



# MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 341-2021

Meeting Date: May 25, 2021

**From:** Municipal Clerk's Office and the MOA Elections Team

**Subject:** Certification of the May 11, 2021 Mayoral Runoff Election

**I. RECORD TURNOUT IN THE MAY 11, 2021 MAYORAL RUNOFF ELECTION!**

***The May 11, 2021 Mayoral Runoff Election shattered prior municipal election records with 90,816 ballots cast and a record 38.36% voter turnout.<sup>1</sup>***

Of the 90,816 ballots cast, 95.8% of voters voted from home. Only 4% voted in person at a vote center. (The remaining 0.2% voted remotely through email or fax.)

***Thank you to Anchorage voters, candidates, campaigns, Election Officials, municipal employees, and other volunteers who made the incredible success of the May 11, 2021 Mayoral Runoff Election possible.***

**II. EXECUTIVE SUMMARY**

This Assembly Memorandum (AM) is prepared by the Municipal Clerk's Office and MOA Elections Team to provide the Assembly with the information it needs for certification of the May 11, 2021 Mayoral Runoff Election, the sixth vote at home/vote by mail election and first vote at home/vote by mail runoff election held by the Municipality.

***Runoff Election, Certification, and Reports.*** Information regarding the rules for a runoff election and certification are provided in Section III of this AM. The Municipal Clerk's required report of the election is included in and throughout this AM. The Election Commission's Report of Canvass, the Official Results, and the Statement of Votes Cast are attached.

1

**PRIOR ELECTION DATA (2012-2021)**

<b>ELECTION DATE</b>	<b>CARDS CAST</b>	<b>VOTER TURNOUT</b>
April 6, 2021	75,411	31.88%
April 7, 2020	71,282	30.77%
April 2, 2019	65,100	28.65%
April 3, 2018	79,295	36.31%
April 4, 2017	49,370	23.20%
April 5, 2016	51,999	24.77%
May 5, 2015 (runoff)	70,650	34.13%
April 7, 2015	57,606	27.69%
April 1, 2014	46,890	23.49%
April 2, 2013	42,344	20.15%
April 3, 2012	71,099	35.82%

**Reporting the Results of the Ballot Envelope Review and Ballot Adjudication.**

Information regarding the required reporting of ballot envelope review and ballot adjudication are provided in Section IV.

**Challenges.** A report regarding challenges that were filed and/or renewed during the Election Commission Public Session of Canvass is detailed in Section V. The Commission granted two challenges that changed the adjudication on two ballots. No challenges were granted that alleged any failure to follow procedures, any illegal practices, or any illegal conduct that would have resulted in a change in the outcome of the election.

**Statistics.** Statistics regarding this election are detailed in Section VI of this report, including the record number of voters and turnout in this election.

**Additional Information regarding the May 11, 2021 Runoff Election.** All elections are different, and the MOA Elections Team provides information regarding issues raised during this election in Section VII of this report.

**Vote at Home/Vote by Mail Elections.** Details about the Vote at Home/Vote by Mail process is included in Section VIII of this report to provide information about the election process for the Assembly, the candidates, voters, and the general public.

**Conclusion.** As detailed in this AM and in the attached reports, the Election Commission and the Municipal Clerk are pleased to report that there has been no failure to comply with the procedures for the runoff election, no failure to follow the provisions of law or code, and no reported illegal election practices. AMC 28.85.040C. Based on all the information provided in and attached to this report, the Assembly is respectfully requested to approve this memorandum and certify the May 11, 2021 Mayoral Runoff Election.

**III. RUNOFF ELECTION, CERTIFICATION, AND REPORTS**

Municipal Charter and AMC 28.20.010C. address runoff elections; AMC 28.85.040 addresses certification of the election, and reports. The relevant excerpts from the code are as follows:

- **Runoff Election.** “If no candidate for the office of Mayor receives more than 45 percent of the votes cast for the office of Mayor, the Assembly within three weeks from the date of certification of the election, shall hold a run off election between the two candidates receiving the highest number of votes for the office.”<sup>2</sup> Anchorage Municipal Charter Section 11.02(b); see also AMC 28.20.010C. This information was also detailed in AM 269-2021, the Assembly’s Certification of the April 6, 2021 Regular Municipal Election.
- **Reporting the Results of the Ballot Review and Election Results.** “The canvass shall be considered complete when the report of the results of the

---

<sup>2</sup> Because the Charter limits the run off election to the top two candidates, there is no write-in candidate on the run off election ballot.

commission's ballot review and of the election has been adopted by the election commission." 28.85.030C. "The election commission and the municipal clerk shall report the results of the commission's ballot review and election results at an assembly meeting as soon as practicable." AMC 28.85.040A.

- The Municipal Clerk's required report of the election is included in and throughout this AM; the Election Commission's Report of Canvass, the Official Results, and the Statement of Votes Cast are attached.

- **Assembly Certification.** "If, after considering the information, the assembly determines that the election was validly held, the assembly shall certify the results of the election in accordance with the reports of the election commission and municipal clerk." AMC 28.85.040B.

