

**LAKE AND PENINSULA BOROUGH
CANVASS COMMITTEE MEETING MINUTES
October 20, 2014**

A. CALL TO ORDER

The Canvass Committee meeting was called to order by Clerk Kate Conley on Monday, October 20, 2014 at 2:49 p.m. The meeting was started late due to issues with travel.

B. ROLL CALL

A quorum was established with Glen R. Alsworth, Sr. Myra Olsen, Nana Kalmakoff, and Michelle Ravenmoon present. Assembly member Salmon was absent, excused. Staff present for the meeting included Nathan Hill, Borough Manager, Kate Conley, Borough Clerk; Susan Edwards, Finance Officer; Elisa Egli, Assistant Finance Officer and Bob Loeffler, Consultant to the Assembly. Others present for all or part of the meeting included Adam Sadoski, Anchorage, George Jacko, Pedro Bay, Art Woinowsky, Ugashik, Randy Alvarez, Igiugig and Alvin Pedersen, Chignik Lagoon.

C. APPROVAL OF AGENDA

Motion was made by Canvass Committee member Olsen to approve the agenda as presented. Motion was seconded by Canvass Committee member Kalmakoff. Motion passed unanimously by voice vote.

D. ELECTION UPDATE

Ms. Conley gave the Canvass Committee an update on the election as follows: The total number of ballots cast legally was 332.

The minimum percentage required to pass is 40% of 133, but as no seat had three candidates to split the votes, the percentage is not likely to be important. Committee member Alsworth asked what the procedure is if several people do not vote on a particular seat, and as a result the winning candidate has less than 133. Ms. Conley explained that a candidate must receive 40% of the votes for that seat. In that case we consider the total number of people how voted for that seat and a winning candidate must have 40% of the votes, so hypothetically, the number needed to win could be different for each seat and the number 133 is assuming each ballot votes for each seat.

This year the Borough mailed ballots to 1206 registered voters. The Borough has received 64 ballots back as non-deliverable. State election law prevents removal of these voters from the voter registration list, but they can be listed as inactive voters for turnout purposes. Removing the non-deliverable ballots leaves the Borough with 1142 active voters in this election.

Of the 1206 ballots mailed to voters, a total of 332 were returned to the Borough. 40 ballots (13.7%) were questioned because they failed to meet all the criteria: voter certification and witnessing affidavit, were postmarked after Election Day, were suspected of tampering or were received after the last day to turn ballots in to the clerk, etc. Voter turnout was 29.07% when calculated by total amount of returned eligible & ineligible ballots divided by active voters.

E. REVIEW OF CHALLENGED BALLOTS –

Prior to reviewing the challenged ballots, Mr. Jim DeWitt, Attorney for the Borough discussed the recent ruling by Judge Suddock. He said the case is still before the Supreme Court so it is not closed. The ruling concluded the seven who brought the

suit are voters. All ballots submitted are entitled to vote. In the case of similar voters, they also entitled to vote. In the case of a person who we have disallowed and the past, and they did not protest, they may not be qualified. The importance is to be consistent.

The review of challenged ballots began with ballots with no signature. The Canvass Committee reviewed four (4) ballots without a signature. Motion was made by Committee member Olsen to disallow the four ballots for lack of a signature. Motion was seconded by Committee member Alsworth. Committee member Alsworth called for discussion or public comment. Committee member Kalmakoff noted that the voters made an effort and some even had witnesses. Ms. Conley said, by code, there are some basic things each absentee ballot must have: 1) a voter signature, 2) the voter's identification, 3) two witnesses and 4) a postmark prior to October 7th or be in the clerk's office prior to October 17th. Motion passed unanimously by voice vote. Four ballots were not opened and not counted.

The Canvass Committee reviewed four (4) ballots with no identification. Motion was made by Committee member Olsen to disallow four (4) ballots for no identification. Motion was seconded by Committee member Ravenmoon. Committee member Alsworth noted for that this is one of the code requirements. There was no further discussion. Motion passed unanimously by voice vote. Four (4) ballots were not opened and were not counted.

The committee reviewed ten (10) ballots without witnessing signatures. The committee inspected all the ballots. Motion was made by Canvass Committee member Ravenmoon to disallow the ten (10) ballots without witnessing signatures. Motion was seconded by Committee member Kalmakoff. Committee member Alsworth called for discussion or public comment. There was none. Motion passed unanimously by voice vote. Ten ballots were not opened and were not counted.

The Canvass committee reviewed three (3) ballots with only one witnessing signature. Motion was made by Committee member Olsen to disallow three ballots for only one witnessing signature. Motion was seconded by Committee member Ravenmoon. Committee member Alsworth called for discussion or public comment. There was none. Motion passed unanimously by voice vote. Three ballots were not opened and were not counted.

