

2022 Anchorage Municipal Election
Report to the Election Commission
Request to Deny Certification of the Election Results
Request for a Hand Count of Ballots

Summary

The Anchorage Assembly will meet in executive session and consider the certification of the Municipal election on April 26 (item 12 on the Agenda). During the same executive session and immediately thereafter, individuals will be sworn in and the Assembly will reorganize itself. However, the Anchorage Municipal elections were not appropriately conducted for the many reasons listed below and the results should not be certified.

1. Violations of Municipal laws (ordinances);
2. Voter suppression when clusters of voters in the Sand Lake and Jewel Lake areas did not receive their ballot. In one neighborhood at least 25% of the voters had not received their ballots. The Municipal Clerk knew of this by March 31 and took no action to effectively address the disenfranchisement of hundreds or thousands of voters;
3. Possible tampering by an individual using a laptop in the “secure” area where ballots are processed and the insertion and retrieval of a thumb drive; and
4. Lack of effective security, accountability and transparency to ensure voting integrity and provide trust in the election process.

Over 30 complaints were filed with the Municipal Clerk and several of these complaints are discussed below. Two complaints were filed because of statutory violations. This included the violation of city ordinance 28.50.220. which requires continuous live streaming 24 hours, 7 days per week of election central. In addition, city ordinance 28.40.020(c) was violated when ballots were not mailed out at least 21 days before election day.

One complaint was filed because of voter suppression (clusters of voters not receiving their ballots) in the Sand Lake and Jewel Lake areas (precincts 22-660 and 22-645). 5,692 ballots should have been mailed out to these areas which have a high number of registered Republican voters and were experiencing a low turnout. The Municipal Clerk was aware that the Sand Lake area was having this problem as of March 31 and on April 3 a complaint was filed. See attached complaint.

One complaint addressed the possible tampering with the software/computer that processes the ballots. The other complaints addressed the lack of effective security, accountability and transparency.

Finally, it is interesting to note that **all complaints were filed by Observers on behalf of candidates challenging incumbents. No complaints were filed by the campaigns of the six incumbent candidates.** It should also be noted that there were no Observers for the incumbent candidates (there were two Observers that briefly dropped in but did not stay long). Common sense and the facts set forth in this report clearly show there is something wrong with this election and there is sufficient suspicion of the results to deny certification of the results and undertake a hand count.

Violation of Laws

At least two City laws were violated during this election. City Ordinance 28.50.220 clearly requires continuous live streaming 24 hours, 7 days per week of election central. This was not being done as required by city ordinance 28.50.220. A complaint was filed to address this issue because there was no continuous live streaming on Saturdays and Sundays. During one workweek live streaming varied widely from 9 to 21 hours.

It is generally known in the community and reported in the News that ballots were arriving late. City ordinance 28.40.020(c) requires that ballots be mailed to voters at least 21 days before election day. A complaint was filed because of this delay.

Ballots Not Received

Aside from the above serious flaws, there is evidence of voter suppression that was not addressed appropriately by the Municipal Clerk's office. There were clusters of voters in the Sand Lake and Jewel Lake areas (district 3) that did not receive ballots. These areas have a high number of registered Republican voters and were experiencing low turnout. The area included precincts 22-660 and 22-645 with a total of 5,692 ballots that should have been received by voters. As of March 31, the Municipal Clerk and Deputy Clerk were aware of this problem but did not take action to appropriately address this issue. Instead they only provided the Observers with a flyer for them to provide to affected voters. This flyer was titled "Can we help you with voting in the upcoming April 5, 2022 Regular Municipal Election?" Thus, the burden was placed on the Observers and campaigns to deal with this important issue.

On April 2nd an Observer was able to survey 28 homes in the Sand Lake area and 7 homes did not receive their ballots. Thus, at least 25% of the homes had not received ballots and on April 3 a complaint was filed. The Municipal Clerk ignored two requests that could have effectively addressed this issue. The April 3 complaint makes the following two requests:

It is understood the Clerk's office intends to have a meeting with the US Post Office regarding this issue and others. Consider this complaint as a request to include Liz Vazquez, her staff and at least one observer present at the USPS meeting. At this time we are not aware if a time and date has been established for the USPS meeting.

Please consider this complaint as an urgent request for the Clerk's office to issue a Public Service Announcement on all available media informing the public of the problem and offering solutions.

The request for a meeting with Post Office personnel to resolve the undelivered ballots was ignored. In addition, the request for the Clerk's office to inform the public about the undelivered ballots was also ignored. On April 18 during the Election Commission meeting Municipal Clerk Jones stated that she had requested information from the Post Office and was waiting for that information.

To date, campaign volunteers have identified over 200 voters that did not receive ballots in the Sand Lake area but the further extent of this problem cannot be fully documented within the short time frame and limited resources.