#### **IV. REPORTING THE RESULTS OF THE BALLOT ENVELOPE REVIEW AND BALLOT ADJUDICATION**

**The MOA Elections Team reports that the May 11, 2021 Ballot Envelope Review included the following:**

##### **2021 Runoff Preliminarily Challenged and Rejected Ballot Envelopes**

**Preliminary challenged and rejected ballot envelopes: 2,414<sup>3</sup>**

(These ballot envelopes are out-sorted by the mail sorter for further human review because the voter did not sign the envelope or the voter's signature on the ballot return envelope is determined not to match the reference signature(s) on file, among other challenge codes.)

**Opportunity to Cure letters sent: 1,830<sup>4</sup>**

- **1,230 successful cures or 51%**

Ballot Envelopes Rejected by Commission for Late postmark: 240

Ballot Envelopes Rejected by Commission for No signature match: 1,052<sup>5</sup>

Ballot Envelopes Rejected by Commission for No signature: 61<sup>6</sup>

**Total ballot envelopes rejected by Anchorage Election Commission: 1,691<sup>7</sup>**

<sup>3</sup> Most of these voters were sent an "opportunity to cure" letter.

<sup>4</sup> "Opportunity to Cure" letters are required by Municipal Code to be sent to voters for certain reasons to correct errors on their ballot envelope, including, for example, failure to sign the envelope.

<sup>5</sup> These voters were sent "opportunity to cure" letters.

<sup>6</sup> These voters were sent "opportunity to cure" letters.

<sup>7</sup> The Anchorage Election Commission's Report of Canvass to the Assembly dated May 21, 2021, which is attached, details the approximately 32 "reject codes," which standards are discussed in AMC 28.70.030 and 28.70.040 regarding Ballot Envelope Review Standards. The MOA Elections Team presents these preliminarily challenged ballot envelopes that do not appear to meet the ballot envelope review standards in the code and that did not cure, to the Commission. These standards include, as noted in the

Several categories of rejected ballot envelopes deserve particular attention:

**Late postmark.** For the Runoff election, the number of rejected ballot envelopes was 240, an impressive decrease from 342 rejected in the April 2021 Election and 473 rejected in the April 2020 Election. In 2020, the Election Commission expressed concern about the large number of late postmarked envelopes, and the MOA Elections Team has taken successful action (1) to add the election return day on the ballot return envelope and (2) to encourage voters to ask postal officials to “hand cancel” or postmark by hand any ballot return envelope mailed either the day before or on Election Day, among other actions. We think these pro-voter initiatives addressed the Commission’s concern and substantially helped to reduce the number of ballot envelopes rejected for late postmarks.

**No signature (sig) match.** The “no sig match” category continues to be a high number of rejections and, as requested by the Commission, the MOA Elections Team has made and will continue to make efforts before the 2022 regular election to educate voters, review our forms and instructions, and take other efforts, including working with the State of Alaska on the reference signatures in the database, to reduce this number of rejected envelopes so that every valid vote is counted. There is a balance between counting votes with a signature match but not counting votes without a signature match because the signature verification is an important component of the vote at home/vote by mail system to prevent fraud.

#### **More Information on Rejected Ballot Envelopes**

The Election Commission also reviewed and rejected the following ballot envelopes:

- **Duplicates:** Forty-four voters voted twice; a significant increase over the 18 that voted twice in April.

In most circumstances of voters voting twice, the first ballot received for each voter is counted. (However, if a voter received a no sig or no sig match cure letter and then voted at a vote center, the second ballot would count because the first was not valid.) These voters will be sent a letter informing them that voting more than once in the same election *with the intent that the voter’s vote be counted more than once*, is voter misconduct in the second degree (AMC 28.200.120), a class A misdemeanor.

**Information regarding these envelopes may be forwarded to the Municipal Attorney and Municipal Prosecutor.** These 44 challenged ballot envelopes constitute less than 0.05% of the total ballot envelopes received for the May 2021 election.

---

code and above, that the voter was not registered on time, the voter was not registered in the Municipality of Anchorage, the voter has a felony conviction, the voter already voted in this election, among other reasons. Not all ballots/ballot envelopes presented to the commission as preliminarily rejected are counted in the number of **Preliminary challenged and rejected ballot envelopes**.

**The MOA Elections Team reports that the May 11, 2021 Ballot Adjudication included the following:**

- All ballots removed from the ballot envelopes from qualified registered voters that were not rejected by the Election Commission, were prepared for and scanned beginning approximately seven days before the election, on or about May 3, 2021.
- Certain ballots were designated by election officials to out-sort and require further human review; these ballots included ballots with overvotes, undervotes, and stray marks. No blank space for a write-in vote was included on the runoff election ballot and no handwritten write-in votes were out-sorted or adjudicated because the Municipal Charter requires the runoff election ballot to contain only the top two candidates from the regular election.
- Observers participated in the review of the adjudication of the runoff election ballots. Two large 60" screens were placed in the adjudication area so the observers could more easily see the adjudication of the ballot images. Observers filed a number of challenges of the ballot adjudications as detailed in the report which follows on Challenges in Section V.

