

**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 25 (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 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 Municipal Clerk ignored two requests that could have effectively addressed this issue. The April 3 complaint makes the following two requests:

Report to the Election Commission  
Request to Deny Certification  
Request for Hand Count

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 19<sup>th</sup> 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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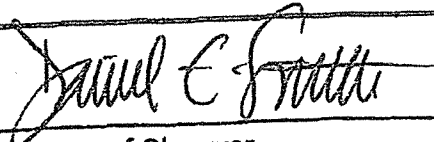




Municipality of Anchorage  
 April 5, 2022 Regular Municipal Election  
 Complaint Form

OBSERVER INFORMATION	<u>APRIL 3, 2022</u> Date
	<u>DANIEL E. SMITH</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>BALLOTS STILL NOT RECEIVED AS OF APRIL 3, 2022.          REFERENCE ATTACHED NARRATIVE (1 PAGE)          REFERENCE ATTACHED VOTER HELP FLYER.</p>

SIGNATURES	<u></u> Signature of Observer	<u>4-3-22</u> Date Submitted
	_____ Signature of Municipal Clerk or Designee	_____ Date Received

April 3, 2022

## Ballots Still Not Received

There are concerns about ballots that have not yet been received by voters.

On Thursday, March 31, 2022 we were made aware of additional ballots (25?) being transferred from the Ship Creek Election Center to the voting center at Loussac Library. The Loussac voting center was experiencing higher than expected "in person" turnout for the Sand Lake and Jewel Lake areas due to mail out ballots not being received by the intended voters. Some of those voters resorted to in person voting.

Towards the end of the business day Inquiries were made of Municipal Clerk Barbara Jones and Assistant Clerk Jamie Heinz about undelivered ballots. Jamie was aware of the issue and offered to provide street names where she knew of the problem. After consultation with Barbara Jones, they decided to provide information on the affected ballot styles instead. Jones agreed with observers that by now (4/31/2022) all mail out ballots should have been received by voters.

Clerk Barbara Jones stated that she has received many reports of ballots not arriving in the Sand Lake and Jewel Lake area, specifically ballots with the style ID of 1941 and 1944.

- The clerk is looking into the reason for non-delivery, but she did not provide more information as to why it may have occurred.
- 3386 ballots are of style 1941
- 2306 Ballots are of style 1944
- Ballots with these styles were designated to be sent to precincts 22-660 and 22-645
- At this point, these precincts are reporting lower than average turnout.
- These areas are abnormally high in Republican voters

Observers were provided with a Clerk issued flyer to provide to affected voters. The flyer is titled, "Can we help you with voting in the upcoming April 5, 2022 Regular Municipal Election?" How an observer or candidate is supposed to find the affected voters is not clear. Why is an observer charged with the responsibility of identifying voters who have not received their mail out ballot? Additionally, why would a candidate be charged with this responsibility? This would seem to be the responsibility of the Municipal Clerk's office to locate and inform voters of the problem.

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.

On Saturday, April 2, 2022 a neighborhood south of Dimond Blvd. and consisting of 28 homes was surveyed. Of those 28 homes 5 reported no ballot received. Of those 5 in person contacts, 2 reported they knew of neighbors not receiving ballots that were not accounted for by in-person contact. There are multiple voters in each of the 7 known undelivered homes. In terms of homes only, 25% have not received mail out ballots as of Saturday April 2, 2022 for the area surveyed. Many residents were not home. All homes surveyed were believed to be supporters of Liz Vazquez.

There are likely more voters that have not received their ballot in the mail. There is no way for the extent of the problem to be quantified by Observers or Candidates in a timely fashion. 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.