



**Request to the Standing Committee
on Legislative Offices:
Test of New Equipment and Procedures**

Submitted by Glen Resler
Chief Electoral Officer / Election Commissioner
Elections Alberta
October 4, 2021

**Request to the Standing Committee on Legislative Offices:
Test of New Equipment and Procedures**

Legislative Authority

The *Election Act* outlines the process for testing new equipment and/or procedures to be used in a by-election when the equipment and/or procedures differ from what is currently prescribed by the Act. Pursuant to section 4.1, the Standing Committee on Legislative Offices has the authority to approve a request of the Chief Electoral Officer for the test, as follows:

Test of new equipment and procedures

4.1(1) Where the Chief Electoral Officer wishes to test at a by-election the use of election procedures and equipment that are different from what this Act requires, the Chief Electoral Officer shall submit a written proposal to the Standing Committee describing in detail the election procedures and equipment proposed to be tested.

(2) If the Standing Committee approves the proposal, with or without changes, the Chief Electoral Officer may test the use of the election procedures and equipment in accordance with the approved proposal.

(3) As soon as possible after the proposal is approved, the Chief Electoral Officer shall publish the approved proposal on the Chief Electoral Officer's website.

(4) A by-election held in accordance with the details provided in the approved proposal is not invalid by reason of any non-compliance with this Act.

(5) To the extent of any conflict between the approved proposal and this Act or a regulation under this Act, the approved proposal prevails and has the force of law with respect to the by-election.

There is a vacancy in the electoral division of Fort McMurray-Lac La Biche. The Writ of Election must be issued on or before February 15, 2022. Modifications to the *Election Act* will allow Elections Alberta to respond more effectively to any public health orders regarding the pandemic that may be in effect when the by-election occurs. It will also allow for the testing of the new processes that Elections Alberta recommended in the *2019 Provincial General Election Report*, improving preparations and readiness should these amendments be introduced.

Approval of this written proposal by the Standing Committee is requested.

**Request to the Standing Committee on Legislative Offices:
Test of New Equipment and Procedures**

Guiding Principles

The Chief Electoral Officer shall create and implement any policies and procedures that are necessary to conduct an election, in a manner that reflects the principles of the *Election Act, RSA 2000, Chapter E-1*, as amended (the Act) and its regulations.

These principles are generally recognized as being:

- The secrecy and confidentiality of the voting process is paramount;
- The election shall be fair and must not favour one candidate over another;
- The election shall be accessible to the voters;
- The integrity of the process shall be maintained throughout the election;
- The proper majority vote decides the election, which is achieved by ensuring, so far as is reasonably possible, that valid votes be counted and invalid votes be rejected; and
- Voters and candidates shall be treated fairly and consistently.

The following modifications were developed in consideration of these principles.

A. Requirements to Comply with Public Health Orders

In addition to the proposed modifications, Elections Alberta will consult with the Office of the Chief Medical Officer of Health when the Writ of Election is issued to confirm the Public Health Orders that are in place and relate to the conduct of an election. Elections Alberta will comply with all orders and recommendations to provide voting opportunities to electors in the safest manner possible.

B. Proposed Modifications

1. Alternate Staffing Models

Sections modified: 71, 72, 85, 101, 103, 111, 112

Current Process

On Election Day, electors may only vote at the polling station established for their assigned polling subdivision, often resulting in long line-ups at one station, while other stations are less busy. An alternate staffing model will address this concern and will streamline the process for electors that must take a declaration prior to voting.

Proposed Modification

Two alternatives for distributing electors to polling stations will be tested.

In the first, electors will be distributed within the polling location alphabetically, rather than by polling station. This distribution would consider the number of electors who have already voted at the advance

**Request to the Standing Committee on Legislative Offices:
Test of New Equipment and Procedures**

polls and provide a more even distribution of electors to each station. This model will be used in most polling locations.

In the second option, a complete poll book for the polling location will be provided to all polling stations, so that electors can be served on a first-come-first-served basis at any available polling station. This model will be used in a small number of locations in Fort McMurray.

In both models, the Deputy Returning Officer will issue ballots, as per the legislated process, as well as complete registrations of new electors to improve efficiency in serving these electors, improving their voting experience, and reducing current duplication of work.

To further increase the flow of electors through the polls, a single ballot box location on the way out of the poll would allow one election officer to assist electors with depositing their ballots. To facilitate this change, results reporting would be completed by polling location rather than polling subdivision.

2. Scrutineers

Section modified: 77, 79, 92

Current Process

Scrutineers are appointed to the polling subdivision, and those appointed to multiple polling subdivisions are required to take the Oath of Secrecy at each polling station.

Proposed Modification

In line with the changes to the staffing model, scrutineers will be appointed to each polling place, requiring only one Oath of Secrecy, to be completed with the polling place site supervisor.