**V. CHALLENGES**

**Challenges.** A number of election challenges were filed for the May 11, 2021 Mayoral Election. The challenges fit into two categories – first, challenges on ballot return envelopes and the specific adjudication of ballot images; and second, challenges related to the conduct of the election.

**Challenges on ballot return envelopes and adjudication of ballot images.** Two questioned ballots were challenged by observers, but those challenges were withdrawn prior to the public session of canvass. No additional ballot envelope challenges were filed after review of the approximately 1,691 envelopes presented to the Commission for rejection. Six challenges on the adjudication of the ballot images were filed during the election and renewed by the observers for review by the Commission. The Commission voted to approve the MOA Election Team's adjudication of four ballot images and voted to reject the adjudication of two ballot image for candidates and record the ballots as overvotes.

***Other Challenges and Challenge regarding conduct of the election.***

- **Other Alleged Challenges.** A number of alleged challenges were filed during the election but were not considered challenges because they did not meet the requirements to challenge a specific voter's ballot envelope as not meeting the envelope review standards, nor did they allege Election Official misconduct that rose to the level of a potential violation of municipal code or law. All of these accusations were addressed by the Municipal Clerk prior to the Public Session of Canvass, except one, which is discussed briefly below. Many of the statements on the challenge forms are detailed below because they include

important responses from the Municipal Clerk to correct misinformation or disinformation about the election, the election processes, and the conduct of Election Officials.

- ***Request, on Election Night, for verification of the ballots left to count and the number challenged.*** As we believe the observers who attended the Public Session of Canvass on Friday, May 21, 2021, now better understand, we can only determine a final number of ballots prepared with the official results for certification by the Assembly after the Election Commission's Public Session of Canvass, where the Election Commission conducts the final ballot envelope review, makes its decisions, and adopts its report, and Election Officials are able to process the last of the envelopes. There are several reasons that the final number of ballots left to count and challenged ballot envelopes cannot be determined prior to the Public Session of Canvass.

First, we do not have either the system nor the physical ability to create a report at a single point in time of the number of challenged ballot envelopes because new challenged ballot envelopes are being added to the challenged ballot envelope total daily, and other challenged ballot envelopes are being removed daily and even hourly as the Election Officials handle the hundreds of voter responses to the "opportunity to cure" letters and address other issues with the challenged ballot envelopes. Networking systems to do this would create new security risks. Adding staff and data entry requirements would both increase costs and add delay.

A second reason that there can be no verification of the number of ballots left to count is that on Election Night the number of ballot envelopes received is not yet known because we do not work all night processing the thousands of ballot envelopes received on Election Day from the 18 secure drop boxes and the Anchorage Vote Centers. Because there are so many ballot envelopes received on Election Day (and sometimes even the day before), Election Officials cannot process those envelopes (to get a count) the same day.

Finally, the third reason it is not possible to get a count is that mailed ballot envelopes are still being received after Election night and are eligible for counting if postmarked in time. This includes overseas and military ballots properly postmarked, if received by 12:00 noon on Tuesday, May 25. Only after the Election Commission's Public Session of Canvass, which is held approximately 10 days after the election and the inclusion of the verified overseas and military ballots will there be a final number of ballots prepared in the official results submitted to the Assembly for certification. ***Although a response was provided, the request was not considered a challenge because there was no activity identified which was considered a violation of law. No further action was taken.***

- ***Allegation that video surveillance was not running while people were in the Election Center on Election night; that observers were not informed that more ballots were coming into the Election Center on Election***

**night; that a person walked around the Election Center and removed a box from on top of the drop box.** First and foremost, the Election Center was open, and the door was unlocked on Election Night until approximately 11:05 p.m. Election Officials were present in the facility the entire time, waiting for the election workers from the Anchorage Vote Centers to bring in their voted ballot envelopes and other materials. At no time prior to the door being locked, were observers prohibited from entering the Election Center or asked to leave. During Anchorage Vote Center worker training, which all observers were authorized to attend, it was made clear – as in all elections – that the AVC Chair and one other worker must return voted ballots to the Election Center on Election night. The Municipal Code requires this in the election closure procedures for the AVCs and specifies, “[t]wo election officials shall transport the materials and sealed containers from the accessible vote center to the election official at the designated return location.” AMC 28.50.200A.2.a-d.

Second, the video surveillance system is always on 24/7/365 at the Election Center. The live stream is different. The live stream is a courtesy service, not required by law, and is something the MOA Elections Team is experimenting with this year due to the COVID-19 gathering limitation in effect at the beginning of the election. Although the live stream was turned off between 8 and 9 p.m. on Election Day, the recording of the activity in the Election Center from the time the live stream was turned off until Election Officials left the building at approximately 11:05 p.m. was posted on YouTube.

