



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4311 • Fax: (907) 249-7999 <http://www.muni.org/assembly>

Office of the Municipal Clerk

DATE: April 16, 2022
TO: Brenda Hastie
FROM: Barbara A. Jones, Municipal Clerk *BAJ*
SUBJECT: Observer Complaint re Telephone Use at Election Center

Thank you for your inquiry. You observed Mr. Christopher Constant entering the Election Center on April 6 and proceeding to the "sorting area to take pictures before receiving a briefing from the Municipal Clerk on current ballot numbers." You also noted a sign posted at the sorting area which provides: "No operation of mechanical or electronic devices to record images or sound."

In the sorting area, there is a whiteboard which keeps a daily tally of ballot envelopes received from the post office, voting centers, and drop boxes. I understand from an Observer Liaison, who spoke to Mr. Constant, he intended to take a picture of the whiteboard when he was in the Election Center and to ask about ballot processing numbers. The Observer Liaison immediately approached Mr. Constant and informed him that he could not take pictures in that area. Mr. Constant put away his phone and stated that he had been allowed to do so last year. He later called the Observer Liaison and requested the code section covering this question.

The language addressing when a cell phone is permitted at the Election Center was changed by a recent ordinance amending Title 28, on December 28, 2021, by AO No. 2021-110(S), As Amended. First, the code was amended to add a definition of "designated area." AMC 28.10.040 Definitions. "Designated area means an area, within either the designated return location or a vote center, identified by the municipal clerk prior to the processing of each election." The MOA Elections Team identified the designated areas in the map attached to the Observer Manual, which is attached.

Next, the code on cell phone use for observers was amended from prohibiting to **take a photograph or otherwise record confidential information to:**

Shall not operate any mechanical or electronic devices to record images or sound **within designated areas where ballot processing occurs** and confidential information could be easily recorded.

AMC 28.50.300E.5.c (emphasis added). In other words, the scope was expanded from prohibiting **taking a picture of confidential information TO taking any photograph in designated areas where ballot processing occurs**. The new rule is even more clearly stated in the Observer's Handbook, which was incorporated by reference into the code:

Observers may not operate any electronic or mechanical devices to record images or sound in designated areas.

Observer's Handbook v2 Page 11 of 32, Last Revision Approval Date: 1/25/2022.

As the amendment indicates, the intent to capture confidential information is no longer the criteria for prohibited phone use, because as detailed in another complaint from a different observer,

observers could be using a phone to record confidential information anywhere in the Election Center outside of the reception or observer area, including the designated pathway. In this case, Mr. Constant was immediately informed by the Observer Liaison, and Mr. Constant reviewed the code amendments including the expanded prohibition for observers on phone use at the Election Center.

Thank you again for filing this complaint. The MOA Elections Team will make sure these restrictions are more clearly noticed. This response has been developed in collaboration with the Deputy Clerk – Elections and the Observer Liaisons.

C: Dee Ennis, Observer Liaison
Ralph Duerre, Observer Liaison
Dennis Wheeler, MOA Elections Project Manager
Observer Contacts for other campaigns



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



OBSERVER INFORMATION	<u>4-07-22</u>
	Date
	<u>Brenda Hastie</u>
	Printed Name Of Observer
	<u>Liz Vazquez</u>
	Name Of Candidate Or Organization/Group Representing

COMPLAINT	SPECIFIC INFORMATION REGARDING COMPLAINT, INCLUDING ELECTION OFFICIAL NAME, IF APPLICABLE:
	<p>"No operation of mechanical or electronic devices to record images or sound."</p> <p>This is from a sign posted at the sorting area.</p> <p>On April 6, between 12:30p-12:45p, I witnessed Christopher Constant enter and proceed to the sorting area to take a pictures before receiving a briefing from the Municipal Clerk on current ballot numbers</p>

SIGNATURES	<u>Brenda Hastie</u>	<u>4-7-2022</u>
	Signature of Observer	Date Submitted
	<u>Barbara A. Jones</u>	<u>4-7-2022</u>
	Signature of Municipal Clerk or Designee	Date Received

Election Center Floor Map



- Designated Area
- Designated Area/Yellow Brick Road
- No Ballot Processing; Observers Not Permitted