Candidates can continue to appoint up to four scrutineers for each polling station, and up to four scrutineers for each ballot box within the polling place. However, only one scrutineer per polling station or ballot box may be present at one time.

This modification will apply to both advance voting and Election Day polling places.

3. Data Sharing with Candidates and Parties

Sections modified: 18, 51, 63, 98, 117

Current Process

Registered political parties and candidates are entitled to receive specific documents and information from Elections Alberta during the election period; however, the Act is inconsistent in which political participants are entitled to the information and where it can be accessed. Some information is distributed from Elections Alberta, while other information must be obtained from the local returning office.

Proposed Modification

The use of a secure online portal to facilitate candidate and party access to this information will streamline the distribution of this material electronically, with paper copies available upon request.

All nominated candidates and political parties will have access to the same information, distributed centrally from Elections Alberta, provided they have submitted a signed *Declaration regarding use of the List of Electors* to the Chief Electoral Officer.

**Request to the Standing Committee on Legislative Offices:
Test of New Equipment and Procedures**

The portal will include materials, the List of Electors, and the records of electors who have voted or requested a special ballot, as follows:

Materials

- Election Proclamation
- List of polling place locations
- Appointment of scrutineer forms

List of Electors

- Access to the portal and downloads of the List of Electors will be available upon issuance of the Writ of Election for parties and upon the acceptance of nomination papers for candidates.
- Additions to the List of Electors, including Declarations, will be available throughout the writ period in the portal and as a download.
- An updated List of Electors, including the Additions to the List and Declarations, will be provided after the close of advance polls as a download. Sequence numbers for electors will be included in this List.

Record of Electors who Voted

- Record of Electors who Requested a Special Ballot will be available throughout the writ period in the portal and as a download.
- Record of Electors who Voted at an Advance or Special Mobile Poll will be available during advance voting in the portal and as a download.

The Record of Electors who Voted, noted above, will use the unique elector identifier included in the List of Electors. Sequence numbers will not be used during the revision period and advance voting. Removing the use of sequence numbers during this period will allow for sequence numbers to be issued after the close of advance voting. This will enable the integration of all additions and revisions to the list of electors prior to the printing of Election Day poll books, increasing efficiency for election officers, facilitating the alternate staffing models, and streamlining information for political parties and candidates.

4. Official Count

Section modified: 137

Current Process

Deputy Returning Officers and Poll Clerks complete the unofficial count at the close of polls on Election Day, with these results posted to the Elections Alberta website as the count is completed. Following Election Day, the Returning Officer, Election Clerk, and support staff complete a full manual recount of all ballots cast in their electoral division, with these official results released 10 days after Election Day.

Proposed Modification

As it is rare for the results from the official count to change the unofficial results by more than a couple of ballots, conducting a second hand-count of ballots is required only when the difference between the top two candidates is fewer than 100 votes. This will allow for a more appropriate use of resources.

**Request to the Standing Committee on Legislative Offices:
Test of New Equipment and Procedures**

Where a full official count is not completed, a verification of the Statement of Poll against the reported results will be completed prior to the release of the Official Results.

Appendix A “Procedures for the Official Count” outlines the procedures that would be used for the official count.

5. Special Ballot

Sections modified: 116, 118

Current Process

The Chief Electoral Officer has the authority to prescribe additional circumstances for electors to request Special Ballots. This clause of the Act will be used to include “concerns related to the pandemic” as a valid reason for a Special Ballot request.

Proposed Modification

This change, however, is anticipated to substantially increase the volume of requests for Special Ballots, which will require the following modifications:

- Special Ballot packages can be requested online, with these packages mailed from Elections Alberta headquarters.
- Special Ballot packages can be mailed to the elector, held for curbside pick-up at the returning office, or held for pickup at Elections Alberta headquarters.
- The mail-out of Special Ballot packages will close at 6 pm on the Monday before advance polls open. Pick-up at the returning office and Elections Alberta will continue until 8 p.m. on Election Day.
- All Special Ballot packages will include a domestic postage-paid return envelope and will be labelled for return to Elections Alberta headquarters.
- The returning office and Elections Alberta headquarters will be established as drop-off locations, should electors not wish to return mail the package. Drop-offs will be accepted until 8 p.m. on Election Day.
 - Special Ballot packages returned to the returning office on Election Day will be counted at the returning office. Special ballot packages returned to Elections Alberta will be counted at Elections Alberta.
 - The results of the special ballot unofficial count conducted at the returning office and Elections Alberta headquarters will be combined before reporting unofficial results online.
- Where an elector applies in person at the returning office or Elections Alberta for a Special Ballot, a copy of the person’s identification must be viewed, but does not need to be photocopied.
- The Special Ballot package will be modified to remove the “Certificate Envelope”. Electors will be provided with the “Outer Envelope” for return mailing and the “Special Ballot Envelope”. The information on the certificate envelope will be collected on the elector’s declaration, to be placed in the “Outer Envelope”.

