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Sent via email: lgrey@qwsllp.ca

Mr. Leighton B.U. Grey, K.C.
Senior Partner
Grey Wowk Spencer LLP
200 Advocate Square 5110 51 Avenue
PO Box 1028
Cold Lake, AB T9M 1P3

Dear Mr. Grey:

Subject: 2023 Provincial General Election

Thank you for your letter of March 27, 2023, seeking assurances with respect to the upcoming Provincial General Election and in particular, with respect to tabulators.

I have included a link (in my email) to the Advance Voting Directive, issued under the authority of sections 4.11 and 4.12 of the *Election Act*. This document is publicly available on the Elections Alberta website. I believe that this document will comprehensively explain the procedure and answer your technical questions with respect to Election Alberta's use of tabulators.

With that said, your letter also raises a number of broader issues which I would like to specifically address. Those issues are:

1. Voting machines and "machine voting",
2. The extent to which tabulators will be used,
3. The retention of paper ballots,
4. Initiating a recount, and
5. Voter identification.

Voting Machines

Your letter uses a variety of terms, starting with "machine tabulators", then "machine voting" and "voting machines". To be clear, tabulators are not voting machines; Elections Alberta is not using or implementing any type of "voting machine" where an elector expresses their voting intention on an electronic device which then records the vote. Tabulators are counting devices which take an optical scan of an actual paper ballot that has been marked by a voter.

Use of Tabulators

Tabulators will only be used for advance voting. Tabulators effectively enable the out-of-electoral division voting (Vote Anywhere Service). This initiative, which enables electors to advance vote in their electoral division from advance voting places outside of their electoral division is easily the most enfranchising initiative Elections Alberta has ever undertaken. I believe it is particularly impactful for rural communities and for people who work at locations away from their home for extended periods of time.

The Retention of Paper Ballots

Tabulators scan and count paper ballots. Paper ballots, whether they are cast at an advance voting location or on Election Day, are retained and delivered to Elections Alberta. Under section 151 of the *Election Act*, ballots (and other election records) must be retained for a minimum of three months from the date my Office receives them from each Returning Officer.

Typically, ballots and records are retained for a longer period, but I can assure you that my Office will comply with section 151 and retain all paper ballots for a minimum of three months.

I note that the three-month ballot retention period greatly exceeds both the deadline to initiate a recount and the deadline to file a petition for a controverted election.

Initiating a Recount

Recounts are initiated in accordance with section 144 of the *Election Act*. Nothing in the Advance Voting Directive modifies or narrows the scope of a judicial recount. Similarly, the controverted election provisions in Part 7 of the *Election Act* remain.

Voter Identification

The voter identification requirements have increased. In the past, it was sufficient for a voter to identify themselves using their "Where to Vote" card issued to them by Elections Alberta. Now all voters must show identification which shows their name and current address in order to receive a ballot. The "vouching" alternative where a voter does not have the required identification remains unchanged.

Sincerely,



Glen Resler
Chief Electoral Officer and Election Commissioner

/jvh