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**Attn: Lorne R. Gibson, Chief Electoral Officer**

Dear Sir:

We write on behalf of the Alberta Liberal Party. We call upon you to take special steps to uphold the *Election Act* in the administration of this election, generally and in respect of the constituencies detailed below.

Section 4 of the *Election Act* gives you as the Chief Electoral Officer the power and the responsibility to “*enforce on the part of all election officers fairness and impartiality in the conduct of their duties and compliance with this Act...*”.

Section 4 of the *Act* also says that you shall “*issue to election officers any information and guidance the Chief Electoral Officer considers necessary to ensure the effective carrying out of this Act*”.

Section 4 also says that you shall “*provide guidance, direction and supervision respecting the conduct of all elections ... conducted under this Act*”.

As you know, the Cabinet practice of appointing nominees of the Progressive Conservative party as Returning Officers has been front and centre as an issue in this election campaign. Your own office has confirmed that “about half” of the Returning Officers this election have close connections to the Conservative Party. The spokesman for Mr. Stelmach has left no doubt that the Conservative Party is the source of Returning Officer appointments:

*On Thursday, Stelmach insisted he had nothing to do with selecting the returning officers. Tom Olsen, a spokesman for the premier, later clarified that Conservative MLAs and Tory constituency associations put names forward to party officials, and those officials submit the list to the chief electoral officer at Elections Alberta. Cabinet then approves the choices through an order-in-council.*

—Edmonton Journal, February 15, 2008

Late yesterday came the public revelations that one Linda Brown is the Returning Officer for Edmonton-Castle Downs; and that Ms. Brown is a former Executive Assistant to the incumbent MLA and Progressive Conservative candidate, Thomas Lukaszuk.

You will be well aware that in the 2004 general election, the contest between Mr. Lukaszuk and Alberta Liberal candidate Chris Kibermanis was decided in favour of Mr. Lukaszuk by only three votes. This happened on appeal, after Mr. Kibermanis had won the unofficial count, the official count and one judicial recount. Mr. Kibermanis is the Alberta Liberal candidate again in this election.

You will also be aware of the following facts:

- Edmonton-Meadowlark Returning Officer **Allie Wojtaszek** is the wife of the PC constituency association president Duncan Wojtaszek. She was the manager for PC candidate Raj Sherman's nomination campaign. She maintained a partisan blog that included posts denigrating both the departing Alberta Liberal incumbent and the Alberta Liberal Party candidate in this campaign.
- Calgary-Currie Returning Officer **Robin Darsi** unsuccessfully ran for the PC nomination for this election in that constituency.
- Calgary-North Hill Returning Officer **Andrea Grubbe** is the current Secretary of the North Hill PC constituency association.
- Calgary-Montrose Returning Officer **Lynn Warkentin** is married to Montrose PC constituency association Treasurer and Nomination Chair, Frank Warkentin.
- Calgary-North West Returning Officer **Don Severs** was former Energy Minister Greg Melchin's campaign manager in 1997 and 2001 and his financial officer in 2004
- Edmonton-Decore Returning Officer **William Maxim** is a past president of the PC constituency association.
- Calgary-McCall Returning Officer **Shirley Barwise** was Returning Officer in that constituency in the 2004 election. A scrutineer that election went public with complaints of openly partisan behaviour at his polling station.
- Fort Saskatchewan-Vegreville Returning Officer **Ralph Soldan** contributed as much as \$1,000 to Ed Stelmach's 2006 leadership campaign.

We believe that these facts have created a widespread public perception that Returning Officers are biased. We say that these facts demonstrate a compelling need that the election in general, and particularly in these constituencies, be administered in a way that is both impartial and seen to be impartial.

Ms. Brown's appointment in Edmonton-Castle Downs is an outrageous case. It is bad enough that a person with any kind of past employee relationship with the sitting MLA could become a Returning Officer. But when the relationship is so recent, and when the job was political in nature, the circumstances completely undermine any presumption of impartiality that a Returning Officer might otherwise be entitled to.

Any judge or adjudicator in such circumstances would disclose the past employment relationship and refuse to act because of an apprehension of bias. How can any lesser standard be expected of a Returning Officer? And, we ask, if these facts do not warrant special efforts on the part of your office to "*enforce ... fairness and impartiality... and compliance with this Act*", what facts would?

With all respect, this is not a case in which your office can credibly decline to become involved. You are an officer of the Legislature; we therefore say that your office has an obligation to act without regard to any instructions from the government or fear of retaliation. We say that your office cannot credibly rely upon a lack of resources, nor can it credibly demonstrate any unwillingness to scrutinize the anti-democratic practices of the ruling party when those practices have become so notorious.

Therefore, we call upon you to take the following measure on a province-wide basis:

1. In advance of Election Day, issue unequivocal instructions to every election official in every constituency about their obligations of fairness and impartiality and ensure that they understand those obligations.

We call upon you to take the following measures in the constituencies identified above. We reserve the right to request these measures be extended to other constituencies where we learn that circumstances warrant.

2. Appoint officials responsible to your office to conduct unannounced spot checks of every poll during the course of voting.
3. Appoint officials responsible to your office to be present during the unofficial count by Deputy Returning Officers at the close of the polls.
4. Retain impartial outside assistance for these tasks if your staff is insufficient to do so on its own. Retain lawyers, experienced election observers, or officials from other jurisdictions as temporary members of your office staff and designate them for this task.

5. Undertake to have an official of your office present observing the official count on March 13.

And we call upon you to take the following special measure in Edmonton-Castle Downs:

6. That you as the Chief Electoral Officer be personally present observing the official count on March 13 in that constituency.

We request an official response to this letter at the earliest possible opportunity.

We also advise that this letter will be made public later this afternoon.

Yours sincerely,

Original Signed

Original Signed

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Glenn Rollans

and

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*for* Darryl Raymaker

Co-Chairs, Alberta Liberal Campaign 2008