ELECTION SECURITY AND RECOMMENDATIONS REPORT

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# ELECTION SECURITY AND RECOMMENDATIONS REPORT

A comprehensive analytical study Original Report 2023

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## **1 OVERVIEW**

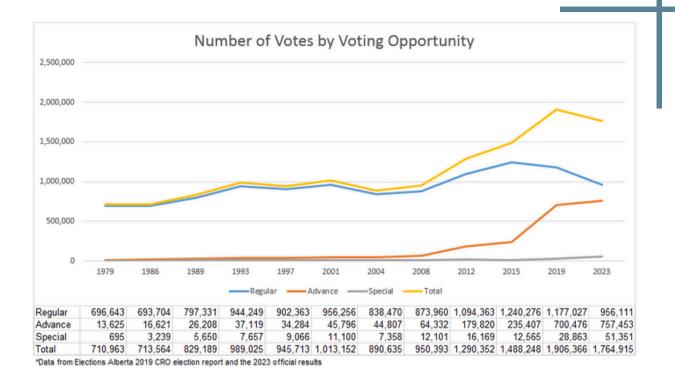
This is an analysis report that focuses on elections in Alberta and various issues, flaws and security concerns present within municipal and provincial elections. This report offers no claims of fraud or malpractice, but rather aims to clearly highlight various campaign and election security issues present at all levels of elections within Alberta along with recommendations on how these issues can be mitigated. While the concerns listed affect elections within the province, some solutions can only come from Elections Canada or the Federal Government.



# 2 INTRODUCTION

With the passing of the LAEA in 2000 municipalities in Alberta began to incorporate electronic voting in their elections. The City of Edmonton was one of the first municipalities to utilize electronic voting over 20 years ago with touch screen voting being introduced in 2004 (Web), Calgary followed by introducing electronic voting equipment for the 2021 municipal election, Elections Calgary added the recommendation as part of a report produced from the Returning Officer in 2018 (Doc).

In 2012 a way was presented for Elections Alberta to begin testing new voting technologies. The Election Act was amended in 2017 with the passing of Bill-32, An Act to Strengthen and Protect Democracy in Alberta (<u>32 S4</u> <u>Elec.AB.17</u>). Bill-32 added sections 4.11 and 4.12 to the Election Act, testing of new equipment and procedures, authorizing the use of accessible voting equipment during an election. These new sections allow the use of Tabulators, voter assist terminals and a network of e-poll books at every advanced voting location.



When bill-32(<u>32.s59</u>) was passed in 2017 the Election Act was amended to include five days of advanced voting, an increase from the 2012 bill-7(<u>7.s38</u>) that increased the advanced vote to three days. As Alberta progresses it is likely the advanced vote will continue to grow to become the dominant form of voting. The method for advanced voting follows a template similar to other jurisdictions utilizing electronic voting. The template includes;

- The Vote Anywhere System (<u>Web</u>)
- The Use of an Election Management System (EMS)
- Tabulators used to count the paper ballots (<u>ES&S</u>)
- The Use of Voter Assist Terminals (VAT)
- E Poll Books to replace paper List of Electors that's used to add new declarations and scratch off electors who have voted (<u>Web</u>)

| The 2023 Alberta PGE Battleground Ridings |     |     |                      |     |     |
|---|-----|-----|----------------------|-----|-----|
| Calgary - Acadia                          | 22  | NDP | Calgary - North      | 129 | UCP |
| Calgary - Glenmore                        | 48  | NDP | Calgary - North West | 143 | UCP |
| Calgary - Foothills                       | 261 | NDP | Calgary - Cross      | 514 | UCP |
| Calgary - Edgemont                        | 284 | NDP | Calgary - Bow        | 623 | UCP |
| Calgary - Beddington                      | 543 | NDP | Calgary - East       | 698 | UCP |
| Banff - Kananaskis                        | 303 | NDP | Lethbridge - East    | 636 | UCP |
| 1461                                      |     |     | 2743                 |     |     |
|   |     |     |                      |     |     |

