

**2022 Anchorage Municipal Election**  
**Supplement to the Election Commission Report**  
**Request to Recommend Delay of Election Certification**



Submitted by Liz Vazquez- April 26, 2022

This supplements the Report to the Election Commission previously submitted on April 25, 2022. This discusses in more detail several important issues that should be considered by the Election Committee. In addition, several issues were raised during the April 25 Election Commission meeting that need to be addressed.

**Insufficient Information/Data to Recommend Certification of the Election**

The Assembly has scheduled the certification of the election on April 26 and the Election Commission meets on the same day. It is requested that the Commission recommend to the Assembly to delay the certification of the election. To date, the Election Commission does not have adequate information and data at this time to reach a thoughtful and correct decision with regard to the results of the election.

The Municipal Clerk has not provided the actual complaints with her responses and has delayed sending her responses to the Commission which has provided little time for thoughtful consideration. In addition, during the April 25 meeting, the Municipal Clerk stated she will not be providing the Commission with the requested statistical data on the election.

Finally, the Municipal Clerk has stated that the Risk Limiting Audit would not be conducted until May 17<sup>th</sup>, weeks after the election is supposed to be certified. Although this type of audit has deficiencies (does not confirm Wi-Fi or other security breaches) and does not replace an audit with actual voter ballots, it should be **conducted before the election is certified**. The Risk Limiting Audit is a statistically based audit technique used to limit the risk that an election is certified with the wrong winner. The Commission should know the results of this type of audit before recommending the certification of the election. Thus, it is absurd to have this audit weeks after the election is certified.

**For all the reasons stated above, the Commission does not have sufficient information/data and time to accurately assess the results of the election. Accordingly, it is premature to recommend certification of the election. The Election Commission should recommend to the Assembly that the certification of this election be delayed.**

## **Rushing the Commission to Approve Election Results**

The Municipal Clerk appears to be rushing the Commission in order to ensure that the certification of the election occurs when the Assembly scheduled it, on April 26. Moreover, several important responses were sent out only one or two days before the Commission's meeting on Monday, April 25<sup>th</sup>. In fact, several responses were submitted hours before the meeting (close to midnight before the 10:00 morning meeting). This provided the Commission members with little time to review the responses to the complaints (copies of the actual complaints were not provided with the responses). It also did not provide much time for the complainants to review the responses.

The Commission needs sufficient time to consider the complaints and responses. The Municipal Clerk could have called an earlier meeting of the Commission to provide more time for thoughtful consideration and discussion.

## **Individual Complaints with No Adequate Response**

It was determined that the following responses were not adequate and these will be addressed by the complainants during the Commission's meeting on April 26.

1. **Voter suppression-** undelivered ballots in District 3. A quick survey of homes indicated that at least 25% of them had not received ballots. The two areas that were affected should have had 5,692 ballots delivered and 25% of these total 1,423 ballots. The incumbent is leading by 1,315 votes so if 25% of voters were disenfranchised in an area that was likely to vote for candidate Vazquez, the results of the election would definitely change.
2. **Undeliverable Ballots-** Regarding ballots returned by the Postal Service. There is no complete inventory of names and addresses to identify individual voters and determine whether the ballots were truly undeliverable.
3. **Delay in conducting the Risk Limiting Audit until May 17<sup>th</sup>**- this is weeks after the election is supposed to be certified. This will provide the Commission with additional information and for obvious reasons, should be done before the election is certified.
4. **Third Party Access to the Dominion server-** A Dominion employee had unfettered access to this server and even witnessed having inserted and retrieved a thumb/flash drive, which was given to an Election Central employee. It is not clear what was on the thumb/flash drive and no Municipal Information Technology employee was present. In addition, campaigns and Observers were not informed of this activity. The response is not consistent with what was stated at the time the access was occurring. See discussion below.

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## **Significance of the Quantity of Filed Complaints- A Broken System Exposed**

### **Putting in Question the Election Results**

One may argue that there may not be a single complaint that may alter the outcome of the elections. However, a pattern of many lax and inappropriate procedures/practices and behavior could add up to make a total difference in an election. The complaints at a minimum, are sufficient to request broad systematic changes to the electoral process in the city of Anchorage.

