Office of the Municipal Clerk

DATE: April 24, 2022

TO: Lolly Reid – Complaint 4/20/2022
             Brenda Hastie – Complaint 4/20/2022
             Daniel Smith – Complaint 4/21/2022 (paragraph 1)

FROM: Deitra Ennis, Observer Liaison *DE*

SUBJECT: Response to Complaints re Use of Witness Signatures in Lieu of Signature Verification

Thank you for your complaints concerning the question of witness signatures in lieu of signature verification. On 4-18-2022, during the canvassing, the Anchorage Election Commission (Commission) moved to accept approximately 205 ballot envelopes which had failed signature verification, but also contained witness signatures. Because "mark" is not defined in the Election Code, the commission reasoned that "marks" can include signatures; therefore, the Commission concluded, signatures that <u>could not be verified</u> could be counted if there was also a witness signature.

This response is intended to be brief and straightforward to illustrate the problem and unintended consequences of the Commission's approach. (It is acknowledged that this approach and/or reasoning was not shared by all Commission members).

- "Mark" is not defined in code but "signature" is defined. A signature "is a mark that is **intended to be a signature**." The Commission approach recognizes the first half of this definition – that indeed a signature is a mark, but it misses the second half – that the voter intended the signature to be a signature which, different from the Commission's approach, then triggers signature verification. If it is a signature, the code is clear – the signature must be verified.
- "Witness verification" can only be used if the **voter is unable to sign**. The witness and the voter **each affirm** that the **voter is unable to sign**. The use of a witness signature is intended to be a very limited exception to the requirement of signature verification.
- Due to the limited use of "witness verification", the present code does not contain a detailed procedure to implement the witness verification exception to ensure that this exception is not abused.
- Voters whose ballots are rejected because the signature is unverifiable due to No Sig, No Sig Match, or No Reference Sig, receive a cure letter.
- These unverifiable signatures will now be incorporated into the State's signature data base.

I leave you with the following thoughts:
- Oh, honey I'm too busy, just sign for me;
- Hey, let's grab the twenty envelopes from the garbage at the post office – make a mark and sign your name as a witness, and see if they go through.
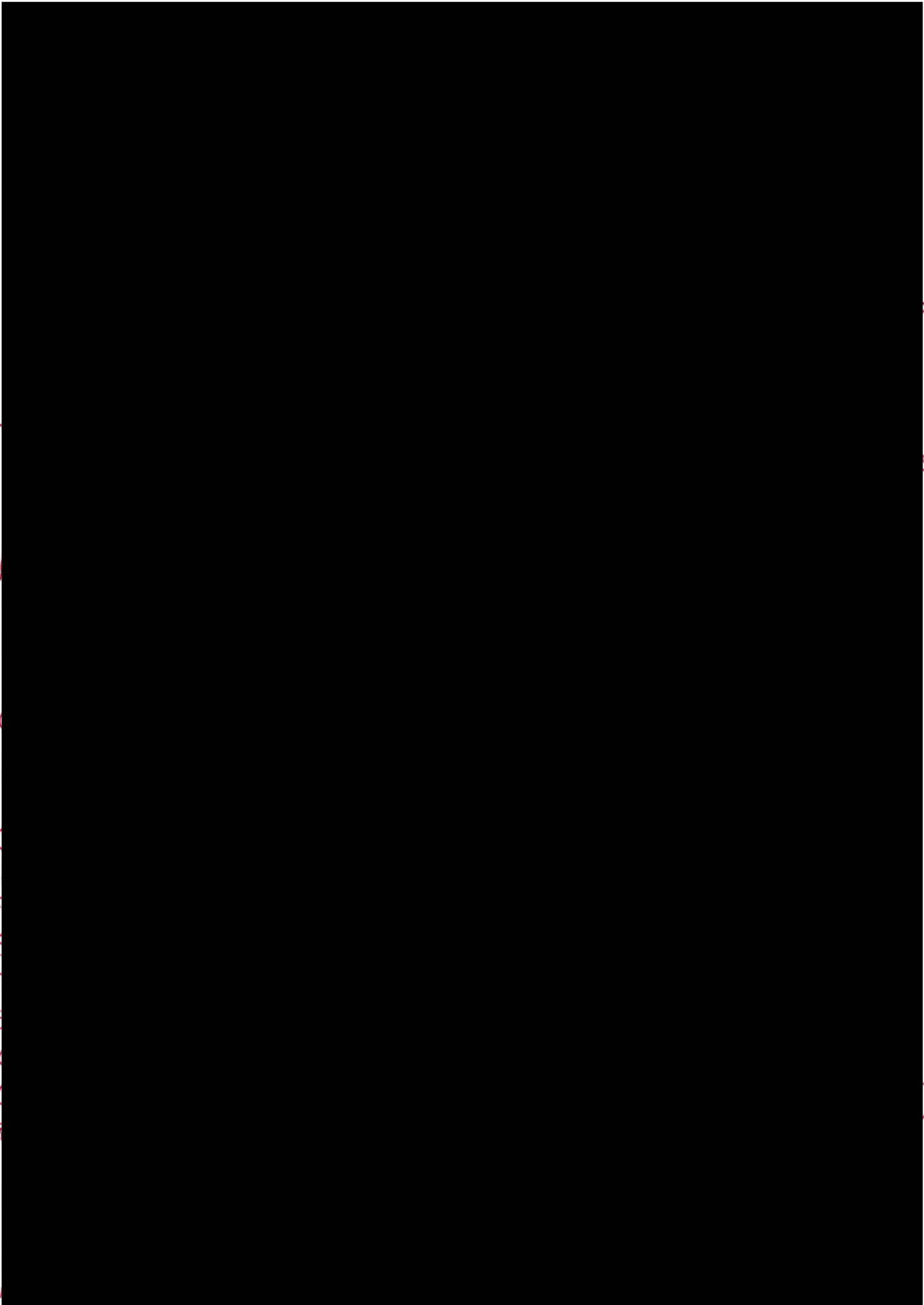
Now that the Commission has raised its concern by suggesting the use of witness verification to enfranchise voters, a more detailed and safe approach should be incorporated into the code.