\*Data from the official results

There is a misconception that the UCP won the Alberta 2023 Provincial General Election (PGE) by 151,496 votes, it is more accurate to report the victory by 2743 votes in 6 ridings securing 49 seats of the 44 needed for a majority government, the NDP secured 38 seats. Battleground ridings in a majority of Calgary ridings show how close elections can be, had the NDP won all 12 ridings, Alberta would have an NDP government.

| The 2023 Manitoba PGE Battleground Ridings |     |      |                 |     |    |  |
|--|-----|------|-----------------|-----|----|--|
| Dauphin                                    | 386 | NDP  | Brandon West    | 89  | PC |  |
| Winnipeg -<br>Lagimodière                  | 112 | NDP  | Selkirk         | 470 | PC |  |
| Winnipeg -<br>McPhillips                   | 325 | NDP  | Winnipeg-Tuxedo | 268 | PC |  |
| Winnipeg - Waverley                        | 119 | NDP  | Interlake-Gimli | 683 | PC |  |
| Winnipeg Kirkfield<br>Park                 | 661 | NDP  |                 |     |    |  |
| Keewatinook                                | 762 | NDP  |                 |     |    |  |
| Winnipeg Kildonan-<br>River East           | 729 | NDP  |                 |     |    |  |
| 3094                                       |     | 1510 |                 |     |    |  |

This is also reflected in the 2023 Manitoba Provincial Election where the election was decided by around 3000 votes.

\*Data from the official results

The expanding digital evolution in our elections presents a set of concerns unique to that form of voting, however there are other areas of concern that allow for methods of influence, voter fraud and loss of public trust in our elections. Areas of concern include,

- Access to information
- Foreign influence
- Canadian regulation
- Voter identification
- Register of Electors
- Proprietary information
- Legislation

## 3 ACCESS TO INFORMATION

The FOIP act was created for the purpose to allow any person a right of access to the records in the custody or under the control of a public body. For municipal election bodies this works because the City Clerk is a public service, the City Clerk who reports to the City Manager is also designated the clerk of quasi-judicial Tribunals, FOIP head and Returning Officer for the city's elections.

The Chief Returning Officer that oversees elections at the provincial level is an Officer of the Legislator, therefore exempt from the FOIP Act due to section 4(1) (d). Elections AB has been extremely forthcoming with information regarding elections in Alberta yet there are some requests that go unfulfilled.

#### Example

A FOIP request was successfully executed through the City of Calgary regarding the contracts and Requests For Proposals (RFP) for the Election Management Software Elections Calgary used during the 2021 municipal election. The request was fulfilled without issue however the same request could not be fulfilled by Elections AB due to the FOIP act section 4(1)(d). Elections AB was also requested by email for the same information, unfortunately the request was also denied. There are a variety of other Canadian provinces that allow applicants to access information through a FOIP like request, including;

- Elections BC has a request form (<u>Doc</u>) that allows applicants to fill out a formal request.
- Elections QC is subject to the Access Act (Web).
- Elections NS responds to requests under the FOIPOP act (2021.p13)
- Elections PEI confirmed by email it responds to FOIPP requests for day to day operations.
- Elections YT confirmed by email that although the ATIPP office would decline any requests they receive due to the office of the Chief Returning Officer not being a public body, they would have likely released the information provided in the example as it would be considered a public record.
- Elections Canada has a guide (<u>Web</u>) instructing applicants how to fill out an information request.

| Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Government<br>Governmen | Form  | Protected when completed  |
|---|---|---|
| Federal government institution  |   |   |
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## **4 FOREIGN ELECTION COMPANY'S**

Currently, Canada utilizes a variety of foreign companies to supply election software and hardware used in elections across the country. While some of these companies are based in the US, others have connections to countries outside of North America. Companies that have been identified, but not limited to, include the following:

- Elections Systems & Software (ES&S), which provides tabulators, is a USbased company entirely owned by the investment firm McCarthy Group LLC. (Web)
- KNOWiNK is a US-based company that supplies election management software (EMS) used to check in and scratch off electors. (Web)
- Fujitsu Consulting developed the (EMS) used in elections in British Columbia; the company's headquarters is in Japan. (Web)
- Smartmatic is a US election equipment provider that was involved in Venezuela's 2004 election(<u>Web</u>)
- Konnech Inc. is an elections software company based in the US.