**Request to the Standing Committee on Legislative Offices:
Test of New Equipment and Procedures**

Appendix B outlines the “Procedures for the Modification of Special Ballot Voting” that would be used by Elections Alberta.

6. Mobile Poll

Sections modified: 120, 121, 123

All supportive living residences, treatment centres, emergency shelters, or community support centres within the electoral division will be offered a mobile poll. Elections Alberta will make every effort to provide mobile polls with in-person voting opportunities on Election Day, either using the traditional model or accessing facility staff that are willing to work as election officers in the facility.

Supportive Living and Long-Term Care

Where access for a mobile poll is not possible in a supportive living or long-term care facility, modified special ballot voting packages will be provided for all eligible voters in the facility through the facility administrator. As electors at a mobile poll are deemed resident of the facility and not required to show ID, a form of “attestation” will be used to allow the facility administrator to confirm the electors’ identity, rather than requiring the copy of the elector’s identification usually required for special ballot voting.

The voting packages will be provided following the close of nominations, once ballots are printed, so electors do not have to use the write-in ballot normally provided in Special Ballot packages. A sealed ballot box will be provided to the facility to collect all completed packages and will be picked up at a pre-established time on Election Day, allowing mobile poll electors increased time for voting.

Treatment Centres, Emergency Shelters and Community Support Centres

Where access for a mobile poll is not possible in a treatment centre, emergency shelter or community support centre, the above alternate process is not feasible, as the facility does not have the information about who may be present in the facility on Election Day. To facilitate voting, information and materials will be made available in the facility outlining the process for ordering and designating a person to pick-up and drop-off Special Ballot packages. The same modified procedures for the package and identification will be implemented for these Special Ballot packages.

Mobile poll ballots will be counted by hand in the electoral division following the close of polls.

Appendix B outlines the “Procedures for the Modification of Special Ballot Voting” that would be applied to mobile poll voting packages.

Appendix A: Conduct of the Official Count

1. Application

These procedures are intended to be applied to Alberta provincial by-elections, upon the approval of the Standing Committee on Legislative Offices.

2. Delegation of Authority

Section 4(3)(c) of the *Act* provides the Chief Electoral Officer (CEO) the ability to appoint designated election officers for the purpose of implementing these procedures.

3. Location and Persons Present for the Official Count

- (1) The returning officer shall give written notice to each candidate or each candidate's official agent of the place, date, and time of commencement of the official count.
- (2) No person may be allowed in the room where an official count is being conducted except:
 - a. the returning officer and election clerk, and any other election officers authorized by the returning officer to assist with the counting of the ballots,
 - b. the candidates for the electoral division, their official agents or electors of the electoral division appointed in writing by the candidates, or all of them, and
 - c. the Chief Electoral Officer or a designate or both.

4. Official Count Procedure When Vote Difference is 100 or less

- (1) In conducting the official count, the returning officer, with the assistance of the election clerk and any other election officers authorized by the returning officer to assist with the counting of the ballots, shall open each ballot box and remove the Statement of Poll and the envelopes containing the ballots.
- (2) If the difference between the votes for the candidate with the highest number of votes and the candidate with the next highest number of votes is 100 or less, the returning officer shall conduct a full official count by
 - a. checking the Statement of Poll,
 - b. making a note in the poll book of every objection to a ballot made by or on behalf of a candidate and the name of any candidate by or on whose behalf an objection was made,
 - c. numbering each objection to a ballot in the voting record, placing a corresponding number on the back of the ballot and initialling the back of the ballot,
 - d. deciding any questions arising out of an objection regardless of whether a decision was made by the election officer responsible for the count in the first instance,
 - e. inspect all rejected ballots and decide on the validity of each ballot regardless of the previous rejection by the deputy returning officer,

- f. supervising election officers in conducting the official count of the valid votes,
- g. supervising election officers in reconciling the number of spoiled and declined ballots, and
- h. completing an official count of the valid votes.

5. Official Results Verification Procedure when Vote Difference is More than 100 Votes

- (1) If the difference between the votes for the candidate with the highest number of votes and the candidate with the next highest number of votes is 101 or more, the returning officer shall conduct an official count by
 - a. checking the accuracy of the Statement of Poll,
 - b. deciding any questions arising out of an objection regardless of whether a decision was made by the election officer responsible for the count in the first instance,
 - c. inspecting all rejected ballots and deciding on the validity of each ballot regardless of the previous rejection by the election officer responsible for the count, and
 - d. reviewing such records and inspecting such ballots as necessary to satisfy the returning officer that the returning officer may sign the Statement of Official Results and Certificate and Return.