It should be noted that no complaints were filed by the incumbent candidates. In addition, there were no Observers representing the incumbent candidates (with the exception of two brief visits by one Observer).

### **Individual Complaints that could make a difference in this Election**

This supplement to the previously submitted Report discusses in more detail at least two important complaints that could well have made a difference in the election. Specifically, suppressing the vote in two areas that would favor the challenger and possible tampering through bold unfettered access to the Dominion server.

#### **Possible Tampering with the Dominion server**

Last week, on April 19, a Dominion employee was observed in Election Central for several hours. First, he was found working on a laptop in the “secured” area, requesting an employee’s password. Five Observers watched Election Central employees open the cage in which the Dominion server is kept and a Dominion employee insert and retrieve a thumb drive. This was a blatant and bold disregard of election procedures and not acceptable for the following reasons:

Campaigns and Observers were not notified that the Dominion server would be accessed by Election Central and Dominion employees.

Information Technology city employees were denied access to the same server when they requested access to ensure proper security.

The reason provided for this intervention on the day it occurred and in the response to the complaint are not credible.

So city employees charged with computer/server security were denied access but an employee of a contractor was allowed full unfettered access. **There is no way at this time to ascertain what really was the purpose and what was accomplished.** The fact remains that the campaigns, Observers and city IT personnel were not informed beforehand and were not allowed to be informed until after the access was accomplished. Several complaints were filed by Observers.

The reason given during the onsite visit and set forth in the response provided by the Municipal Clerk are not consistent. When asked what he was doing, the Dominion employee stated he was fixing a not allowed function with John Doe test data. In contrast, the Municipal Clerk's response states the following:

The MOA Election Center team noticed that the Election Summary Reports of four LSRAs were not correct on the results reports. After consultation, the vendor thought the reports were not "sync-ing" with the vote tabulation, namely the votes of the write-in candidates were not being reported. An MOA election Center staff member downloaded the April 2022 election onto an encrypted thumb drive and gave it to a vendor technician. The technician tested a correction on the vendor's laptop. It worked, so the technician made the same correction to the Election Center server, and the four (4) LSRAs were not "sync-ed." A copy of the corrected Election Summary Report was given to Observers in the Election Center at the time of the correction.

### **Ballots Not Received**

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 2<sup>nd</sup> 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 area included precincts 22-660 and 22-645 with a total of 5,692 ballots that should have been received by voters. Twenty-five percent of these ballots is 1,423 and the spread between the candidates is 1,423 votes. Thus, the present electoral results would be reversed and the challenger would win.

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. More important, Commissioners have requested statistical data in order to determine whether the voter turn-out was lower than in previous elections and this request is presently denied by the Municipal Clerk. During the April 25 Commission meeting, she stated that statistical data would be submitted to the Assembly on April 26 but not to the Commission. However, the Commission must have this data along with other information to fulfill its statutory duties as discussed in more detail below.

### **The Importance of Reviewing all Complaints by the Commission**

Over 30 complaints were filed during this election. It appears that the Municipal Clerk has not submitted all complaints to the Commission. In addition, copies of complaints are not attached to the responses she submits to the Commission. Moreover, several important responses were sent out only one or two days before the Commission's meeting on Monday, April 25<sup>th</sup>. In fact, several responses were submitted hours before the meeting (close to midnight before the 10:00 morning meeting). This provided the Commission members and complainants with little time to review the responses.

One of the responses sent hours before the Commission meeting involved the complaint filed on voter suppression, ballots that were not delivered in the Sand Lake and Jewel Lake areas. The complaint was filed on April 3 and **the response was submitted 21 days later**, very late on April 24, hours before the Commission meeting.