## 4.1 KONNECH INC.

Konnech Inc. is a US-registered software developer with a primary focus on election management software (EMS). It was founded in 2002 by Eugene Yu and has produced various software-based products for various election bodies and institutions.

In 2006, Konnech Inc reached an agreement with the Confucius Institute at Michigan State University to begin work on an interactive communication platform and Chinese language learning tool titled ChineseBrief. Confucius Institutes that are partly funded by the United Front Work Department have been included in testimony regarding foreign influence in Canadian federal committees(<u>43 No.30</u>), the US government have labeled Confucius Institutes a Foreign Agent.(<u>Web</u>)

In 2008, Konnech started trial runs of its new EMS, Pollchief, in Detroit, MI. This software would later expand to 32 clients across North America, including Edmonton, Calgary, and Regina.

In 2012, Konnech launched its Election & Census Logistics Management System (ECLMS), developed to meet the needs of Canada's elections. The ECLMS organizes census and election workers, locations, assets, communications, special ballots, nominations, and results posting.

### 4.2 KONNECH CONTROVERSY

The Legal Affairs and Community Safety Committee for Queensland, Australia, released its report on the inquiry into the 2020 election and by-elections(<u>Doc</u>). In the report, the committee explores various issues and concerns related to the 2020 quadrennial government election. One of the key topics discussed was Konnech Inc., the EMS provider that managed the election.

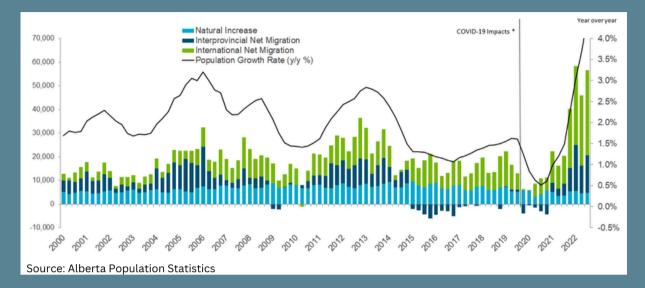
In addition to various security concerns and software issues, Election Services Queensland (ESQ) reported that in January and February 2020, "the delivery of the project was further impacted during the final development and bug fixing stages due to the COVID-19 lockdown in Wuhan, China, where most of the coding resources are based." A FOIP request through the City of Calgary was approved in 2020 for the contracts, RFPs, and invoices for Konnech Inc. The FOIP request confirmed the abilities and access that were available to Pollchief, the Konnech EMS system.

- Ability to accept and upload of election results;
- Ability to release official results for school boards and other agencies;
- Ability for non-IT users to access the system;
- Ability to maintain and import a list of registered voters
- Ability to track and manage all election and census supplies and voting equipment
- Ability to maintain a special ballot registry that can be searched, sorted and filtered.
- Ability to capture, view and search by all stored personal information for election and census workers by:
  - First Name, Last Name
  - Address
  - Email Address
  - Contact Number
  - Emergency contact by name, address, phone number and relationship

Shortly after the FOIP request was made, Calgary terminated its contract with Konnech Inc. The City of Edmonton and the City of Regina are still currently under contract with Konnech Inc.

On October 4, 2022, Eugene Yu, the CEO of Konnech Inc., was arrested(<u>Doc</u>) for the alleged theft of personal identifying information of election workers and storing it on Chinese servers.

