Procedure for the Enhanced Issuance, Tabulation and Results Reporting of Special Ballots

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1. Purpose

The purpose of this document is to authorize the Chief Electoral Officer to be included with the Returning Officer as a recipient of requests for Special Ballots by telephone or email. In addition, to authorize the CEO the ability to mail out, return, tabulate, and report results of mail in Special Ballots in Provincial General Elections and By-Elections.

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 200, Chapter E-1, as amended (the Act) and its regulations. These principles are generally recognized as being that:

- (a) the secrecy and confidentiality of the voting process is paramount;
- (b) the election shall be fair and must not favour one candidate over another;
- (c) the election shall be accessible to the voters;
- (d) the integrity of the process shall be maintained throughout the election;
- (e) 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
- (f) voters and candidates shall be treated fairly and consistently.

2. Application

This procedure can be applied to Alberta Provincial General Elections and By-Elections.

3. Authority and Request

Election Act, RSA 2000, Chapter E-1, as amended, Section 4.1, titled "Test of new equipment and procedures" authorizes the use of vote counting equipment if the Standing Committee on Legislative Offices approves the proposal submitted by the Chief Electoral Officer. (Appendix "A")

The CEO wishes to test the process, at Elections Alberta, to receive requests, mail out, return, tabulate, and report results of mailed-in Special Ballots at the next provincial by-election.

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

4. Definitions

Certain terms and phrases used throughout this procedure are defined in the *Act*. For those terms and phrases not so defined, the following definitions shall be used throughout this procedure.

- **"Ballot face"** means the image side of the ballot.

- **"Ballot style"** means the various ballot types for the special ballot, identifying the election

- **"Candidate ballot"** means a ballot containing the names of all the nominated candidates.

- **"Chief Electoral Officer"** (also referred to as "CEO") means the Chief Electoral Officer of the Province of Alberta.

- **"Designated election officer"** means any person to whom the CEO delegates his/her authority to perform certain election functions.

- **"Designated voting space"** means the oval or circular space to the right of the candidate's name or, in the case of a plebiscite or referendum, to the right of each answer.

- **"Mark"** means any mark made in the designated voting space.

- **"Memory card"** means a secure device that is removable and stores data. The memory card for the tabulator stores all tabulated vote results. The memory card for the VAT stores digital images of the ballot styles.

- **"Over-voted ballot"** means a ballot where the tabulator has detected more votes in the designated voting spaces than an elector is entitled to mark on a ballot. The tabulators shall be programmed to return an over-voted ballot.
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- **"Political Party ballot"** means a ballot containing the names of all registered political parties, and containing a designated area at the bottom of the ballot after the last registered party name for a "write in" name of an independent candidate to be added by the elector

- **"Results tape"** means the tabulator's printed report which shows the total number of votes cast for each candidate or answer to any by-law or question.

- **"Tabulator"** (also referred to as "vote tabulator") means a digital optical scanning machine that reads and records how ballots are marked and that produces election results by tabulating votes.

- **"Tabulator operator"** means the designated election official responsible for the security, start up, shut down and general operation of the vote tabulator at the voting locations, including insertion of the marked ballots received from electors.

- **"Unmarked ballot"** means a ballot where the tabulator has detected no votes in the designated voting spaces. The tabulators shall be programmed to return an unmarked ballot.

- **"Write in" Special Ballot** means a Special Ballot that has a candidate name written on the ballot by the elector.

- **"Zero tape"** means the tabulator's printed report which shows the total number of votes stored on the tabulator's memory card is zero for all candidates and/or answer to any by-law or question.

5. Delegation of Authority

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

6. Storage and Security

All tabulators, memory cards and election supplies shall be securely stored at the designated location before and after use at the voting places during the election.

7. Pre-election Procedures

Appointment of Special Ballot Returning Officer

(1) The CEO shall appoint a Special Ballot Returning Officer authorized to receive, manage and conduct the mail out, return, tabulation, and results reporting of mail out Special Ballots for the by-election.

8. Printing of Ballots

(1) Political Party Special Ballots with a designated area for a "write in" independent candidate's name shall be printed for Special Ballot Voting for use during the by-election prior to nomination day.