Finally, the last allegation, about a person removing a box from the top of the drop box at the Election Center is unrelated to election activity. Election Officials closed the Election Center drop box at 8:00 p.m. and if anything happened on or on top of it after election hours, it is unrelated to election activity. Even so, when Election Officials left the building at approximately 11:05 p.m., they contacted the APD non-emergency line to report something on top of the drop box. **Based on the statements provided by the observers, there is no legal basis upon which to file a challenge because there is no activity identified that would constitute a violation of law.**<sup>8</sup>

- **An alleged challenge was filed because an Observer was not allowed to view the contents of two stacks of cardboard boxes stacked against a wall.** On May 18, 2021, when this alleged challenge was filed, many of the Election Officials had completed their work, including the Anchorage Vote Center Workers, the Drop Box Team, the Envelope Opening Team, and the Signature Verification Team. As a result, the number of workers left in the Election Center was small. The work being conducted at this time in the election was difficult and intense – review and follow up on “opportunity to cure” letters, review of questioned and special need ballot envelopes, work on

<sup>8</sup> Please see the section on “Additional Information” regarding the misinformation and disinformation campaign that occurred because of this repetition and publication of incorrect and varying statements about these incidents.

the recount ballot review and public session of canvass – and there were no workers to do this when the observer requested it. Even so, by 10:45 a.m., a worker was called in and met with the observer at 1:30 p.m. the same day to go open the boxes and show the contents to the observers. Some of the boxes contained new secrecy sleeves and envelopes shipped from the vendor. Other boxes contained non-confidential, used secrecy sleeves, with string strung through the hole by the Envelope Opening Team, to confirm the sleeves were empty. ***This statement was not considered a challenge because it did not allege any violation of law and the request was granted.***

- ***Three additional alleged challenges were filed by one observer that do not allege any violation of law and are discussed in the “Additional Information” section of this report.***
- ***Alleged challenge filed regarding a worker processing ballot challenge letters without another worker present.*** Because this alleged challenge was not responded to prior to the Public Session of Canvass, it was read into the record at the Canvass. The Clerk responded that the statement about a worker not working with a partner was not technically a challenge since the observer did not allege the worker committed any illegal election practice. Even so, the Clerk stated on the record that upon the filing of the challenge, she reminded Election Officials to follow procedures to work in teams of two to ensure transparency and security of the election. ***This statement was not considered a challenge because it did not allege any violation of law and no further action was taken.***
- ***One challenge related to the conduct of the election.*** A challenge related to the conduct of the election was filed with the Commission at the Public Session of Canvass on Friday, May 21, 2021. It was similar to a challenge filed by the same voter in the April 6, 2021 Regular Municipal Election, alleging that the MOA Election workers were “counting” ballots before 8:00 p.m. on Election Day. The challenge was read into the record. The Municipal Clerk responded to the challenge stating there was most likely a misunderstanding between the terms “scanning,” “tabulating,” and “counting” the ballots. The Municipal code anticipates scanning the ballots before Election Day, and certainly maintain a count of the number of ballots scanned, but the code does not allow counting or “tabulating” the votes on the ballots or producing results. If the MOA Elections Team was prohibited from scanning or adjudicating before Election Day, results would be delayed and there would be no results on Election Night. The person filing the challenge was present and spoke at the meeting. The Municipal Attorney’s Office and the Assembly Counsel’s Office concurred in the Clerk’s understanding of the code. ***The Commission approved a motion to deny the challenge.***

## **VI. STATISTICS**

**The MOA Elections Team reports the following statistical information regarding the May 11, 2021 Mayoral Runoff Election:**



**Ballots Packages**

2021 Runoff Ballot packages mailed 4/21/21:	223,115
2021 Replacement ballot packages mailed btw approx. 4/21-5/3/21:	885
2021 Electronic ballot packages distributed btw 4/21-5/10/21:	323
2021 In-person voting btw 5/3-5/11/21:	3,634

**Ballot Envelopes by Source**

Unofficial counts by source information:

Source <sup>9</sup>	May 2021	April 2021	2020	2019	2018
USPS	34.8%	35%	<b>51%</b>	46%	<b>47%</b>
Secure Ballot Drop Boxes	<b>61%</b>	<b>59%</b>	48%	<b>48%</b>	38%
Anchorage Vote Centers	4%	7%	0.38%	6%	15%
Electronic Voting	0.2%	0.19%	0.27%	0.20%	0.30%
Senior Centers	N/A	N/A	N/A	N/A	0.10%