# 5 VOTER IDENTIFICATION



Alberta has experienced record growth since the post-Covid-19 period, mainly due to international migration. In the first quarter of 2023, Alberta welcomed 17,141 immigrants(<u>Web</u>), accounting for 11% of the 145,417 immigrants that Canada welcomed in the same period. Canada's national immigration target for 2023 is 465,000.

| Province/territory | Population | Population | Y/Y Growth rate |
|--------------------|------------|------------|-----------------|
|                    | Jul-23     | Jul-22     | 2022-2023       |
| Canada             | 40,097,761 | 38,939,056 | 2.98%           |
| NL                 | 538,605    | 531,583    | 1.32%           |
| PEI                | 173,787    | 167,188    | 3.95%           |
| NS                 | 1,058,694  | 1,025,445  | 3.24%           |
| NB                 | 834,691    | 809,568    | 3.10%           |
| QC                 | 8,874,683  | 8,672,185  | 2.34%           |
| ON                 | 15,608,369 | 15,145,006 | 3.06%           |
| MB                 | 1,454,902  | 1,413,409  | 2.94%           |
| SK                 | 1,209,107  | 1,178,422  | 2.60%           |
| AB                 | 4,695,290  | 4,510,891  | 4.09%           |
| BC                 | 5,519,013  | 5,356,284  | 3.04%           |
| YT                 | 44,975     | 43,905     | 2.44%           |
| NWT                | 44,972     | 44,685     | 0.64%           |
| NVT                | 40,673     | 40,485     | 0.46%           |

Alberta registered the highest annual net interprovincial gains of any province or territory recorded in the current data series.

### **5.1 ELIGIBLE VOTERS IN ALBERTA**

The Elections Act, prior to 2017, in section 16, described persons entitled to be listed as electors as Canadian citizens, at least 18 years of age, having been or will have been ordinarily resident in Alberta for at least 6 months as of that date, and being ordinarily resident in the electoral division and subdivision for which that person's name is to be included on the list of electors. The 6-month residency clause was removed in 2017 when Bill C-29, 'An Act to Strengthen and Protect Democracy in Alberta' (29.S14), came into law.

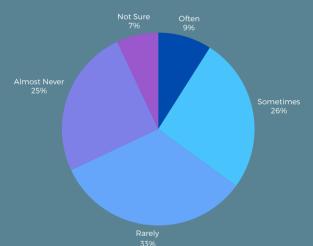
Other provinces with a 6 month clause include:

- BC
- SK
- MB
- QC
- NB (40 Days)
- NS
- PEI
- YT (12 months)
- NT
- NU (12 months)

Only three provinces, Alberta, Ontario, and Newfoundland, do not have any defined pre-residential status for eligibility to vote in provincial elections.

Elections in Alberta have made significant progress in expanding voter access by removing barriers and reducing restrictions on voter eligibility. Acceptable identification for elections in Alberta includes an Alberta driver's license with a current address, a piece of mail with a current address, an attestation form presented by a landlord, or any other form of identification described by the Chief Returning Officer. While a government-issued driver's license can confirm whether a person is a resident of Alberta, there is no distinction between the ID of a Canadian citizen and a permanent resident, visitor, or refugee living in Alberta who has received an Alberta driver's license.

The Election Act and the LAEA defines an elector as a *Canadian citizen*, 18 years of age or older, and ordinarily resident in Alberta. Once added to the List of Electors, a voter becomes eligible to vote. While election officers ask about citizenship when a non-registered voter declares their intent to vote, there is no requirement for proof of citizenship. Elections AB confirmed that even after the post-election addition of new declarations to the Register of Electors, there is no method to confirm whether a registered elector is a Canadian citizen.





Part of Elections Canada's mandate(<u>Web</u>) is to gather information through conducting public education campaigns on voter registration and voting. In a survey about voter fraud in Canada(<u>Web</u>), one out of three electors believes that someone who votes but is not a Canadian citizen constitutes a type of voter fraud that does occur in Canada (35%). Among those, 43% of electors living in Alberta were particularly likely to believe it.