Two ballots were presented to the Committee for possible tampering and were addressed individually. The first ballot was missing the sticker the election staff adhere to the envelope to mail out. The envelope had a return address on the opposite side and the signature matches. In addition Ms. Conley said the voter listed on the return did not submit a ballot, so it could be assumed that this is the voter on the return address. Committee member Alsworth asked if there is any requirement that the sticker in question be in place. Ms. Conley said no, there is not that requirement in code. Motion was made by Canvass Committee member Ravenmoon to allow the ballot with a missing sticker to be opened and counted. The motion was seconded by Committee member Kalmakoff. One ballot was placed with the ballots to be opened and counted. The second ballot questioned for tampering was inspected by the Committee. This ballot had been torn across the side and taped back together with heavy, clear packing tape. Motion was made by Committee member Kalmakoff to allow the ballot with clear tape to be opened and counted. Motion was seconded by Committee member Ravenmoon. Committee member Alsworth called for discussion or public comment. There was none. Motion passed unanimously by voice vote. The ballot was placed with the ballots to be opened and counted.

Two ballots were presented to the committee for consideration that was postmarked October 8th. Ms. Conley explained that voters must have their ballots in the mail by October 7th and in the Clerk's office by October 17th. Each of the ballots picked up from the post office after on October 11th are stamped with the date received. Motion was made by Committee member Olsen to disallow the two ballots because they were not post marked October 7, 2014 or before. Motion was seconded by Committee member Kalmakoff. Committee member Alsworth noted that the postmark was for October 8th and specifically said AM. He said it is possible the voters could have dropped it in the box on October 7th and it was not stamped until October 8th in the morning. He added that it cannot even be assumed that the ballots were dropped after hours because the rural post offices are staffed sporadically and the post master may not have been in the office until 5 pm on October 7th. Jim DeWitt cautioned the Assembly to use the evidence in front of them and to be careful about speculating. Committee member Alsworth then asked about the procedure for notifying the voter their vote was not counted, and how they can explain or protest the decision. Ms. Conley said that letters will be sent tonight to each person whose vote is disallowed and they will have until October 28th to write a letter explaining or protesting the Canvass Committee decision. Motion passed unanimously by voice vote. Two ballots were not opened and were not counted.

The committee then inspected two ballots that had been received after October 11th without a postmark. The clerk explained that these ballots were picked up on October 11th. While they may have been mailed before October 7th, Election Day, without a postmark it was impossible to tell when they were mailed and therefore they were brought before the Canvass Committee for judgment. Two (2) ballots were presented to the committee. Motion was made by Committee member Ravenmoon to accept both ballots questioned without a postmark received after October 11th. Motion was seconded by Canvass Committee member Olsen. Mayor Alsworth clarified that the ballots were received in the Clerks office before the deadline of the 17th and there was no evidence they were not mailed on time. Motion passed unanimously by voice vote. Two ballots were placed into the box of ballots to be opened and counted.

One more ballot was presented to the Committee which had been received on October 17th and postmarked October 10th. Again the clerk explained that the ballots must be postmarked October 7th or earlier. She added that this voter called and asked direction from the clerk and was told to go ahead and mail the ballot and the canvass committee would determine if the ballot was acceptable. Motion was made by Committee member Kalmakoff to disallow the ballot questioned with a postmark of October 10th. Motion was seconded by Canvass Committee member Ravenmoon. There was no further discussion. Motion passed unanimously by voice vote. One ballot was not opened and was not counted.

The Committee was then asked to consider four ballots submitted by voters who had been eliminated as voters in the past. .

- Ramstad – The committee began to review a ballot from Wendy Ramstad who the committee has considered in past years. The clerk requested a recess to gather further information.

Motion was made by Committee member Olsen to recess the meeting until 4:00 pm. Motion was seconded by Committee member Kalmakoff. The meeting was recessed at 3:35pm.

Motion was made by Committee member Olsen to reconvene the meeting. Motion was seconded by Committee member Kalmakoff. Motion passed by unanimous voice vote. The meeting was reconvened at 4:10 pm.

The committee continued with the review of Wendy Ramstad's ballot. Ms. Conley provided handouts with portions of previous Canvass Committee minutes relevant to Ms. Ramstad voting. Ms. Ramstad's ballots had been disallowed in 2010 and 2011. In 2013 testimony was received from Ms. Ramstad and the committee had allowed her ballot to be counted. Committee member Olsen asked what qualifies as indicia of residency. Mr. DeWitt said the court ruling did not provide a definition, but it was clear from the ruling that what the committee was using to determine residency before, such as where your family or pets reside, where your cars are registered, or where you declare you live on your hunting license, is not enough. Motion was made by Committee member Ravenmoon to allow the ballot from Wendy Ramstad to be counted. Motion was seconded by Committee member Kalmakoff. Committee member Alsworth said he knows this voter. He was asked if he can be objective. He said yes, he can. Consensus of the committee was to allow Committee member Alsworth to vote on the question. Motion passed unanimously by voice vote. The ballot was placed in the box to be opened and counted.