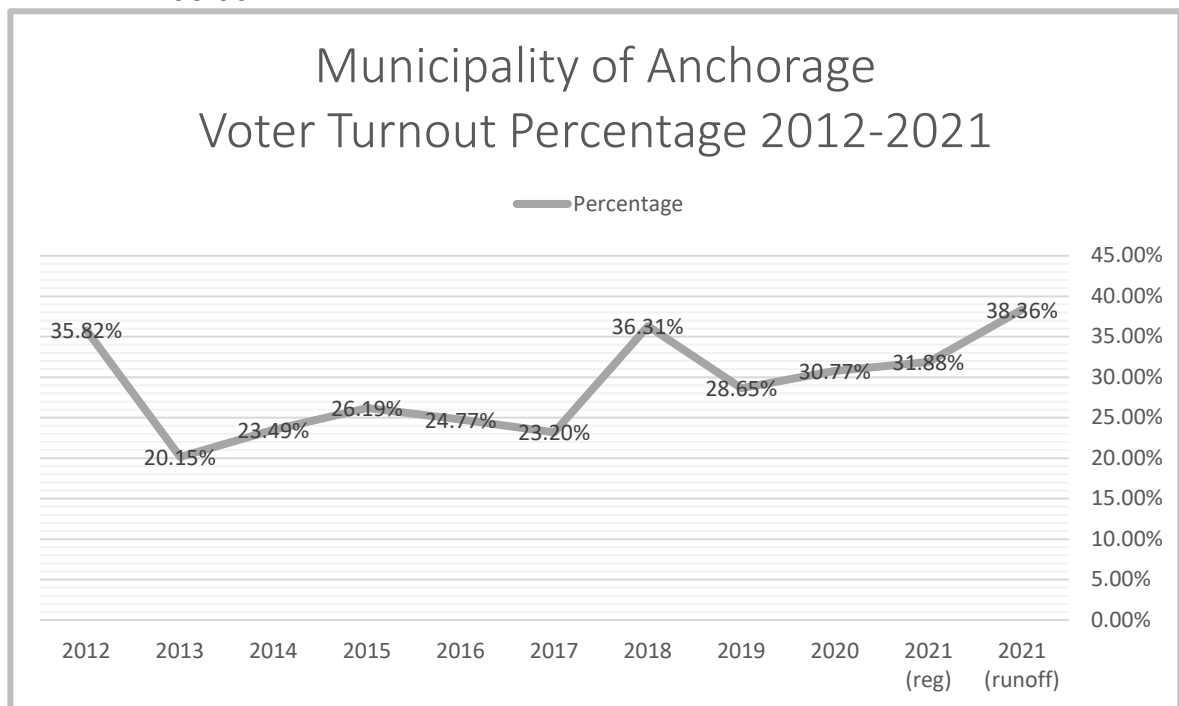
In both April and May of 2021, Secure Drop Box returns exceeded USPS returns by a whopping 173%! After four years and five elections, the drop boxes will need additional maintenance before the 2022 election. There were no requests from the public for new drop boxes or larger drop boxes.

**Voter Turnout**

Total Registered Voters 236,777

May 11, 2021 ballots processed and counted: 90,816

Voter turnout: 38.36%



<sup>9</sup> This unofficial information on Counts by Source is only to measure voter usage of the US mail, Secure Ballot Drop Boxes, and Anchorage Vote Centers as sources of returned ballot envelopes, not total envelopes received.

## VII. ADDITIONAL INFORMATION REGARDING THE MAY 11, 2021 RUNOFF ELECTION

In addition to the statistical information and the information required for Assembly certification, the MOA Elections Team reports on the following additional information with respect to the May 11, 2021 Mayoral Runoff Election:

- The May 11, 2021 Mayoral Runoff Election was conducted during the continuing COVID-19 pandemic, under Emergency Orders 13 and 20 which included a mask mandate and social distancing requirements. COVID-19 Mitigation Plan and precautions were implemented to protect election workers and voters.
- Three Anchorage Vote Centers were located at the Loussac Library – with two lines for voters to vote in the Assembly Chambers or the Wilda Marston Theatre – City Hall, and the Eagle River Town Center. In a runoff election, the AVCs were required to be opened only five days before the election, on May 5 through Election Day. Even so, in efforts to increase opportunities for voters and promote pro-voter policies:
  - the Loussac Library (Wilda Marston line) and Eagle River Vote Centers were opened nine days before election on May 3, 2021.
    - The vote centers also had Increased weekday voting hours from 5:00 until 6:00 p.m.,
    - Added hours on Saturday and Sunday at the Eagle River and City Hall vote centers.
  - 3,634 voters (4% of all voters) voted in person at a vote center.
  - the MOA Elections Team is grateful to APD and other volunteers for directing traffic and helping voters at the vote centers.
- Prior to the April election, imprinters were installed in the three ballot scanners at the Election Center. These imprinters print the date and time of scanning, along with the imprinter number, batch number, and ballot number on to each ballot as it is being scanned. By having this information printed on each ballot, retrieving a specific ballot to confirm it is blank, or in response to a challenge, is much faster and easier.
- Over 95 observers were signed up to participate in the May 11, 2021 Runoff Election. There is no doubt that the number of observers strained the small staff at the Election Center. ***In the future, due to the strain on the MOA Elections Team to have so many observers, the total number of registered observers will most likely be limited to approximately a multiple of the total number of observers at all locations.***
- The MOA Elections Team designated 20 spots in the Election Center for observers to view mail sorting, signature verification, review and resolution,

envelope opening, scanning, adjudication, and tabulation of results. Social distancing requirements at the Election Center were challenging for the Election Workers and for some observers because they could not get as close as they may have wanted to the computers or election materials.