# 6 THE REGISTER OF ELECTORS

Elections Alberta maintains a permanent register of electors, with maintenance activities performed year-round. Elections Alberta estimates that 10-15% of voters need to register at a voting place, while the remaining 85-90% are already registered either through online registration or prior election registration.

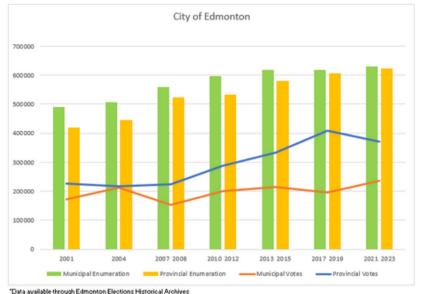
Following an election, data entry is completed on all new declarations to review and update the Register of Electors. This ensures that everyone who makes a declaration will be on the list for the next election, provided they still reside at the same address or do not request removal.

Currently, in Alberta, no municipalities make use of a List of Electors. Calgary discontinued its use in 2020, and Edmonton stopped using a list in 1995. Due to the included referendum, planning for the 2021 Edmonton and Calgary elections were supported by estimated eligible voter data provided by Elections Alberta. Edmonton Elections confirmed that 'a list of electors can only be provided to candidates in jurisdictions that use one.'

In Calgary, there were calls from incumbents before the election not to provide a list to candidates due to the controversy involving a particular candidate. Any list, if there was one, was canceled, and the City of Calgary followed Edmonton's approach by having Elections Alberta provide an estimated voter count to be used for the municipal election.

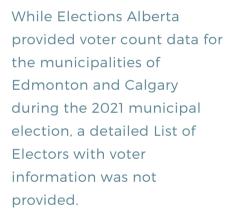
Due to Section 49 of the LAEA, municipalities 'may' prepare a permanent list of electors, and if the bylaw is enacted, the city council 'may' enter into an agreement with the Chief Returning Officer under the Election Act to receive information from the Chief Electoral Officer that will assist the municipality's secretary in compiling or revising the permanent electors register. According to Elections Alberta, these were the first municipal elections to make use of the provincial Register of Electors to provide an estimated voter count of eligible electors.

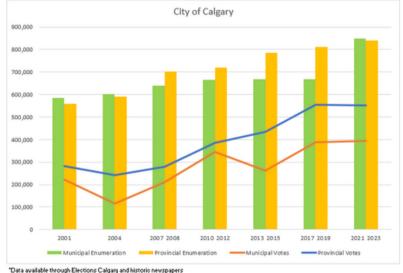
#### **6.1 PROVINCIAL VS MUNICIPAL**



"Data available through Elections Alberta PGE reports

After Edmonton canceled their enumeration process in 1995, the city estimated their enumeration data using various methods such as census data and other sources. Prior to the 2021 municipal election, in response to a City of Edmonton councilor, the city's Returning Officer provided a report to City Council two years later on a permanent record of electors and voters list(Doc).





<sup>&</sup>quot;Data available through Elections Alberta PGE reports

The data supplied was used to produce voter turnout statistics and for election planning purposes. All electors were considered new declarations when registering to vote. During the municipal elections, anyone who could provide the required ID criteria was eligible to vote.

- Must be a Canadian citizen
- Must be 18 years of age
- Must be a resident of Alberta with a place of residence within the local jurisdiction on election day

### **6.2 ELECTIONS CANADA**

Elections Canada also shares voter registration information(<u>Web</u>) with provincial and territorial electoral agencies where data-sharing agreements exist. Information is shared in accordance with the Canada Elections Act. Information sources used by Elections Canada include:

- Canada Revenue Agency
- Immigration, Refugees, and Citizenship Canada
- Department of National Defence
- Provincial and territorial drivers license agencies
- Provincial and territorial vital statistics agencies
- Provincial and territorial electoral agencies with permanent voters lists
- Voters lists from elections in provinces and territories
- Voters lists from federal elections, by-elections and referendums
- Information given to Elections Canada by electors when they register to vote
- Information from youth voter information
- Information about newly eligible electors who registered in the federal Register of Future Electors and turned 18 years old.

