



April 14, 2011

SENT VIA FACSIMILE

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Dear Mr. Boutet:

Re: Polling irregularities in Guelph

Thank you for speaking with me on numerous occasions yesterday afternoon in respect of voting irregularities in the electoral district of Guelph. Given the circumstances which transpired at the University of Guelph yesterday, I wish to confirm in writing the content of our discussions.

The purpose of my first call to you yesterday was to address what appeared to be a simple matter of the exclusion of a scrutineer at a time when ballots were being provided to individuals purporting to be on the list of electors within the Guelph electoral district. After our various discussions, you expressly confirmed to me that no advance poll or other form of polling had been sanctioned by Elections Canada for any location at the University of Guelph that day, and that accordingly, any ballots which had been received and placed in the ballot box then located at the University of Guelph were a nullity, which would not be recognized, counted or used for any purpose relating to the 41st general election now underway. Given that express representation by you, acting in your role as authorized by the Chief Electoral Officer of Canada (the "CEO"), many related concerns with respect to the manner by which this polling was being conducted became moot.

You will know that in a subsequent telephone discussion between us yesterday afternoon, further concerns were raised regarding potential polling or supposed "registration of voters" which was being conducted on the campus of York University in North Toronto. In that subsequent telephone discussion, you once again confirmed that no polling at any university campus had been sanctioned by the CEO, and that as such, no person purporting to be on a voter's list should have been provided a ballot under

any circumstances on April 13 at any polling station which was not located within the office of a Returning Officer.

Following our discussions, I am advised that the Returning Officer for the electoral district of Guelph, or an individual identifying herself as the Returning Officer personally attended at the University of Guelph to order that the collection of completed ballots from supposed voters continue, and further, that the hours the poll would remain open were extended for a second time that day, such that this supposed poll remained open beyond 7:00 p.m. Indeed, the final ballot was cast and put into a supposed special ballot box at 8:00 p.m. last evening. The ballot box in question was identified as special ballot box #2 and bore the marking 351-700. It is further my understanding that two seals were affixed to this ballot box, the top seal bearing #1030701 and the bottom seal bearing #1030702.

As you know from our discussions, the opportunity of candidates in the electoral district of Guelph to scrutineer during this "voting" did not comply with the requirements of the *Canada Elections Act*. But for the representation which you made to me during our telephone discussions yesterday, that all of the ballots placed special ballot box #2 (or any other ballot box utilized) were a nullity, the Conservative Party of Canada and its candidate in the electoral district of Guelph would have a number of challenges and complaints with respect to the ballots now collected during this supposed polling event at the University of Guelph yesterday.

However, on the strength of the unequivocal, express representation you provided yesterday, in accordance with the authority provided to you by the CEO, we require immediate confirmation from the CEO and the Returning Officer from the electoral district of Guelph that this ballot box and all of its contents will remain sealed and that none of the ballots contained therein will under any circumstances be combined with, added to or otherwise dealt with when the final tabulation of votes cast for the various candidates in the electoral district of Guelph takes place. We require this confirmation from the Returning Office and the CEO in writing without delay.

On a related note, a scrutineer who attempted to be present with this ballot box as it was located at the University of Guelph yesterday noted that many of the controls required for a polling location were not in place. Specifically, at the time when ballots were being provided to voters and placed in special ballot box #2, partisan election materials from various candidates contesting the election in the electoral district of Guelph were present in the polling location and indeed immediately proximate to the location of the ballot box. We trust the CEO and the Returning Officer for the electoral district of Guelph will agree that such unrestricted polling conditions fall markedly below the standard required by the *Canada Elections Act*.

To ensure immediate attention to the matters raised in this letter, I have taken the liberty of providing a copy of this letter to Mr. Mayrand, one of his counsel, and the Returning Officer for the electoral district of Guelph.

Once again, thank you for your prompt attention and definitive determination on the impropriety of the events at the University of Guelph with respect to this supposed polling location yesterday afternoon.

Yours very truly,



Arthur Hamilton

ALH/sd

cc: Marc Mayrand
Chief Electoral Officer of Canada

cc: Ms. Anne Budra
Returning Officer
Guelph EDA

cc: Stéphane Perrault
Senior General Counsel
Elections Canada