



November 5, 2020

Russell Biggs  
3910 Geneva Place  
Anchorage, AK 99508

Via email

RE: Recall Petition 2020-04

Dear Mr. Biggs:

The recall petition you submitted on September 28, 2020, regarding recalling Assembly Member Rivera, is determined to meet the requirements of AS 29.26.260 **in part**. The Municipal Clerk's Office has relied upon the Municipal Attorney's opinion that the recall proposed in the application **in part** satisfies the legal standards required for recall. As set forth in the attached memorandum, the Municipal Attorney's opinion is that the allegation of failure to perform prescribed duties as chair of the Assembly meets the standard of legal sufficiency, but the allegation of misconduct in office does not meet the standard of legal sufficiency. The statement of grounds has been modified to reflect this, as follows:

Assembly chair Felix Rivera [~~COMMITTED MISCONDUCT IN OFFICE~~] on August 11, 2020 [~~BY VIOLATING~~] violated EO-15, an emergency order intended to protect the health and safety of Anchorage citizens, issued by the Mayor of Anchorage pursuant to AMC 3.80.060(H) by: 1) knowingly participating in an indoor gathering of more than 15 people (a meeting of the Anchorage Assembly) and 2) continuing to participate in an indoor gathering of more than 15 people at a meeting of the Anchorage Assembly after being specifically informed of the violation. Assembly chair Rivera failed to perform prescribed duties as chair of the Assembly by allowing the August 11 meeting he was presiding over to continue in violation of EO-15 after the violation was brought to his attention by a point of order. Of all citizens in Anchorage the chair of the Anchorage Assembly should have been scrupulous in obeying the gathering limitation established by paragraph 4 of EO-15. His failure to do so needlessly endangered the lives of Anchorage citizens, encouraged the spread of COVID-19 throughout the community, and merits recall from office.

The Municipal Clerk's Office verified that the application's two contact persons and at least 10 sponsors are qualified voters of the Municipality.

In accordance with AS 29.26.270, a Master Form of the Recall Petition has been prepared for you and will be issued tomorrow, November 6, 2020. You may pick up the petition between 8:00 a.m. and 5:00 p.m. at the Election Center (see address above). Please note the following:

- In order for this recall to be placed on a ballot before the voters of Assembly District 4, the recall petition must contain at least **2,735** signatures of voters residing in Assembly District 4. This number is 25% of the votes cast in the April 7, 2020 election for Assembly Seat G.

- The signatures must be collected within 60 days of issuance of the petition, by **January 5, 2021**. All signatures must be submitted at the same time. The Clerk's Office will not accept serial submittal of signature pages.
- Signatures may only be collected by petition sponsors. Current petition sponsors are yourself, Ms. Brophy, and 11 of the 12 people who signed the petition application. Signer Paula Ferguson's signature could not be verified, so Paula Ferguson is not authorized to be a sponsor and collect signatures. Additional sponsors may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk.
- Signatures shall be in ink or indelible pencil and shall be collected only on the petition pages provided by the Clerk's Office.
- The Clerk's Office will verify all signatures received on the petition. Illegible signatures that are not accompanied by a legible residence shall be rejected.

If additional petition pages are required, please contact me to arrange for pick-up.

A decision by the Municipal Clerk on an application for a recall petition is subject to judicial review by direct appeal to the Superior Court of the State of Alaska. Failure to appeal the Municipal Clerk's decision within 30 days from the date the Municipal Clerk distributes the decision shall constitute a waiver of the right of appeal. (See AMC 2.50.030C and AS 44.62.560.)

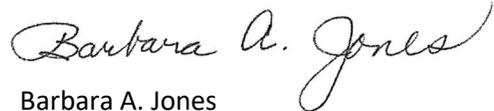
If you have any questions, I can be reached at [erika.mcconnell@anchorageak.gov](mailto:erika.mcconnell@anchorageak.gov) or 343-4320.

Sincerely,



Erika McConnell  
Deputy Clerk - Elections

Concur,



Barbara A. Jones  
Municipal Clerk

Cc: Julie Brophy, [juliedbrophy@gmail.com](mailto:juliedbrophy@gmail.com)  
Assembly Chair Rivera, [felix.rivera@anchorageak.gov](mailto:felix.rivera@anchorageak.gov)