Elections Alberta has confirmed that they are actively engaged in a data-sharing agreement with Elections Canada to receive and send data to assist in revising the register. This includes name, date of birth, gender, and address details. Section 13.2(1) of the Election Act authorizes the information sharing with Elections Canada.

Elections Canada has also confirmed that they share elector information to help create more complete electoral lists and to save electors the trouble of registering or updating their information more than once. While Elections Canada has confirmed the data sharing between provinces, territories, and some municipalities, it is unclear how many or which ones they are in agreement with, other than Alberta.

## **7 PROPRIETARY INFORMATION**

One of the fundamental pillars of integrity within elections is public trust. When public trust begins to erode, citizens may choose not to participate in the democratic process, leading to the breakdown of democratic governance(<u>Garnett and Leibel, 2022</u>). Currently, elections within Alberta are evolving with the slow introduction of various forms of electronic voting. This form of voting, which includes various types of equipment and software, removes levels of transparency due to the proprietary nature of the equipment and software, which is shrouded in secrecy from scrutineers and voters.

It is understandable that elections will continue to evolve by incorporating even more technology meant to bring efficiency and expediency to elections, but these conveniences currently come at the cost of public trust. This has been documented as one of the reasons that Quebec has placed a moratorium on all electronic voting. The reasons include:

- The obligation for suppliers to provide access to all information concerning voting systems, in particular the source code, software, characteristics, operation, technological infrastructure, parameters and data recorded on
- The swearing in of all personnel assigned to system and software programming, installation, technical support and troubleshooting.
- The establishment of strict measures for the safe storage and custody of the electronic voting systems used.
- The adoption of measures aimed at the destruction, by supplier, after the ballot, of the data recorded on the electronic voting systems.
- The obligation for suppliers to ensure the protection of personal information appearing on the lists of electors to which they have access.

Quebec has had this moratorium in place since 2006.

the devices and memory cards.

### 7.1 CHAIN OF CUSTODY

The chain of custody documents the movement of ballots and voting components throughout their collection, safeguarding, and analysis lifecycle. It records each person who handles the information, the date and time of collection or transfer, and the purpose of any transfer. With proprietary equipment and software, we lose visibility into a link in the chain of custody.

Even if the public has a good reason to believe that electronic versions of their votes are securely reaching the vote counting process, the challenge is to continuously provide the public with reasons to trust a vote counting process that isn't directly observable by ordinary officials and scrutineers.

Voting machines, such as direct recording electronic (DRE) devices, that incorporate a conventional general-purpose computer and operating system into them, are problematic and likely to remain controversial. Their use typically demands a level of trust that technically-aware voters, in particular, may be hesitant to provide, given the significant challenges computers and their software pose to scrutineers and auditors. This hesitation is exacerbated by the current, and understandable, public concern about software bugs, Trojan horses, viruses, and so on.(<u>Randell and Ryan, 2006</u>)

# 8 LEGISLATION

### 8.1 JUDICIAL RECOUNTS

Municipal Elections in Alberta are governed by the LAEA. Some municipalities rely on the use of tabulators to count the ballots during an election. Even when a recount is requested, a recalibrated tabulator with the same logic and accuracy is used for the recount, and a hand count is never employed. After the 2021 Calgary municipal election, an application was filed by a candidate for a judicial recount due to the margin of victory being less than 100 votes.

When the judge ruled on the recount, section 84.3 of the LAEA was cited as the reason why a judicial recount could not be ordered. Section 84.3 states that "sections 75, 85 and 103 to 115 do not apply when the votes of electors are taken by any means provided for in sub section (1)." Section 84 (1) states "An elected authority may by bylaw provide for the taking of the votes of electors by means of voting machines, vote recorders or automated voting systems". Sections 103 to 115 outline the process for a judicial recount.