- Candidates and campaigns registering observers are “**...responsible for the training of all observers under their authority on the proper conduct of observers according to these guidelines...**” 2021 Observer Manual, page 7 of 20. Observers are also required to review the Observer Manual, complete a registration form, and sign a confidentiality agreement. Even so, it was apparent from the behavior and questions, detailed below, that a number of observers had not been trained by their campaign, many had not read the manual, and many did not have any understanding of the processes at the Election Center. **Due to the lack of understanding of the Observer Manual, the MOA Elections Team can no longer allow candidates and campaigns to conduct the required observer training and will conduct the required training, most likely as early as February in the future. Although this requirement may be inconvenient for future campaigns who do not send observers to this early training, it is a necessary response to ensure that observers know their job and also that Election Officials can do theirs with minimal interruptions while processing the election.** Here are some examples of the apparent failures at training or to read the observer manual:
  - The observer manual states that “[w]hile in a vote center, a polling location, or the Election Center, observers must wear the badge in a noticeable location on their person at all times.” The purpose of this rule is obviously to protect the integrity of the election so that all Election Officials in the location know who the observers are. The purpose is NOT so the observers know who the Election Officials are. Even so, an observer questioned an Election Official outside of the Election Center asking “Why don’t you have a badge?” The Election Official reported that observer then somewhat sarcastically stated words to the effect, “Oh, you are one of the blue lanyard people who don’t need to wear a badge.”
  - The observer manual states that “**candidates and organizations will be allowed to assign ... not more than four, observers at the Election Center.**” 2021 Observer Manual, page 6 of 19. Even so, an almost incomprehensible challenge was filed by an observer stating “[o]nly 4 observers allowed on the floor at a time. 2 are Bronson observers + 2 are ? There are now 5 observers – once form is being filled out.” First, the rule in the manual is that **4 observers per campaign** are allowed on the floor at the same time. Second, it is clear from this alleged challenge that this observer did not even know two of the “unknown” observers were serving on the same campaign as the observer making the challenge! **Following this unsupported and incomprehensible challenge, the Elections Team met with the campaigns and initiated the requirement that all future challenges must be signed by the candidate or the campaign primary contact person.**

- 1       ○ The observer manual states that “[i]nterruptions to the election officials  
2       **must be minimal.**” Election Officials accepted two challenges from an  
3       observer, date stamped the challenges as received by the Municipal Clerk’s  
4       Office and provided copies of the date-stamped challenges to the observer.  
5       Even so, the observer filed a third challenge alleging that Election Officials  
6       would not sign her date-stamped challenge forms. This observer essentially  
7       was insisting that Election Officials interrupt the Clerk to sign challenge forms  
8       for which copies were already provided to her, date stamped and marked  
9       received by the Clerk’s Office. **Following this alleged challenge, Election**  
10      **Officials met with the campaigns and created a form for questions, that**  
11      **would be responded to at 12:00 noon daily to stop these time-wasting,**  
12      **harassing challenges.**  
13  
14      • The Elections Team is **generally** happy to answer questions to educate the  
15      public about Municipal Elections and the Election Center and to conduct tours. In  
16      March, six tours were offered of the Election Center, each taking approximately  
17      one hour, but some of which were not well attended. **On Election Day, May 11,**  
18      **2021, two registered observers arrived at the Election Center and requested**  
19      **a tour.** Requesting a tour on Election Day that again takes about one hour, does  
20      not demonstrate, as detailed in the manual that “[i]t is important for observers  
21      **to realize that election officials are trying to do an important job that**  
22      **requires long hours of hard work and attention to detail.**” 2021 Observer  
23      Manual, page 11 of 20.  
24  
25      • Because there were so many observers and so many new observers on a daily  
26      basis, Election Officials were required to remind observers of basic details in the  
27      Observer Manual every day and respond to some of the following questions:  
28  
29      ○ When observers arrive at the Election Center and were asked where they  
30      wanted to observe, instead of selecting an area in the Election Center (mail  
31      sorter, signature verification, review and resolution, envelope opening,  
32      scanning and adjudication), most instead asked the Election Officials where  
33      they should observe, which is an inappropriate question to Election Officials.  
34  
35      ○ During the last week of ballot processing, new observers asked basic  
36      questions over a long period of time about the scanning and tabulation  
37      system; the observers were told to keep their questions to the Election  
38      Officials brief or to write them down. Instead, the Observers began talking  
39      between themselves such that they were then asked to leave the floor to stop  
40      distracting the Election Officials. It was not possible during the election to  
41      respond to basic question from many of the 95 observers asking the same  
42      questions hour after hour, and day after day.  
43  
44      ○ Again during the last week of ballot processing and throughout the election,  
45      observers were reminded that consistent with the Observer Manual, they  
46      could not have bags or purses or backpacks on the floor of the Election  
47      Center and needed to leave them in the reception area.  
48  
49      • A person who identified herself as an observer appeared at the Eagle River Vote

