail in Voting

99(1) An elector who will be unable to vote on polling day because of

- (a) infirmity;
- (b) hospitalization;
- (c) absence from the education area;
- (d) confinement to a correctional centre;
- (e) hours of employment; ~~or~~
- (f) appointment as a deputy returning officer or poll clerk pursuant to section 95 or
- (g) any other reason.

may apply before the close of the polls on polling day in writing in the prescribed form to the returning officer to vote by mail-in ballot.

## EDUCATION ACT REFERENCE

### Chief electoral officer

84(2) If, during the course of an election, it appears to the chief electoral officer that, because of any mistake, miscalculation, emergency, or unusual or unforeseen circumstances, any of the provisions of this Division do not accord with the exigencies of the situation, the chief electoral officer may, by particular or general instructions, adapt any of the provisions of this Division to the execution of its intent to any degree the chief electoral officer considers necessary to meet the exigencies of the situation.