### **8.2 SPECIAL BALLOTS**

Within the LAEA, Section 77 outlines the process for a special ballot. A special ballot is a method of voting utilized by anyone with a physical disability, anyone absent from local jurisdictions, or anyone holding positions such as a returning officer, deputy returning officer, substitute returning officer, constable, candidate, official agent, or scrutineer, who may be located on election day at a voting station other than their place of residence.

Section 77.2 outlines the methods of voting by special ballot available in the following forms:

- In writing
- By telephone
- By fax
- In person
- By email
- By secure website (internet voting)

### 8.3 RECOUNTS

Section 98.2 of the LAEA outlines the recount process. Subsection c outlines the method of the recount to 'proceed to count the ballots contained in it in the same manner as the deputy presiding at the voting station is directed to do.' If tabulators were used in the election, then tabulators are to be used in the recount; no hand counts are possible where electronic voting equipment is used.

## 9 **RECOMMENDATIONS**

#### 9.1 FREEDOM OF INFORMATION AND PRIVACY REQUEST ACT

Recommendations regarding the Freedom of Information and Privacy Act and its association with the Chief Returning Officer are drawn from the provinces listed as examples.

Elections QC is subject to the Access Act(<u>s.3</u>), which encompasses all public bodies. The act defines a Public Body as the government, the Executive Council, the Treasury Board, ministries, government bodies, municipal bodies, educational bodies, and health or social services establishments.

Also considered to be public bodies, for the purposes of this Act, are: the lieutenant-governor, the National Assembly, an organization whose members it appoints, and a person it designates to exercise a function under its supervision, along with the staff they direct.

Public bodies do not include courts within the meaning of the Courts of Justice Act.

Elections NS states that it responds to FOIPOP requests, and upon examining the act under section(<u>4.2</u>), notwithstanding subsection, nowhere is an officer of the legislature listed as exempt from the act. Elections Canada, much like Elections NS, falls under the Access to Information Act. Under exemptions(<u>s.13</u>), Elections Canada is not listed, nor is the Chief Returning Officer.

By amending the FOIP act to remove the officer of the legislature from the list of exemptions, as seen in the examples from various other provinces and even federally, Elections AB would be subject to the FOIP Act.

#### 9.2 FOREIGN REGISTRY

A Foreign Registry would be instrumental in identifying individuals who may seek to engage in overt or covert activities. Still, it does not address the issue of foreign election equipment. Alberta has examples of legislation that register foreign corporations, but nothing specifically related to elections. Legislation governing foreign ownership of land was introduced in 2021, regulating land ownership by foreign corporations(<u>Web</u>). Similar legislation could be introduced for foreign election companies, enabling the Alberta government to regulate the following:

- Data storage
- Data destruction
- Oath of secrecy for personal
- Testing of equipment
- Transparency of equipment
- Protection of personal information

#### 9.2.1 KONNECH INC.

Terminate any and all contracts with Konnech Inc.

#### 9.3 VOTER IDENTIFICATION

As we observe an increase in immigration, the issue of non-citizen participation will also continue to grow due to the lack of proper voter identification. The solutions to these issues would require the assistance of the federal government; An audit of the Register of Electors with the help of E

Amend the Election Act and the LAEA to eliminate the option of using an attestation form as a form of ID. Attestation forms make it very convenient for landlords of multi-dwelling units to provide this form of ID to anyone living in their units. This also raises concerns, especially if the landlord resides in a foreign country.

Amend the Election Act and the LAEA to reinstate the 6-month requirement before being eligible to vote. With Alberta experiencing significant growth due to both interprovincial and international migration, it is reasonable for Alberta to align with the time frame that the majority of provinces in Canada also follow.

#### 9.4 THE REGISTER OF ELECTORS

The Register of Electors managed by Elections Alberta has been utilized not only in municipal elections but also to assist in populating Elections Canada's Register of Electors. While Elections Alberta does a commendable job, there is no transparency regarding the accuracy of the Registry. This raises questions about the accuracy of municipal lists and even the lists from Elections Canada.

