



chief electoral office

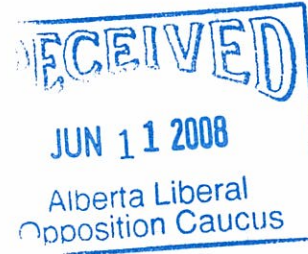
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June 10, 2008

Mr. Hugh MacDonald, MLA
Edmonton-Gold Bar
Room 201, Legislature Annex
9718 – 107 Street NW
Edmonton, Alberta
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Dear Mr. MacDonald:

I have had an opportunity to follow up on the questions you raised in your May 27, 2008 letter concerning the Poll Book for polling station 075 in Edmonton-Gold Bar.

We reviewed the election documents at some length. In addition, we involved the Returning Officer, Mr. Larry Kehoe, in our review. We contacted the Deputy Returning Officer and the Poll Clerk, as well, to obtain their insights. Their recollection of the day's activities has been incorporated into the responses below.

You are likely aware that mobile poll number 4, polling station 75, served two locations – both of which accommodate residents who communicate mainly in Cantonese. The Returning Officer hired an election officer who was fluent in the language used in those facilities to mitigate the difficulties experienced with translation in past events. This aspect of the election was very successful and voters were served in an effective and comfortable manner.

I'll respond to your questions in the order in which they were raised.

1. Based on the information we have, the omission of the polling place addresses from the cover of the Poll Book was a simple clerical error. Given that the polling place locations appeared on the back cover, the locations served were evident.
2. Again, I would attribute the omission of the recording of the election date to a clerical oversight. The date on which the Poll Book was completed is on the back cover of the Poll Book, even though it did not appear on the front page.

3. The Poll Clerk signed the back page of the Poll Book, upon taking the Poll Clerk's Oath After Closing the Poll. I have enclosed a copy of this Oath, in case it was not included with the copy of the Poll Book you had received.
4. The Deputy Returning Officer signed the back page of the Poll Book, upon taking the Deputy Returning Officer's Oath After Closing the Poll. I have enclosed a copy of this Oath, in case it was not included with the copy of the Poll Book you had received.
5. The Poll Clerk completed the Poll Clerk's Oath After Closing the Poll, which was administered by the Deputy Returning Officer. As mentioned, a copy is enclosed.
6. The Deputy Returning Officer completed the Deputy Returning Officer's Oath After Closing the Poll, which was administered by the Poll Clerk. As mentioned, a copy is enclosed.
7. Ki Ping Lee was the Poll Clerk at polling station 75.
8. Marion Buhler-Laleye was the Deputy Returning Officer at polling station 75.
9. This question was a bit more difficult to answer and required input from the Returning Officer. A List of Electors was provided by Elections Alberta for use at mobile polls. In accordance with legislation, residents of seniors lodges and supportive living facilities are enumerated and included on the List of Electors for use on Polling Day.

Although a List of Electors was provided, and should have been sent with the mobile poll team for use at the polls, it was not found in the ballot kit provided. The mobile poll team contacted the Returning Officer's office and was provided with a listing of electors for polling subdivisions 55 and 56, the geographic areas in which the facilities served by the mobile poll are located. That listing contained names of voters that appeared on the February 2008 List of Electors plus all those voters who were enumerated during the target enumeration process. The listing was an internal document, a Proofing Report generated during the target enumeration process, instead of the List of Electors intended for Polling Day use.

A copy of the listing used by the mobile poll team is enclosed, which identifies the voters to whom the balance of ballots were issued. It was not provided to you previously, because our instruction to internal staff was to limit copying to Poll Books, in accordance with the legislation. Given that the Poll Book for polling station 75 was found and copied, our staff person would have had no reason to suspect that any information was missing.

10. Where voters' names appear on a List of Electors, there is no legislative requirement to administer Oaths of Electors, so the voters were neither sworn nor affirmed. The accuracy and currency of the listing was due to the recent target enumeration process, which included these types of facilities that commonly experience a great deal of transition over a period of several years. It appears that, in one case, an Oath of Elector should have been administered and was not.
11. The official count, conducted by the Returning Officer, involves a physical count of all ballots cast at each polling station. Sealed ballot envelopes are opened and ballots are reviewed for correct interpretation and reconciliation to the Statements of Poll. The Poll Books receive less attention during this part of the process. You may recall that your official agent, Raymond Pinkoski, was present for the official count in the office of the Returning Officer. He would have first hand knowledge of the process that was followed.
12. As you indicated, 28 ballots were cast, according to the Poll Book you received. Review of the names stricken from the listing of electors by the mobile poll team reveals voters who cast the balance of the ballots recorded on the Statement of Poll and reflected on the Statement of Official Results.

The names of all voters who received ballots should have been copied into the Poll Book, but they were not. After the polls closed on Polling Day, the Poll Book and all other election documentation was sealed in the ballot box and opened, by the Returning Officer, when the official count began. The Returning Officer's official count focuses mainly on the Statements of Poll and ballots cast; the Poll Book may not have received the scrutiny necessary to identify the erroneous way in which issued ballots were recorded.

13. As mentioned above, the Poll Book and all other election documentation was sealed in the ballot box and opened, by the Returning Officer, for the official count. The Returning Officer's official count focuses mainly on the Statements of Poll and ballots cast; the Poll Book may not have received the scrutiny necessary to identify the erroneous way in which issued ballots were recorded.

The Oaths After Closing the Poll were completed, as was the Statement of Poll. The Returning Officer was satisfied with the election documentation.

14. There is no legislative requirement for the Returning Officer to sign the Poll Book.

As you are aware, the Returning Officers appointed by Order in Council are responsible for the conduct of the election in the province's 83 electoral divisions. They are responsible for the recruitment, training and supervision of approximately sixteen thousand workers hired for one day to provide front-line service to the voters of Alberta. Section 202 of the *Election Act* prescribes that no election is void by reason of an "irregularity, failure, non-compliance or mistake" that did not materially affect the result of the election.

I would suggest that Section 202 is intended to address the type of clerical error evident in polling station 75. I can certainly understand your concern, given that you received a Poll Book containing the names of 28 voters who had cast ballots, when 162 valid votes were cast, based on the Statement of Official Results. I hope that the enclosed listing of electors, showing those who cast ballots, addresses your concern.

Please contact me if you have additional questions or wish to discuss this further.

Sincerely,



Lorne R. Gibson
Chief Electoral Officer

Enclosures

Cc: Mr. Larry Kehoe, Edmonton-Gold Bar Returning Officer
Mr. Raymond Pinkoski, Edmonton-Gold Bar Liberal Constituency Association
Ms. Stephanie Laskoski, Vice President, Edmonton-Gold Bar Liberal
Constituency Association