(2) Candidate ballots shall be printed for Special Ballot Voting for use during the by-election after nomination day.

9. Appearance of ballots (Appendix "C")

Special Ballot Polls

(1) There will be two ballot styles for Special Ballots:

(a) Prior to nomination day there will be a political party ballot containing the names of all the registered political parties and a designated area below the last registered party for a "write in" independent candidate's name to be completed by the elector

(b) After nomination day, once received from the printer, there will be the candidate ballot, containing the names of nominated candidates and their associated registered party names, and the names of independent candidates, if applicable

(c) On both of the special ballot styles an oval or circular space shall appear on the ballot to the right of the party/candidate names.

(2) The instruction on the ballot shall direct electors to vote by marking the oval or circular space with an "X" or other mark beside the candidate/party of choice (depending on ballot style) or to complete the "write in" independent candidate's name of choice.

10. Voting Place Procedure

(1)   A tabulator shall be used in every special ballot voting location

11. Candidates and scrutineers

(1)   Candidates and scrutineers' roles and responsibilities at the voting place are outlined in the *Act*.

(2)   Candidates and scrutineers are prohibited from examining, or objecting to a ballot while it is being fed into the tabulator.

12. Marking the ballot

(1)   A special ballot may be issued by a designated election officer to an elector by mail in a secure voting package.

(2)   To mark the Special Ballot received by mail the elector shall vote by:

(a) if receiving a party name ballot prior to nomination day, making an "X" or other mark in the oval or circular space next to the name of the party of their choice or write in the name of the candidate of their choice in the space provided.

(b) If receiving a candidate ballot after nomination day, making an "X" or other mark in the oval or circular space next to the name of the candidate of their choice

After marking the ballot, the elector shall:

1. Fold the marked special ballot in half, place the marked ballot inside the Special Ballot Envelope, insert the Special Ballot Envelope into the Special Ballot Certificate Envelope

2. Place a copy of their authorized identification into the Special Ballot Certificate Envelope

3. On the front of the Special Ballot Certificate Envelope check the box in Step 1 to indicate they have enclosed a copy of their authorized identification. Complete the declaration in Step 2 by checking the box beside the reason for not voting at an advance poll or Election Day poll and then signing and dating the declaration

4. Place the Special Ballot Certificate Envelope into the pre-addressed return envelope and pay postage or delivery charges for return to Elections Alberta prior to the close of polls on Election Day.

13. Processing Special Ballot mail in packages

(1) Upon receipt of the mailed in Special ballot package, each day, the designated election officer(s) shall:

(a) Open all the Return Envelopes, remove the Special Ballot Certificate Envelopes, place the unopened Special Ballot Certificate Envelopes in a secure area for review by election officer(s) designated for that purpose

(b) Without opening the Special Ballot Certificate Envelope the designated election officer(s) shall:

Mark the Special Ballot Poll book, beside the electors name in the appropriate column, with the delivery method and the date received; then verify that the elector has:
i)   checked the box in Step 1 , indicating they have enclosed a copy of their identification
ii) checked the box in Step 2, indicating their reason for voting by special ballot
iii) signed and dated the Declaration portion of Step 2

(c) If all the above have been completed by the elector, the designated election officer(s) continues the verification process:
i)   opens the Special Ballot Certificate Envelope and verifies that a copy of the authorized elector identification has been included in the envelope

ii)   If the authorized elector identification has been included, remove the Special Ballot Envelope from inside the Special Ballot Certificate Envelope and indicate in the special ballot poll book, beside the electors name, in the appropriate column, that they have voted, then place the Special Ballot Envelope in a ballot box for the designated election officer(s) to process and prepare the special ballot for tabulation

iii)   If any of the above steps have not been completed by the elector, the verification process stops and the special ballot is rejected, the Special Ballot Certificate Envelope is placed in a Special Ballot Rejected Envelope, and the Special Ballot Poll Book marked accordingly beside the electors name with the reason for the rejection

iv)   If the authorized elector identification has been included, remove the Special Ballot Envelope from inside the Special Ballot Certificate Envelope and place it, unopened, in a ballot box for the designated election officer(s) to process and prepare for tabulation