Lack of Effective Security

There is no real security in Election Central to ensure the integrity of the election.

Election Central consists one big area and the "secure" area is where ballots are processed. This area is not effectively secured and is less than twenty feet from the employee area. There is no physical separation/barrier between the "secured" area where ballots are processed and the area where employees have their desk, file cabinets, computers, printers, shredders, cell phones and personal belongings, etc. Below are specific examples of the lack of effective security that were raised by complaints filed with the Municipal Clerk.

1. **Thousands of Blank Ballots Not Secured** - Returned blank ballots from the Postal Service (undeliverables) were not properly inventoried and placed in a sufficiently secure area. During part of the day these blank ballots were on rolling cart shelves and then placed in the same cage as ballots returned by voters. A complaint was filed and as a result, the blank ballots (now over 17,500) were grouped together with cellophane in packets of 250 ballots. After the complaint was filed, these blank ballots were placed in a "cage" that requires a key for entry. However, this inventory is not complete in that a list of the names and addresses on these blank ballots has not been created. In addition, hundreds if not thousands of blank ballots were in Election Central without effective security before the complaint was filed and addressed.

2. **Numerous boxes in Election Central, including in the secure area.** Numerous boxes (80) were stacked in the "secure" area and surrounding the "secure" area. These boxes were stacked along the north wall and on top of cages. In addition, there were large wooden crates on the upper level. A complaint was filed and several days after it was filed,

election staff with Observers opened each box and sealed it. There should be no boxes in or surrounding the “secure” area where ballot processing occurs.

3. **Trash containers in the vault.** The vault where processed ballots are placed contained three trash containers. It was never fully revealed what was in each of the trash containers on the day they were noticed in the vault. The observer saw ballot envelopes on top of one of the trash containers. A complaint was filed and the trash containers were removed from the vault.

4. **Processing X ballots with witness signatures.** It came to the attention of Observers that ballots signed with an X and with a witness signature were being processed by Election Central employees. A complaint was filed and as a result, Observers were informed when these ballots were going to be processed and invited to observe. When the Observers became involved, they requested verification of the identity of the individuals signing as witnesses. Without the complaint, witness signatures would have remained not identified and verified as registered voters in Alaska.

The above are specific examples of very lax and sloppy practices and behavior that result in the lack of effective security.

Lack of Transparency and Possible Tampering

An alleged employee of Dominion showed up one day and sat in the “secure” area with a laptop.

Aside from the above serious flaws, it appears that there was tampering with the computer and/or software that processes the ballots. This occurred when an individual with a laptop was observed sitting in the “secure” area. This individual was observed requesting an Election Central employee to insert or provide their computer password. This individual was later identified as an employee of Dominion, the company that provides the ballot processing software/computer. Laptops and electronic equipment are not allowed in the “secure” area and Observers and campaigns were never informed that someone would be obtaining access to the software/computer that is processing ballots. On this basis alone the results of this election should be contested.

Request for information denied by Election Employees

Starting on March 25 an individual contacted the Division of Election several times requesting information on the cost of hand-counting ballots. He was ignored until April 19th when the Deputy Municipal Clerk responded.

On April 22 an Observer was in Election Central and requested to see the policies and procedures. Initially, he was informed that they were available only if a Freedom of Information Act request was submitted. A complaint was filed by the Observer. Subsequently, he received a confusing

written response stating that he would not need to submit a Freedom of Information Act request but would be required to pay costs for copying the policies and procedures.

Election Commission Duties

Per Title 28.120.060 A of the Anchorage Municipal Code of Ordinances (Municipal Code), the Election Commission has the following duties:

1. Act in an advisory capacity to the assembly and municipal clerk in the conduct of elections.
2. Study and recommend to the assembly and municipal clerk proposed ordinances relating to elections.
3. Serve as the canvass board for municipal elections.
4. If requested by the assembly investigate election contests and report to the assembly its findings.
5. Make such other studies and recommendations relating to elections and perform such other duties as the assembly may assign.
6. Review and adjudicate the preliminary rejection of questioned and absentee ballots.
7. Review the results of the election tabulation provided by the municipal clerk's office.

Thus, the Commission can recommend to the Assembly that the election not be certified and require a hand count to verify the results.

CONCLUSION

All of the described deficiencies show that the mail-in election recently held lacked transparency and integrity. This has cast a dark shadow on the validity of the election results and the candidates and community deserve better. It is requested that the city undergo a hand count for each campaign that requests it. In addition, observers and candidates should be allowed to watch the counting of ballots. The cost of this hand count should be the city's responsibility. Safeguarding the integrity of elections is an important function of the Assembly, Municipal Clerk and the Election Commission. The candidates should not be penalized for the city's failure in ensuring voting integrity.

Submitted by Liz Vazquez

April 25, 2022

Attachment: April 3, 2022 Complaint regarding ballots still not received in District 3.

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