



Municipality of Anchorage

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Office of the Municipal Clerk

TO: Daniel E. Smith, Election Observer

FROM: Barbara A. Jones, Municipal Clerk *BAJ*

DATE: April 1, 2022

SUBJECT: Response to Your Complaint Regarding "X" Signatures Filed March 27, 2022

Thank you for your complaint filed on March 27, 2022 regarding "X" signatures, which are the voter signatures if the voter is unable to sign. We appreciate the concerns that you raised.

Background on Ballot Return Envelopes and Witness Signature and Oath: The ballot return envelope requires a voter signature, unless the voter is unable to sign. If a voter is unable to sign, a voter may make a mark and have a witness confirm the mark. There is a witness declaration on the envelope that discusses the penalty for voting someone else's ballot.

The municipal code specifies, "A vote by mail ballot shall be counted if: ... if the voter is unable to sign the voter's name, the voter marked the signature line and one other person has properly witnessed the voter's mark." AMC 28.70.030A.2(a) - Ballot return envelope review standards. (Emphasis added.) Although no further review of witness signatures is required, the Elections Team conducts the following further review each day (or several times each day):

- Reviews each envelope and documents each witness name on a log;
- Checks to see if the witness is a qualified registered voter and if the witness lives at the same address as the voter;
- If the witness is a qualified registered voter, prints a copy of the witness signature;
- **At this stage, the Elections Team would like to process the envelope with the witness signature.** (There is one exception if there is an indicia of fraud, but that exception is not in dispute.)
- If the Elections Team processes the envelope, the voter would get information through BallotTrax that the envelope was good; the voter would be on the daily voted list as good.

The issue: The Observers would like the Elections Team to "hold" or not process certain of these envelopes until the end of the election to see if the same witness signs more than one envelope or a slew of envelopes. The Elections Team's concerns are as follows:

- The witness names are documented on the log; there are only four so far, so a slew would be remarkable and if that happened, we would check it carefully.
- The municipal code does not authorize the MOA Elections Team to "hold" these ballot envelopes.
- The code requires voters to get an "opportunity to cure" letter within three days of processing in these circumstances: if the signature is determined not to match; if there is no signature, or if there is no reference signature.

- In this scenario, these voters would not get an opportunity to cure letter (because one is not required by code) and there is nothing for the voter to “cure” – the observers are requesting to put the voter’s ballot on “hold”.
- The voter would get **not** information through BallotTrax that the envelope was good; the voters would **not** be on the daily voter list as good.

Option for Resolution: To resolve the request from the Observers to “hold” these envelopes and the Election Teams belief that the code requires the envelopes to be processed, the MOA Elections Team is proposing the following resolution to this complaint:

- If there is a witness signature on a ballot envelope and the witness does not live in the same household as the voter OR the witness isn’t a qualified registered voter, the Observer should file a challenge to “question whether the ballot was properly cast” under AMC 28.70.020 B.3.
- The MOA Elections Team will deny the challenge because there is no legal basis to grant the challenge; even so, the Observer can immediately renew the challenge and the MOA Elections Team is now required to “set aside” the envelope for review by the Commission. AMC 28.70.020E - Ballot return envelope review procedure. If, before the public session of canvass, the Observer wishes to withdraw the challenge, the Observer may.

In this way, the MOA Elections Team is not “holding” the envelope in limbo; the envelope becomes a legitimately challenged envelope; we can report the envelope on the challenged envelope list; if the voter calls, we can let the voter know the reason their envelope was challenged and that it will be before the Anchorage Election Commission at the Public Session of Canvass.

This resolution is also consistent with AMC 28.70.030 C.5, which provides:

For signature lines marked, but not signed by a voter, the same attributes applicable to a voter’s signature above, may also be applied to a witness’s signature, **if challenged. If the witness does not have a signature in the state voter registration database**, the municipality may rely on other signatures reasonably known to the municipality to be the witness’s. [sic]

(Emphasis added). This section suggests that witness signature verification provides a recommended method for verification.

Although this complaint did not identify a violation of municipal law, policy or procedure and did not allege an irregularity by an election official, we believe the proposed resolution allows the Election Officials to follow the Municipal code and allows the Observers to address this area concern. This response was reviewed by Ja Jamie Heinz, Deputy Municipal Clerk – Elections, Dee Ennis, Observer Liaison, Ralph Duerre, Observer Liaison.

C: Jamie Heinz, Deputy Municipal Clerk – Elections
 Dee Ennis, Observer Liaison
 Ralph Duerre, Observer Liaison
 Observer Contacts for other campaigns

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

OBSERVER INFORMATION	<u>3-27-2022</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>There is concern over ballot envelopes signed with an "X" which are currently being processed. It was understood that any ballot envelopes with an "X" for a signature would be kicked out by the sorter or signature review process for further review and this appears to have been the case. As an unverifiable witness signature is required to legitimize a "X" signature, it was understood that all "X" signature ballots would be held to the end of the election and reviewed at one time. If "X" signature ballots are allowed into the system little by little day by day without comparison to all other "X" signature ballots, there is no opportunity to review the witness signatures against other witness signatures from a previous day or week. It is then impossible to determine if potential fraud by one or more individual witnesses is suspected without all "X" ballot envelopes present at one time.</p> <p>Please consider this complaint as a request to keep all "X" signature ballot envelopes united with their ballots, until all "X" signatures and their witnesses can be compared at one time.</p>

SIGNATURES	<u>Daniel E. Smith</u>	<u>3-27-2022</u>
	Signature of Observer	Date Submitted
	_____ Signature of Municipal Clerk or Designee	_____ Date Received