14. Preparing accepted mail in Special Ballots for Tabulation

(1)   The designated election officer(s) shall prepare the mailed in special ballots for tabulation in the following manner in the presence of any scrutineers on site:

(a)   Remove the Special Ballot Envelopes from the ballot box

(b)   Open the Special Ballot Envelope and remove the Special Ballot

(c)   Examine the Special ballot to determine if it is the political party ballot style or the candidate ballot style:

    i)   If the candidate ballot style then place in the *candidate ballots tabulation container*

    ii)   If the political party ballot style then review to determine if it has a "write in" candidate name in the designated area

    iii)   If a "write in" candidate name is not indicated then place in the *political party ballots tabulation container*

    iv)   If a "write in" candidate name is indicated in the designated area then place in the *write in candidate container* for review and processing

(d)   Take the *candidate ballots tabulation containers* to the tabulator operator at the tabulator assigned for those ballots

(e)   Take the *political party ballots tabulation containers* to the tabulator operator at the tabulator assigned for those ballots

(f)   Take the *"write in" candidate container* to the designated official for review and processing

15. Review and Processing "write in" Special Ballot – prior to tabulation

(1)   The designated official shall in the presence of any scrutineers on site :

(a)   remove each ballot from the *write in candidate container* identify the "write in" candidate name shown in the designated area of the ballot and determine if the name chosen is for the name of a candidate shown on the candidate ballot for the same electoral division:

    i)   if no; advise any officials or scrutineers present that you are going to reject the original "write in" special ballot because it does not contain a vote for a nominated candidate, and place it in the rejected ballot envelope;

    ii)   if yes; inform any scrutineers present that you are going to transpose the "write in" special ballot onto a candidate ballot in order to allow the ballot to be read by the tabulator, as follows:

        a. Obtain a blank candidate ballot

        b. based on the candidate name written in the designated blank area on the original political party ballot, mark the candidate ballot with an "X" in the oval or circular space beside the corresponding name of the candidate selected by the elector

        c. fold the original "write in" special ballot in half and write "write in" – replaced" across the original ballot

        d. place the original "write in" special ballot in the Special Ballot- "Write In" Ballots - Replaced envelope

        e. place the replacement special ballot into the *candidate ballots to be tabulation* container

16. Tabulating Special Ballots

(1)   The tabulator operator shall feed the special ballots into the tabulator as directed by the Chief Electoral Officer or designate.

17. Malfunctioning tabulator

(1)   If the tabulator fails to operate during voting, the tabulator operator shall contact the designated call centre for instructions.

(2)   When the tabulator becomes operational again, the tabulator operator shall insert the ballots into the tabulator.

(3)   If a tabulator is replaced during voting and the original memory card is used, the tabulator operator shall feed the ballots into the replacement tabulator.

(4)   If the memory card must be replaced during voting, the tabulator operator shall feed all ballots into the replacement tabulator.

18. Unmarked special ballots

(1)   The tabulator shall return a ballot if it determines it to be an unmarked ballot.

(2)   The tabulator operator shall re-feed the ballot and press the button under "Count as Marked" until the ballot is drawn into the tabulator.

19. Over-voted special ballots

(1)   The tabulator shall return a ballot if it determines it to be an over-voted ballot.

(2)   The tabulator operator shall press the "Count as Marked" button so that the ballot is drawn into the tabulator.

20. Damaged or Defective Ballots

(1)   If the tabulator returns the ballot because it is damaged, defective or has been marked in such a way that the tabulator does not accept it, the tabulator operator shall:

  (a) fold the original ballot in half and write "spoiled – replaced" across the original ballot.
  (b) prepare a replacement ballot in full view of any candidates or scrutineers present by marking the replacement ballot with the

same mark(s) contained in the designated voting space(s) as the original ballot.

    (c) place the original "spoiled" ballot in the designated envelope.

    (d) feed the replacement ballot into the tabulator.

21. Closing of the Voting Place during Special Ballot Vote

(1)   Each night of the special ballot vote, after the close of voting, the tabulator operator shall:

    (a) ensure that the election results are not generated.

    (b) ensure that the zero tape is still affixed to the tabulator.