It is imperative that the Election Commission be provided with and review all of the complaints. Although the Election Central staff made modifications to address some of the problems raised

by the complaints, it is important that the lax procedures/practices not reappear in future elections. For example, complaints should not always be required in future elections to address the basic security lapse of leaving boxes in and around the “secure” area or trash containers in the vault. In addition, not reviewing the actual submitted complaint is like a Judge just reading the pleadings submitted by only one party. This would be unfair to the party that is not allowed to submit their side of the story and avoid misinterpretation.

Finally, by reviewing all of the complaints, it will enable the Commission to perform its statutory duties of advising the Assembly and Municipal Clerk on the conduct of elections and making recommendations relating to elections. Ordinance 28.120.060.

### **The Importance of the Commission having access to statistical data**

During the April 25 Election Commission meeting there was a request for statistical data for this election. The Municipal Clerk stated to the Commission that the statistical data was not available that day but would be submitted to the Assembly the following day. In addition, the Municipal Clerk stated that the statistical data was submitted to the Assembly but not to the Commission. However, the Commission must have access to all data regarding elections, including statistical data, in order to effectively perform its statutory functions. The Commission is charged with advising the Assembly and Municipal Clerk on the conduct of elections and making recommendations relating to elections. Ordinance 28.120.060.

## UNDELIVERED BALLOTS

CUEQTS RESPONSE IS IN ADEQUATE DELAUSE

- WE HAVE A 25% UNDELIVERED BALLOT RATE IN SAND LAKE / JEWEL LAKE BY ~~EMP~~ PHYSICAL IN PERSON SURVEY.
- OF 5612 BALLOTS IN PRECINCT TRANSFERS 1566 BALLOTS POTENTIALLY UNDELIVERED BY EXTENSION. THIS IS POTENTIAL OUTCOME CHANGING # OF BALLOTS
- NO PROCESS TO ENSURE DELIVERY OF BALLOTS TO VOTERS
- WE ARE AWARE OF OVER 200 VOTERS WHO DID NOT RECEIVE BALLOTS WITH LIMITED INVESTIGATIVE RESOURCES

DANIEL E SMITH

FILED ~~3-31-22~~  
4-3-22

REPLY — 4.22.22

☐ UNDELIVERABLES  
(RETURN TO SENDER BALLOTS)

~~CLERK~~ RESPONSE IS INADEQUATE AS THEY ARE  
UNABLE TO IDENTIFY INDIVIDUAL VOTERS.  
WE ARE LEFT TO TRUST THE POST OFFICE  
THAT BALLOTS WERE UNDELIVERABLE.

Lolly Reid. MAR. 31  
~~APR. 16~~  
response APR. 16

DANIEL SMITH MAR. 18. 2022



☐ NO MUNICIPAL AUDIT PERFORMED

~~CLERK~~ RESPONSE IS INADEQUATE BECAUSE

- THE RISK LIMITING AUDIT (RLA) DOES NOT TAKE THE PLACE OF AN AUDIT WITH ACTUAL VOTER BALLOTS
- THE INSUFFICIENT RLA IS SCHEDULED TO OCCUR ON MAY 17, 2022 LONG AFTER THE ELECTION IS SCHEDULED TO BE CERTIFIED
- RLA AUDIT DOES NOT APPEAR TO CONFIRM WI-FI OR OTHER SECURITY PRACTICES.

DANIEL SMITH 4.21.22  
RESPONSE 4.24.22

BEE HANSON 4.25.22  
RESPONSE ?



3RD PARTY ACCESS TO DOMINION MACHINE.  
CLERKS RESPONSE IS INADEQUATE.

- NO MUNICIPAL IT PERSONEL ACCOMPANIED THE INDIVIDUAL ACCESSING DOMINION SERVER.
- MODIFICATION TO DOMINION SERVER DURING THE ELECTION ~~THAT~~ AND PRIOR TO COMPLETION OF TABULATION

Dated April 19  
Cecelia Donelson  
John Henry  
Joan Henry (2)  
Brenda Haste  
Semi Graham

Reply  
Apply 22

- The response reasoning for the Dominion Server work is inconsistent with the said reasons at the time of observation.