Municipality of Anchorage
April 5, 2022 Regular Municipal Election
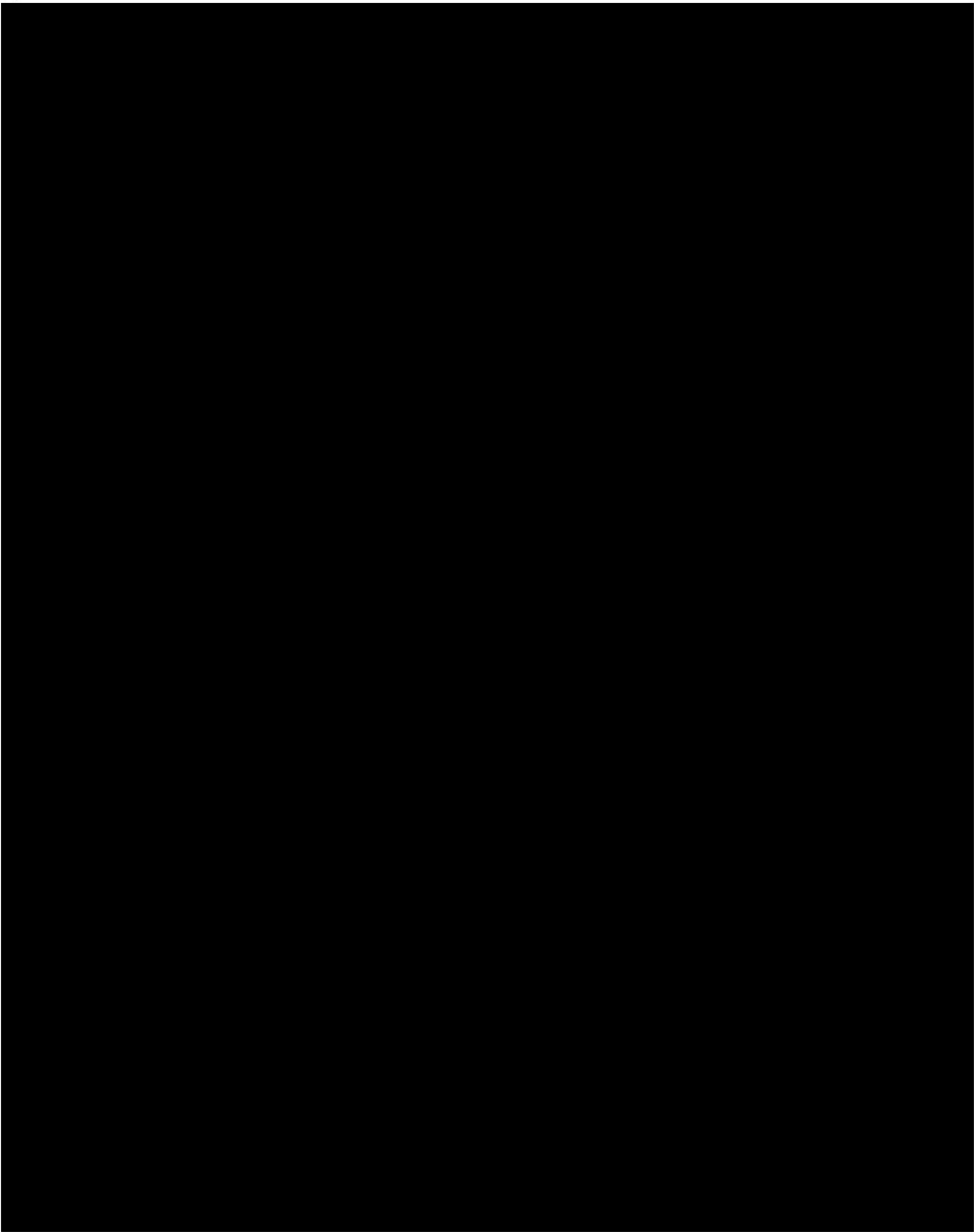## Signature Challenge Form

OBSERVER INFORMATION

4/20/22
Date

Brenda Hastie
Printed Name Of Observer

Kathy Henslee
Name Of Candidate Or Organization/Group Representing

CHALLENGE INFORMATION

NAME OF VOTER WHOSE SIGNATURE IS BEING CHALLENGED:

see attached 3 pages / totaling 205 signatures /4 pages

(First Name - Middle Initial - Last Name / Suffix)

REASON FOR CHALLENGE (check one):

☒ The signature was improperly determined to be a valid signature.

