



Grey Wowk Spencer LLP

Leighton B.U. Grey, K.C. *
Bradley V. Sinclair *
Sylvia Awad +
Alexis Trignani +

Lawren E.I. Wowk *
Natalie L.A. Johnson
Connor Farquhar +
Brook Wood +

Hart R. Spencer *
Moe K. Tanash
David Hersey +

27 March 2023

Via email: info@elections.ab.ca; and

Via Facsimile: (780) 422-2900

Elections Alberta
Suite 100, 11510 Kingsway NW
Edmonton, Alberta T5G 2Y5

Attention: Chief Electoral Officer, Glen L. Resler

Dear Sir:

Re: INTEGRITY OF THE 23 MAY 2023 PROVINCIAL ELECTION

We represent many Albertans concerned with ensuring the integrity of the 29 May 2023 Alberta Provincial Election, pursuant to the legislation defined in the *Province of Alberta Election Act* (Revised Statutes of Alberta 2000 Chapter E-1 Current as of December 15, 2022)¹ It has come to our attention that you plan to issue a Directive enabling machine tabulator counting in the coming Provincial elections. It is abundantly clear to us that the framers of the *Alberta Election Act* intended that there be witnessed hand counting of ballots.

As you know, the *Elections Act* grants to you the responsibility to facilitate accessible voting, with the use of "accessible voting equipment", i.e. voting equipment and related vote-counting equipment that enables electors requiring assistance to vote independently." (*Elections Act* 4.12(4)).

The use of machine voting for the entire Alberta Election is however non-compliant with the spirit and intention of the *Alberta Elections Act*. Any directive produced by the Chief Electoral Officer must aim to give the voting public confidence that checks and balances are in place to ensure that results are above reproach.

Any Directive to extend electronic voting machines to the entire Alberta 2023 election would necessarily impugn the integrity and reliability of its outcome.

¹ <https://kings-printer.alberta.ca/documents/acts/E01.pdf>

This is what occurred in the Calgary Municipal elections, where the results could not be appealed because they were machine counted and the ballots were immediately destroyed.

Our stated concern regarding the ultimate integrity of the 29 May 2023 elections arises consequent to:

1. The release of the CSIS document entitled Foreign Interference Threats to Canada's Democratic Process²;
2. The potential for inaccurate ballot counting using electronic means, such as with ES&S or Dominion Voting Machines; and
3. The potential for destruction of the paper ballots too soon after the election, which would preclude a recount.

We are therefore instructed to seek your confirmation that:

1. All voters' eligibility shall be confirmed by government issued picture ID;
2. Any rejected ballots shall be confirmed by scrutineers present from each party;
3. All numbered ballots shall be counted manually and accounted for;
4. All ballots shall be secured withing a chain of custody signed off by scrutineers present from each party;
5. All ballots shall be preserved securely for up to three months from the time of the elections, and up to three months from any recount;
6. Any party's candidate may request a recount; and
7. Should any recounts overturn the electronic counting in that poll, then the party most impacted can require that the entire province-wide vote be recounted using only the paper ballots, with scrutineers from the interested political parties in attendance.

There has been much talk around the world about flaws in machine voting. This is a crucial election for the future of Alberta and so the eyes of every Albertan and indeed the nation are upon you. It is thus imperative that you take all reasonable steps to uphold and preserve the fairness and integrity of the electoral process.

We look forward to hearing from you prior to 15 April 2023.

Respectfully,

GREY WOWK SPENCER LLP

Per:

Leighton B.U. Grey, K.C.
LBUG/ld

² <https://www.canada.ca/content/dam/csis-scrs/documents/publications/2021/foreign-interference-threats-to-canada%27s-democratic-process.pdf>