6. Statement of Official Results and Certificate and Return

- (1) On completion of the full official count of the votes using the official count procedure when vote difference is 100 votes or less, or on being satisfied that they may sign the Statement of Official Results and Certificate and Return after completing the official results verification procedure when the vote difference is 100 votes or more, the returning officer shall provide to each candidate or each candidate's official agent a Certificate and Return in the prescribed form indicating
 - a. the number of votes counted for each candidate, and
 - b. the name of the candidate to be declared elected.
- (2) The returning officer shall prepare the prescribed Statement of Official Results and submit it to the Chief Electoral Officer.

Appendix B: Procedures for the Modification of Special Ballot Voting

1. Application

This procedure is intended to be applied to Alberta provincial by-elections during a pandemic or at any time when expanding accessibility to special ballots is required, upon the approval of the Standing Committee on Legislative Offices.

2. Delegation of Authority

Section 4(3) (c) of the *Act* provides the Chief Electoral Officer (CEO) the ability to appoint designated election officers for the purpose of implementing these procedures.

3. Eligibility for Special Ballot

- (1) In addition to the reasons identified in the Election Act for requesting a Special Ballot, the CEO has prescribed “concerns related to pandemic” as an additional reason to vote by Special Ballot.
- (2) Facility operators of mobile poll facilities that are unable to allow in-person voting to the electors residing there, will be offered a modified Special Ballot voting option. For this purpose, the CEO has prescribed “resident or receiving services at a facility eligible for a mobile poll” as an additional reason to vote by Special Ballot.

4. Request for Special Ballot

Special Ballot Poll

- (1) Electors wishing to vote by Special Ballot mail-out may request their voting package online, by e-mail, or by phone up until 6 p.m. on the Monday before advance polls open.
- (2) Electors wishing to pick up their Special Ballot may request their voting package and pick up in person until the close of polls on Election Day.
- (3) Special Ballot voting packages will be sent to electors by mail or be available for curbside pick-up at the returning office or headquarters of Elections Alberta.

Mobile Poll

- (1) The facility administrator of supportive living and long-term care facilities must provide the returning officer with a completed list of eligible electors residing in the facility who have requested a voting package. The listing must include the electors’ full name and date of birth. Special Ballot voting packages will be delivered to the facility administrator for distribution.
- (2) For treatment centres, emergency shelters, and community support centres, information and materials will be made available in the facility outlining the process for submitting requests online, by e-mail, or by phone. Depending on the facility, arrangements may be

made for Elections Alberta to deliver and/or pick up the requested Special Ballot packages to the facility, or electors may designate a person to pick up and/or drop off Special Ballot packages.

5. Appearance of ballots

Special Ballot Poll

- (1) The prescribed write-in ballot style will be used for the Special Ballot poll.
- (2) The instruction on the ballot shall direct electors to vote by writing in the name of the candidate or the party of choice.
- (3) After nomination day the election officer shall include a listing of the nominated candidates' names and party affiliation along with the Special Ballot package.

Mobile Poll

- (1) The ballot used for advance and Election Day polls will be used for any voting packages assembled for use at a mobile poll location.

6. Voting Package Contents

Special Ballot Poll

- (1) The voting package will include:
 - a. A write-in ballot;
 - b. A Special Ballot Envelope;
 - c. A Special Ballot Declaration;
 - d. A pre-addressed, domestic postage-paid outer envelope;
 - e. Instructions to the elector; and
 - f. After nomination day, a list of nominated candidates name and party affiliation, if any.

Mobile Poll

- (1) The voting package will include:
 - a. A standard ballot printed with all nominated candidate names;
 - b. A Special Ballot Envelope;
 - c. A modified Special Ballot Declaration;
 - d. An Outer Envelope; and
 - e. Instructions to the facility and the elector.

7. Identification Requirements

Special Ballot Poll

- (1) Electors are required to enclose a copy of their identification in their returned Special Ballot package.
- (2) Electors completing their Special Ballot at the returning office or Elections Alberta headquarters must show their identification, but it does not need to be copied and retained.

Mobile Poll

- (1) Electors are deemed resident of the mobile poll facility and are not required to enclose a copy of their identification in their returned Special Ballot package.
- (2) The facility administrator at a supportive living or long-term care facilities will attest that the eligible electors included on the list used to request the Special Ballot packages are deemed residents of the facility.
- (3) Electors at treatment centres, emergency shelters, and community support centres will need to have an authorized facility representative attest that the elector is a deemed resident in the space provided on the modified Special Ballot Declaration form.

8. The Count

- (1) The unofficial count will be conducted using the procedures detailed in the *Act*.
- (2) All write-in Special Ballots returned by mail shall be counted by hand at Elections Alberta. All ballots from mobile poll locations and special ballots returned to the returning office shall be counted by hand at the returning office.
- (3) Results for Special Ballots counted at the returning office will be combined with the results for Special Ballots counted at Elections Alberta headquarters before being published.