At the federal level, the Privacy Commissioner has the authority to audit the collection, storage, updating, and use of information for the National Register of Electors at any time, ensuring the protection of the privacy rights of electors. In 2003, British Columbia released a report titled "Quality Audit, Coverage, and Currency of Federal and Provincial Voters Lists in British Columbia"(Doc). The report outlines the process for conducting an audit on the Register of Electors and presents the results of the audit.

In Colorado, US, state legislators introduced an annual statewide audit of the voter registry(<u>Doc</u>). This audit must include at least 20% of the active registered electors in each county, without duplication, over five consecutive years. The auditor is required to determine whether the data in the statewide voter registration list can be validated against other official records, including death records, property records, and tax records.

#### 9.5 ELECTOR FEEDBACK

After an election, a report is generated, along with recommendations to be considered for introduction into legislation by the Standing Committee. Other stakeholders, including Alberta Municipalities, Returning Officers involved in the elections, and the Chief Returning Officer, also contribute to these recommendations. However, there are stakeholders not considered in these recommendations: the electors.

It is recommended that an official channel be established for any elector to submit recommendations for any additions or changes to election legislation.

#### **9.6 PROPRIETARY INFORMATION**

When discussing the Chain of Custody in relation to proprietary information, the issue of transparency with regards to electronic voting equipment becomes evident. If electronic voting equipment is to be used in elections, then, for the sake of transparency, integrity, and public trust, proprietary software or hardware should not be allowed.

Alberta could also follow the lead of Quebec by implementing a moratorium on all electronic voting until the various issues that erode public trust in elections can be resolved. Quebec, with a population almost double that of Alberta's, has managed to conduct elections for nearly 20 years with this moratorium in effect.

Other options, such as 'Track your Vote' technology(<u>Ohio</u>), could also be employed in elections. This system allows voters to track their ballot and confirm that their vote was counted as intended. Examples of this can be found in various U.S. states.

### 9.7 LEGISLATION

- Amend section 84.3 of the LAEA to allow for judicial recounts
- Amend section 98 of the LAEA to allow for the possibility of headcounts
- Amend section 77.2 of the LAEA to remove the options for;
  - Vote by Phone
  - Vote by Secure Website

# **10 CONCLUSION**

As I wrote this report, there was always one underlying reference to draw from when addressing issues with how elections in Alberta are conducted: public trust. When public trust begins to erode in elections, so does the trust in elected regimes(Kerr Lührmann, 2016). Due to a lack of public trust, a policy resolution was submitted by the UCP constituency association of Banff-Kananaskis to restrict the use of tabulators, it was passed with overwhelming support from the members at the AGM. This policy also serves as an indicator from the public that electronic voting is not trusted among Albertans.

The recent 2023 provincial general election raised a variety of concerns that left voters questioning "what happened?" These concerns included the delay in reporting advanced votes, a sudden increase of 2000 advanced votes in the Banff-Kananaskis riding, the replacement of tabulators in various ridings, the anomaly of no riding existing among the 87 ridings where the UCP won the advanced vote and the NDP won on election day. These are just some of the issues that were present. When voters are confronted with these issues, public trust in our elections decreases.

This report presented a variety of irrefutable avenues that could be exploited by anyone wishing to undermine elections in Alberta. With various ridings won by a small number of votes, it is plausible that a small group of bad actors could alter the outcome of one of these ridings. The report also presented a variety of solutions, many of which have been suggested by experts in their respective fields. These are practical and achievable solutions as long as there is the political will to implement them.

Elections Alberta is a respected and highly valued independent organization that has done commendable work in conducting elections in Alberta. However, when expediency, efficiency, and cost-effectiveness supersede transparency and integrity, the result will be a reduction in public trust in our elections and, by extension, our government. For democracy to flourish in a healthy and engaging manner, the public must have the utmost trust in the mechanisms of their democracy. Without public trust, we have public apathy.