Center and when the Chair checked her badge, the badge was not signed by the campaign primary contact person and the observer was not admitted. The Observer Manual requires observers to wear a badge, and must produce their identification badge upon the request of the Election Officials and “[w]ithout the proper identification badge, the observer will be asked to leave the vote center, polling location, or Election Center.” The observer without the proper badge then stood in the doorway of the Eagle River Vote Center for a time, despite being asked to leave. She then returned with a badge that was signed, but it was not signed by the candidate or the campaign primary contact person, although that is required in the Observer Manual. (See page 9 of 20.) The observer again refused to leave at the direction of the Vote Center Chair. The campaign was notified that because this observer was disruptive at the Eagle River Vote Center when she arrived without a properly signed badge, she was removed from the registered observer list.

***Disrespectful, harassing, and threatening behavior directed at Election Officials.***

- The Observer Manual states that ***“Observers are not allowed to be disruptive or impolite to election officials.”*** Observer Manual page 11 of 20. Even so, one observer was asked by an Election Official not to touch the cage on the election floor that contained vote ballots, consistent with the rule in the Observer Manual that ***“[o]bservers are not allowed to touch or handle ballot envelopes, ballots, election materials, or computers in the election locations.”*** In response to this, the Election Official reported that the observer stated words to the effect that, “I’ll bet when you go home at night you yell at your husband.” This same observer approached another Election Official at the end of the day, and she reported that he said words to the effect that he “would be back to harass her more tomorrow.” ***The Clerk notified the campaign’s primary contact that the observer would no longer be admitted to the Election Center pursuant to the provision of the Observer Manual that states that “[o]bservers who do not comply with applicable municipal law or this Handbook may be immediately removed from an election location at the direction of the Municipal Clerk, without prior notification to the candidate or organization, and be subject to such further action as may be authorized by law.”*** Observer Manual page 7 of 20. Although it seems obvious why the Clerk notified the campaign that the observer would no longer be admitted to the Election Center, ***the campaign primary contact person downplayed the behavior and requested to know under what authority the person could be denied access (see citations to Observer Manual above) and the legal basis for the denial.*** The Clerk responded that the Municipality has a duty to protect Municipal employees, including Election Officials, from harassment and bullying, from not only other employees, but also from contractors, vendors, and public. ***The campaign primary contact person responded with words to the effect that, “You’ll be hearing from our lawyer.”*** Although the MOA Elections Team did not hear from a lawyer regarding removing the observer, ***the two Election Officials, who were treated at least impolitely in clear violation of the Observer Manual, felt further disrespected by the campaign that their reports were not believed by the primary contact person and that the primary contact person, and by extension the campaign, threatened legal***

***action against the Municipality based on their complaints.***

- People who congregated in the Election Center parking lot each day during the election took photos of Election Officials coming and going to work or lunch. Such people were seen photographing and/or writing down license plate numbers of vehicles belonging to Election Officials, parked in the parking lot. Although it may be legal to photograph people and cars in public areas, the intensity and tone appeared to be geared towards intimidating officials rather than serving a legitimate purpose. For example, Election Officials are readily accessible for conversations in the Election Center, not to mention the availability of recorded security footage for identifying officials if it were necessary.
- On more than one occasion, Election Officials were accosted in the parking lot.
- Information from the personal Facebook page of an Election Official was copied and shared on social media, in an attempt to discredit that Election Official.

**Inaccurate, misleading disinformation about the May 11, 2021 Election:**

- Varying statements were made that the person who allegedly removed a box from the top of the Election Center drop box sometime after 11:00 p.m. on Election night, came into the Election Center with the box prior to 11:00 p.m., and/or left the Election Center with a box and placed it on top of the drop box. A lawyer with the campaign, in separate correspondence, acknowledges that “the person did not appear to enter the Election Center.” As demonstrated on the video at 10:31 p.m., the door to the Election Center does open, but no one enters. Misinformation and disinformation in this alleged challenge were circulated on the internet, social media, and talk radio, although outside of this challenge neither bloggers nor talk radio asked questions and instead broadcast rumors and innuendo to suggest illegal activity occurred and implicated Election Officials. After these social media posts and talk radio discussions, the elections phone and emails received a number of contacts regarding false allegations suggesting election misconduct. Although many posts said Election Officials should be fired, one post on social media regarding this incident stated that the Election Officials “should be publicly executed.” No disavowal of those statements were made on social media. No corrections were made after the information in response to the alleged challenge was provided to the campaigns.
- The majority of the observers that came to the Election Center were not trained, and few of the observers participated in the tours of the election center before the election when staff had time to explain the election processes, nor did they demonstrate knowledge from having watched the two online videos of ballot envelope and ballot processing prior to observing at the election center. Because there were so many observers who apparently had not read the manual nor participated in or viewed an online tour, new observers asked election workers and staff the same questions over and over that had been answered the previous

hour or previous day or were answered in the manual or videos. Many observers behaved as if the purpose of their role was to find fault with the election process and Election Officials, instead of working cooperatively with the Election Officials, whose duty is to follow the law and perform their duties to the best of their ability to ensure a fair and honest election. Observers seemed frustrated by a preconceived PERCEPTION of what was happening at the Election Center and with the vote at home/vote by mail system. The observers were not trained, and most did not have prior election experience or a sufficient understanding of the observer's manual to make sure the process and law were being followed. ***The MOA Elections Team will address this by providing training to observers in the future. This will help develop more effective observers and still allow election workers to do their jobs during the election.***

