

MEMORANDUM

From: Justice John Klebuc
Fmr. Chief Justice
Province of Saskatchewan

Date: August 14, 2023

To: Dr. Michael Boda
Chief Electoral Officer
Province of Saskatchewan

Re: 2023 By-Election Ballot Count
Confirmation

On April 20, 2023, the Chief Electoral Officer submitted a series of directives to the Board of Internal Economy outlining his intent to use the authority he has under section 5.1 of *The Election Act, 1996* to use alternate procedures, equipment or technology during the pending by-elections. This included the use of Vote Counting Equipment (CEO Directive 2023-005).

A further directive (CEO Directive 2023-008) was submitted on June 13, 2023 outlining the process for a ballot count confirmation to be performed on those ballots counted by vote counting equipment. As the directive states, "The purpose of this ballot count confirmation process is to verify the accuracy of vote counting equipment used in the by-elections and to learn how vote counting can be improved in advance of the next general election in October 2024."

On July 13, 2023, pursuant to an Order of the Lieutenant Governor in Council, writs of election were issued by the Chief Electoral Officer for the constituencies of Lumsden-Morse, Regina Coronation Park, and Regina Walsh Acres. In the Constituencies of Regina Coronation Park and Walsh Acres, all voting locations open to the general public used vote counting equipment as defined in CEO Directive 2023-005. In Lumsden-Morse, voting locations used on all six days of voting employed vote counting equipment. However, on the sixth day of voting, there were additional voting locations where ballots were counted manually.

With respect to which ballot boxes are to be inspected, the directive submitted on June 13 specifies that "Within the constituency with the closest margin of victory between the candidate with the most votes and the candidate with the second most votes, all ballots counted by vote counting equipment will be inspected."

Based upon the results of the preliminary count on August 10, 2023, the constituency of Regina Walsh Acres had the closest margin of victory. As such, all five ballot boxes that had been counted with Vote Counting Equipment were selected for confirmation.

With respect to the other two constituencies, Regina Coronation Park and Lumsden-Morse, the directive further specifies that “A minimum of one ballot box from a voting location within each constituency where vote counting equipment was used will be randomly selected, opened and the ballots inspected under the supervision of independent election audit officials.”

Mr Justice Klebuc oversaw the placement of the names of all vote counting equipment locations into a black bag and the following ballot boxes were selected: for Regina Coronation Park, Imperial Community School, and for Lumsden-Morse, Canswan Building.

The ballot boxes listed above were opened on August 14, 2023 under the direction of myself, Fmr. Chief Justice John Klebuc and Dr. Keith Archer. The ballots were then inspected and counted by election officials under my supervision and in a process open to candidates and their representatives. The following tables contain both the results from the preliminary count on August 10 as well as the results from the Ballot Count Confirmation held on August 14.

Lumsden-Morse: Canswan Building Ballot Box

	Preliminary Count Results	Confirmation Results
Candidate	Votes	Votes
Les Guillemain, Buffalo Party of Saskatchewan	5	5
Kaitlyn Stadnyk, New Democratic Party	62	62
Isaiah Hunter, Saskatchewan Green Party	2	2
Blaine McLeod, Saskatchewan Party	375	375
John Hromek, Saskatchewan United Party	94	94
Rejected in Canswan Building Ballot Box		
Total Ballots Cast in Canswan Building Ballot Box	538	538

Regina Coronation Park: Imperial Community School Ballot Box

	Preliminary Count Results	Confirmation Results
Candidate	Votes	Votes
Noor Burki, New Democratic Party	356	356
Olasehinde Ben Adebayo, Progressive Conservative Party of Saskatchewan	42	42
Kendra Anderson, Saskatchewan Green Party	14	14
Riaz Ahmad, Saskatchewan Party	154	154
Reid Hill, Sask Progress	16	16
Rejected in Imperial Community School Ballot Box		
Total Ballots Cast in Imperial Community School Ballot Box	582	582

Regina Walsh Acres – All Vote Count Machine Ballot Boxes

	Preliminary Count Results	Confirmation Results
Candidate	Votes	Votes
Jared Clarke, New Democratic Party	2,395	2,395*
Rose Buscholl, Progressive Conservative Party of Saskatchewan	215	215
Joseph Reynolds, Saskatchewan Green Party	38	38*
Nevin Markwart, Saskatchewan Party	1,783	1,783*
Rejected	2	2
Total Ballots Cast	4,433	4,433

*In one ballot box in Regina Walsh Acres, the hand count produced one less for Clarke and one more each for Markwart and Reynolds than the vote machine count. A recount of the ballots was ordered by the CEO, and the results of the

hand count then matched the original vote machine count, as the human error was eliminated. Likewise, in another ballot box, the hand count produced one extra vote for Clarke. The CEO ordered a recount, and the subsequent result matched the original machine count.

Based on my direct observation of the entire hand count confirmation process, and in view of the finding that the results of the hand count confirmation exactly match the voting machine count, I hereby attest to the accuracy of the voting machine count of ballots used in the by-elections of August 10, 2023.

Attested to on this day, August 14, 2023 by



Justice John Klebuc
Fmr. Chief Justice
Province of Saskatchewan



Dr. Keith Archer
Fmr. Chief Electoral Officer
Province of British Columbia