    (c) unplug the tabulator and

    (d) ensure the tabulator is securely stored.

(2)   On the last day of the special ballot vote, after the close of voting on Election Day, the tabulator operator shall :

    (a) ensure all ballots have been inserted into the tabulator,

    (b) generate special ballot vote results:

        i)   plug the tabulator(s) into a power source

        ii)   turn the tabulator key to the "Open/Close Poll" position and press the button under "Close Polls" to produce the results tape.

        iii)   the tabulator shall print two copies of the results tape.

        iv)   deliver the tabulator and other election supplies to the CEO's designated location.

22. Malfunctioning tabulator

(1)   After the close of voting on Election Day, if the tabulator fails to operate at the voting place, the tabulator operator shall contact the designated call centre for instructions.

(2)   The tabulator operator shall:

    (a)   remove the ballots from the tabulator stand and place them into a designated ballot transfer box along with the envelope containing the spoiled and declined ballots.

    (b)   advise all candidates and scrutineers present of the CEO's designated location where a backup tabulator is located and their right to be present at that location.

(c)   deliver all the election supplies from the voting place to the CEO's designated location.

(3)   At the CEO's designated location, in the presence of all candidates and/or scrutineers present, the tabulator operator shall:

(a)   remove the memory card from the malfunctioning tabulator and insert it into the backup tabulator.
(b)   feed the ballots from the ballot transfer box into the backup tabulator.
(c)   turn the tabulator key to the "Open/Close Poll" position and press the button under "Close Polls" to produce the results' tape.

(4)   the tabulator shall print two copies of the results' tape.

(a)   deliver the tabulator and other election supplies to the CEO's designated location, if required.

(5)   If the tabulator memory card has malfunctioned at the close of voting, the tabulator operator shall:

(a)   obtain a replacement tabulator memory card and insert it into the original or replacement tabulator.
(b)   produce a zero tape of all totals in the memory card.
(c)   feed all ballots into the tabulator.

23. Production of Election Results from the Vote tabulators

At the CEO's designated location(s):

      (a)   the tabulator operator shall securely store the tabulator until the close of polls on Election Day

      (b)   turn the tabulator key to the "Open/Close Poll" position and press the button under "Close Polls" to produce the results' tape.

      (c)   the tabulator shall print two copies of the results' tape.
          i)   transmit the results to the Returning Officer.
          ii)   deliver the tabulator and other election supplies to the CEO's designated location.

24. Post-election Testing

(1)   A post-election test shall be conducted by loading blank memory cards into the tabulators and tabulating a pre-determined group of ballots.

(2)   The tabulated results shall be compared against the pre-determined results.

(3)   Any errors detected in the testing of the tabulators shall be identified, corrected and the test repeated until the desired results are achieved.

25. Retention of Election Documents

(1)   The CEO shall retain and have access to the memory cards, ballots, results' tapes and other materials that were produced during the pre- and post-election tests.

(2)   The CEO shall not alter these materials and shall retain them in the same manner as is provided for in the *Act* for the keeping of election records.

Appendices

Appendix "A"

Election Act, RSA 2000, Section 4.1

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.
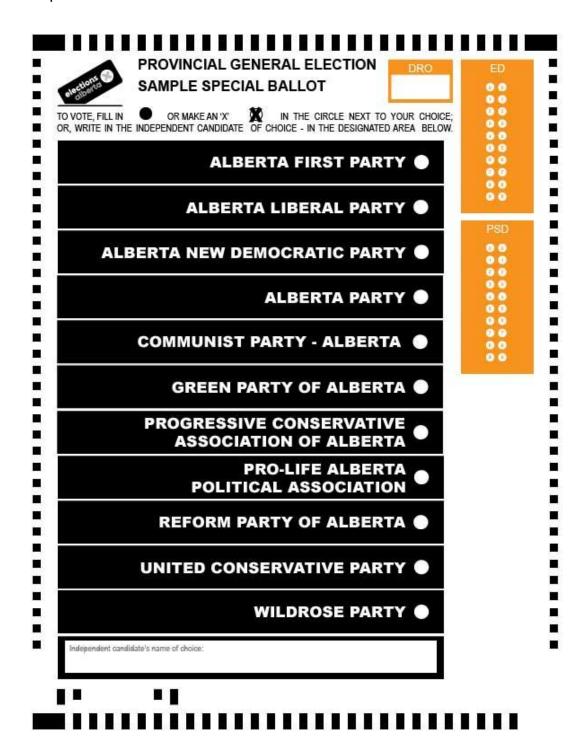
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Appendix "B"