- Inaccurate and false statements about election processes, including photos and video taken by observers inside the election center, were published in an online gossip column and discussed on talk radio - neither of which contacted election officials for information or confirmation of the statements, suggesting that the purpose of the coverage was to sow disinformation and distrust about the election process. As a result, the election center had to deal with numerous phone calls and emails about these false statements.
- False information was also circulated about blank ballots being returned to the election center.
- Election Officials felt threatened by the statement, "There are a lot of eyes on you individually. There are a lot of eyes on you as a group." The direction from one campaign, as captured in a video posted to a social media site, was for Election Officials to be "heavily watched." While we want people to come watch what we do, at times the observers acted in ways that seemed more aimed towards intimidating election officials rather than observing the process.
- Election Officials received an email from a person stating that "It has been verified" that blank ballots entered the election center over the last weekend when the Election Center was closed. In debunking that email, Elections Officials responded unequivocally that no blank ballots entered the election Center over the weekend and that observers were present the entire weekend. The person's reply continued in disbelief, quoting the online gossip column and demanding that Election Officials respond to whether the online gossip journal's statement, "Is this not true?" And, yes, the Election Officials can categorically state, it is not true that blank ballots entered the election center over the weekend.

Despite these examples of the intense scrutiny of the election, the dissemination of disinformation to sow distrust among voters, and the unprecedented harassment of election officials including by taking photographs and video of them and their cars and threatening that we are watching you, the Anchorage Vote at Home/Vote by Mail system displayed flexibility, consistency, and accuracy, and thrived with record turnout and participation by voters.

## **VIII. Vote at Home/Vote by Mail System**

As a refresher for experienced Assembly members and a primer for new members and the public, the vote at home/vote by mail system is set up to improve and increase voter options to vote, to ensure a fair and accurate election, and to prevent fraud. Ballots are mailed only to those voters who are registered in the Municipality of Anchorage at least 30 days before the election (AMC 28.30.010), but are not mailed to those voters with a status in the state voter registration database that indicates that mail to that voter at their registered address is undeliverable. (AMC 28.40.020; ballots not mailed to status of purge notice (PN), undeliverable (UN), or list maintenance undeliverable (LU)) The MOA Elections Team has worked hard with the State of Alaska Division of Elections to make sure that only qualified registered voters are mailed a ballot; ***the MOA Elections Team will continue our efforts, in particular to address concerns with the number of voters receiving ballots at out of state addresses, while acknowledging that many out of state voters are military, “snowbird” retirees, and college students, etc., who all have the right to vote that must be protected.***

Each ballot package envelope is marked with a unique ballot package identification number assigned to a particular voter. When the ballot return envelope, which also includes that unique number, is returned to the Election Center, the mail sorter reads the bar code and indicates that the voter has voted, similar to signing the voter register. Any ballot return envelope with the same ballot package identification number is rejected as a duplicate vote; similarly, any ballot returned without a return envelope or other means of identifying the voter is rejected.

Voters are required to sign their ballot return envelope, and each signature is compared to the reference signature(s) on file with the State of Alaska, Division of Elections, by two trained election workers using criteria set forth in code (AMC 28.70.030). If the signatures are determined not to match, steps are taken to help the voter “cure” the situation, but non-matching signatures are a reason for a ballot to be rejected to help prevent fraud by prohibiting someone from voting another person’s ballot.

These processes are in place to reduce, identify, and prevent fraudulent attempts to vote, including preventing counting the 44 duplicate votes and the one ballot voted by someone other than the voter, which were rejected by the Commission. Preventing fraud is the responsibility of the MOA Elections Team and all Anchorage voters and citizens. Anchorage voters can visit the MOA Election Center in person, watch the videos explaining the Election Center process, review the livestream of ballot processing during both the April and May elections, and look at the FAQs on the Elections website to feel confident that Anchorage elections are secure, accurate, and fair.

## **IX. CONCLUSION**

The Election Commission and the Municipal Clerk report that there has been no failure to comply with provisions of law or code and no reported illegal election practices sufficient to change the outcome of the election. The Assembly is respectfully requested to approve this memorandum certifying the May 11, 2021 Mayoral Runoff Election.



- 1 Municipal Clerk's Office
- 2 MOA Elections Team
- 3 Barbara A. Jones, Municipal Clerk
- 4 Erika McConnell, Deputy Clerk - Elections
- 5 Liz Edwards, Election Coordinator
- 6 Amy Solberg, Election Assistant
- 7