- Carlson-Larson – Borough Clerk Kate Conley provided handouts with portions of previous Canvass Committee minutes relevant to Ms. Carlson-Larson voting. Ms. Carlson-Larson's ballot was disallowed in 2010, 2011 and 2012. The clerk said there was no history from Ms. Carlson-Larson in 2013. Motion was made by Assembly member Ravenmoon to disallow the ballot of Ruby Carlson-Larson. Motion was seconded by Committee member Kalmakoff. Motion passed unanimously by voice vote. The ballot was not opened and not counted.
- Hornberger – Ms. Conley provided handouts with portions of previous Canvass Committee minutes relevant to Mr. Hornberger voting. Mr. Hornberger's ballot was disallowed in 2010, but was allowed in 2012. Motion was made by Committee member Ravenmoon to allow the ballot of Charles Hornberger to be counted. Motion was seconded by Committee member Olsen. There was no discussion. Motion passed unanimously by voice vote. The ballot was placed in the box to be opened and counted.
- Anders – Ms. Conley provided handouts with portions of previous Canvass Committee minutes relevant to Mr. Anders voting. Mr. Anders' ballot was disallowed in in 2011, 2012, May 2013 and in October 2013. There was discussion of Judge Suddock's ruling. Motion was made by Committee member Kalmakoff to disallow the ballot of Bat D. Anders. Motion was seconded by Committee member Olsen. Motion passed unanimously by voice vote. The ballot was not opened and not counted.

The Committee next considered five ballots which were sent to voters at addresses outside the Borough and returned from outside the Borough. They were from Laura Aaberg, Phillip Shoemaker, Wilbur (Dan) Kingsley, John Phillips, Sr. and Michael Grunert. The clerk clarified that these five voters had not been disallowed for residency in the past. Committee member Kalmakoff said she knows Michael Grunert, he lives in Chignik Lagoon in the summer from April to August and owns a house there. She also knows John Phillips, Sr. He is from Perryville and she added she knows he was there very recently. Committee member Ravenmoon said she knows Laura Aaberg and she

was at the Borough meeting in Pedro Bay in August. Committee member Olsen said she knows Dan Kingsley. He is from Pilot Point, but she said she knows he moved to Wasilla. Motion was made by Committee member Olsen to allow the ballots of Aaberg, Phillips and Grunert. Motion was seconded by Committee member Ravenmoon. There was no discussion. Motion passed unanimously by voice vote. The three ballots were placed in the box to be counted.

There was some discussion if anyone knew Phillip Shoemaker who is registered from Egegik. No one did. Motion was made by Committee member Ravenmoon to disallow the ballots of Kingsley and Shoemaker. Motion was seconded by Committee member Kalmakoff. There was no discussion. Motion passed unanimously by voice vote. The two ballots were not opened and were not counted.

A. TALLY OF ABSENTEE BALLOTS – Ms. Conley said there was one absentee ballot. She explained that all absentee ballots are question ballots per code and the voter has waived his right to privacy.

- **George Jacko, Sr.** – Ms. Conley testified that Mr. Jacko had requested an absentee ballot because he had not received one in the mail. Mr. Jacko is a registered voter in the Borough and is a resident of the Borough. He lives in Pedro Bay. His ballot was properly and timely cast. The Committee inspected the ballot of George Jacko, Sr. Motion was made by Committee member Olsen to accept the absentee ballot of George Jacko, Sr. Motion was seconded by Committee member Kalmakoff. Motion passed unanimously by voice vote. The ballot was placed in the box to be counted.

B. TALLY OF BALLOTS BY MAIL

Ms. Conley informed the Canvass Committee that the ballots were ready to be opened and tallied. The ballots were opened and the voter's options announced for all to tally. While opening the ballots one grey envelope contained two ballots. Neither of these ballots were counted. There were no other notable incidents while tallying ballots.

C. UNOFFICIAL ELECTION RESULTS

ASSEMBLY SEAT A:

Randolph Alvarez	175
Joel Jacko	114

ASSEMBLY SEAT D:

Alvin N. Pedersen	242
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SCHOOL BOARD SEAT A:

Shannon Johnson-Nanalook	157
George Hornberger	132

SCHOOL BOARD SEAT C:

Jean P. "Patty" Alsworth	251
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SCHOOL BOARD SEAT D:

Suzanne "Sue" Evanoff	221
John S. Bragg	57

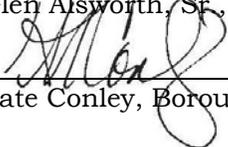
D. ADJOURNMENT

Ms. Conley informed the Assembly that the election would be certified at the October 31, 2014 Special Assembly Meeting via teleconference at 8:00 am from King

Salmon. Motion was made by Canvass Committee member Kalmakoff to adjourn the Canvass Committee Meeting. Motion was seconded by Committee member Olsen. Meeting was adjourned by consensus at 6:03 pm



Glen Alsworth, Sr., Mayor



Kate Conley, Borough Clerk

November 12, 2014

Date