The following tables identify the integrated system of voting hardware and software that the equipment vendor supplies during an election.
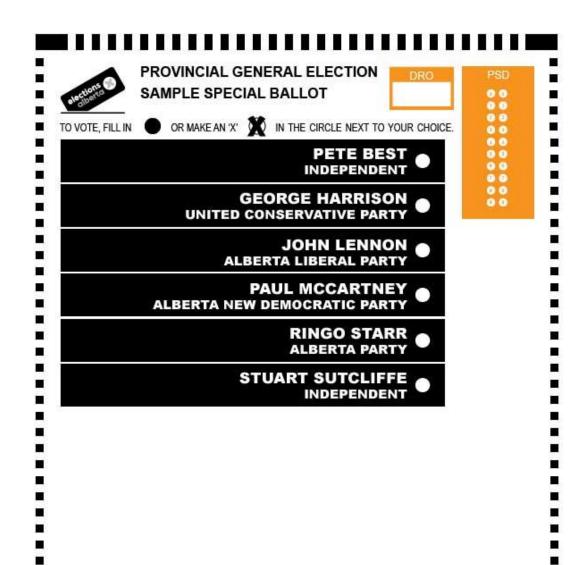
	Hardware	Description
1	Vote Tabulators	Vote tabulators read and record how the ballots are marked, deposit them into the ballot box, store the voting information and report the voting results after the close of the polling place.
2	Voter Assist Terminal (VAT)	The Voter Assist Terminal uses ballot marking technology to give voters with disabilities and other special needs the ability to mark a ballot privately and independently.

	Software	Description
1	Information Management System	Configures the tabulators to accept ballots specific to the election.
		A suite of integrated software modules that enable the creation and maintenance of a central election management database.
		A design tool that creates the image of an optical scan ballot populated by information from the application.
2	Election Data	A software application that enters, maintains and stores election-related information (e.g. candidates, plebiscites, referendums, electoral divisions) in one database.
3	Election Reporting	A software application that manages election results and generates paper and/or electronic reports.
4	Hardware Programming	A software application that programs election tabulation software.

Appendix "C"

Sample Ballot

PROVINCIAL GENERAL ELECTION
SAMPLE SPECIAL BALLOT

DRO

ED

TO VOTE, FILL IN ● OR MAKE AN 'X' ☒ IN THE CIRCLE NEXT TO YOUR CHOICE;
OR, WRITE IN THE INDEPENDENT CANDIDATE OF CHOICE - IN THE DESIGNATED AREA BELOW.

ALBERTA FIRST PARTY ○

ALBERTA LIBERAL PARTY ○

ALBERTA NEW DEMOCRATIC PARTY ○

ALBERTA PARTY ○

COMMUNIST PARTY - ALBERTA ○

GREEN PARTY OF ALBERTA ○

PROGRESSIVE CONSERVATIVE ASSOCIATION OF ALBERTA ○

PRO-LIFE ALBERTA POLITICAL ASSOCIATION ○

REFORM PARTY OF ALBERTA ○

UNITED CONSERVATIVE PARTY ○

WILDROSE PARTY ○

PSD

Independent candidate's name of choice:

PROVINCIAL GENERAL ELECTION

SAMPLE SPECIAL BALLOT

DRO

PSD

TO VOTE, FILL IN ● OR MAKE AN 'X' ⊠ IN THE CIRCLE NEXT TO YOUR CHOICE.

PETE BEST
INDEPENDENT ○

GEORGE HARRISON
UNITED CONSERVATIVE PARTY ○

JOHN LENNON
ALBERTA LIBERAL PARTY ○

PAUL MCCARTNEY
ALBERTA NEW DEMOCRATIC PARTY ○

RINGO STARR
ALBERTA PARTY ○

STUART SUTCLIFFE
INDEPENDENT ○