☐ The signature was improperly determined to be an invalid signature.

SIGNATURES

I swear or affirm, under penalty of unsworn falsification, that to the best of my belief, the person named above does not meet one or more of the requirements of law and is not entitled to vote in this election.

Brenda Hastie   4/20/2022
Signature of Observer   Date Submitted

_____   _____
Signature of Municipal Clerk or Designee   Date and Time Received

_____   4.20.2022   125pm
Signature of Candidate, Campaign Manager, or Chairperson   Date and Time Submitted
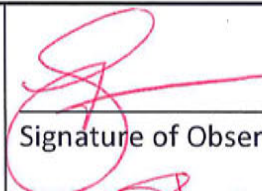
Blue Bin :

Municipality of Anchorage
April 5, 2022 Regular Municipal Election
Complaint Form

OBSERVER INFORMATION

4·20·2022
Date

Lolly Reid
Printed Name Of Observer

Kathy Henslee
Name Of Candidate Or Organization/Group Representing

COMPLAINT

SPECIFIC INFORMATION REGARDING COMPLAINT, INCLUDING ELECTION OFFICIAL NAME, IF APPLICABLE:

On 4·18·2022, during the canvassing, the commission moved to accept ballots with "marks" + witness signature. By accepting ballots to be counted that were previously rejected due to unverifiable signatures & not cured, those signatures are now accepted as permanent record valid signatures for future elections and updated to the State of Alaska record. Total ballots envelopes in this complaint is 205.

SIGNATURES

Signature of Observer

4·20·2022
Date Submitted

Shari Wheat
Signature of Municipal Clerk or Designee

04/20/2022
Date Received

Municipality of Anchorage
April 5, 2022 Regular Municipal Election
Complaint Form

OBSERVER INFORMATION

4·22·2022
Date

DANIEL E· SMITH
Printed Name Of Observer

LIZ VAZQUEZ
Name Of Candidate Or Organization/Group Representing

COMPLAINT

SPECIFIC INFORMATION REGARDING COMPLAINT, INCLUDING ELECTION OFFICIAL NAME, IF APPLICABLE:

PLEASE REFERENCE ATTACHED COMPLAINT DATED 4·22·22.

PAGE 1 OF 2

SIGNATURES

Daniel E. Smith   4·22·2022
Signature of Observer   Date Submitted

Signature of Municipal Clerk or Designee   Date Received

There were approximately 900 challenged ballot envelopes due to no signature match and which remained uncured by voters at the public session of canvass. On April 18th, 2022 the Election Commission determined that these should be processed and counted in the final vote tally.

About 200 of these challenged ballots were subsequently determined to have no signature example what so ever, on file with the State. Election Center officials have not processed these 200 ballots as scheduled on April 21, 2022, giving the Election Commission time for reconsideration.

The correct solution may be not counting these ballots. They could be fraudulent as signatures cannot be verified. The correct solution could also be to process and count these ballots, as they could be legitimate ballots. Without a positive in person identification with picture ID, there is no way to tell.

This dilemma is indicative of an inherent flaw with the mail in voting system. The inability to positively identify a fraudulent ballot vs. a legitimate ballot is troubling. We will either allow 200 fraudulent votes and signatures into the voter rolls by counting these ballots and forever devaluing our election integrity or we will disenfranchise 200 legitimate voters. This is a no win situation. This problem would be eliminated with in person voting.

In fact there are many problems that would be eliminated with in person voting. The entire signature verification process goes away when an individual presents a picture ID or Voter ID at a polling station. Challenged ballots would be limited to those individuals voting out of their precinct.

The labor cost of signature verification goes away with in person voting. The ballot opening process goes away with in person voting. The labor cost of opening the envelopes goes away. The cost of envelopes and postage goes away. The cost of mailing, receiving and sorting approximately 17,500 undeliverable ballots goes away.

As ballots are tallied at individual precincts with in person voting, the cost and uncertainties of a centralized Dominion tally machine goes away.

The voting and counting of votes is reduced from a four to five week process to a one or two day process. You need a few more election workers for in person voting but you need them for a far shorter period of time. This alone will result in major cost savings.

When you rely on the US Postal Service to deliver ballots, you introduce a third party over which you have no control and who have failed us in this election. The USPS did not mail out ballots in a timely fashion. Furthermore, we are still trying to quantify the total amount of voters who never received their ballots through the USPS for this election. We know there are many. In person voting solves this problem.

In person voting solves a lot of problems.