Election Performance & Procedure Review

By the Senate State Affairs Committee

August 29, 2016

Intent of Hearing

- The intent of this presentation to examine potential concerns from the 2016 primary election.
- It is not the intent of this presentation to influence the outcome of any election or for any purpose prohibited by AS 24.60.030 – Standards of Conduct.
- The State Legislature has the authority/responsibility of elections oversight and review per Article V, Section 3 and Article II, Section 12 of the Alaska State Constitution.

Intent of Hearing (cont.)

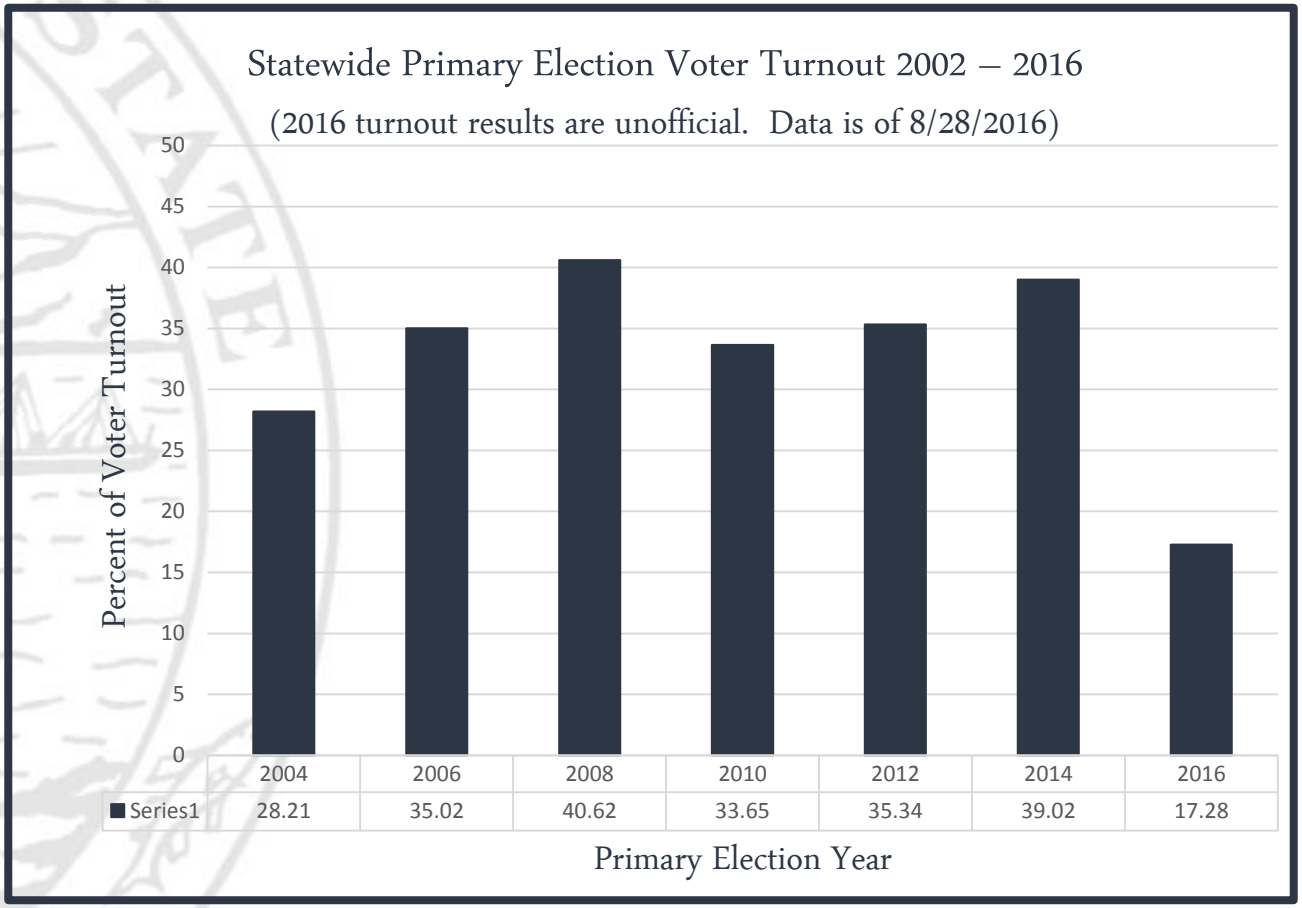
- Election data within this presentation is compiled from Division of Elections unofficial ballot counts posted on August 26, 2016. Official ballot counts are scheduled for certification by the Division of Elections on September 2, 2016.

- Information presented on potential primary election concerns is derived from Division of Elections unofficial primary results data, recent media reports, and public statements made by the Lt. Governor and Division of Elections Director. This presentation does **not** include anecdotal accounts of potential concerns outside of this criteria.

- Voters from around Alaska will be able to provide public comments following this presentation.

2016 Primary Election

Statewide Primary Election Turnout 2004 – 2016



Source: Alaska Division of Elections

2016 Primary Election

Areas of Potential Concern

Following the August 16, 2016 statewide primary election, there were reports of potential concerns from the following election precincts. These areas with potential concerns will be discussed in the following order:

1) House District 40 – Shungnak
2) House District 38 – Chefornak
3) House District 38 – Newtok
4) House District 6 – Copper Center

Potential Concern

District 40 – Shungnak

District 40 – Shungnak

General Information

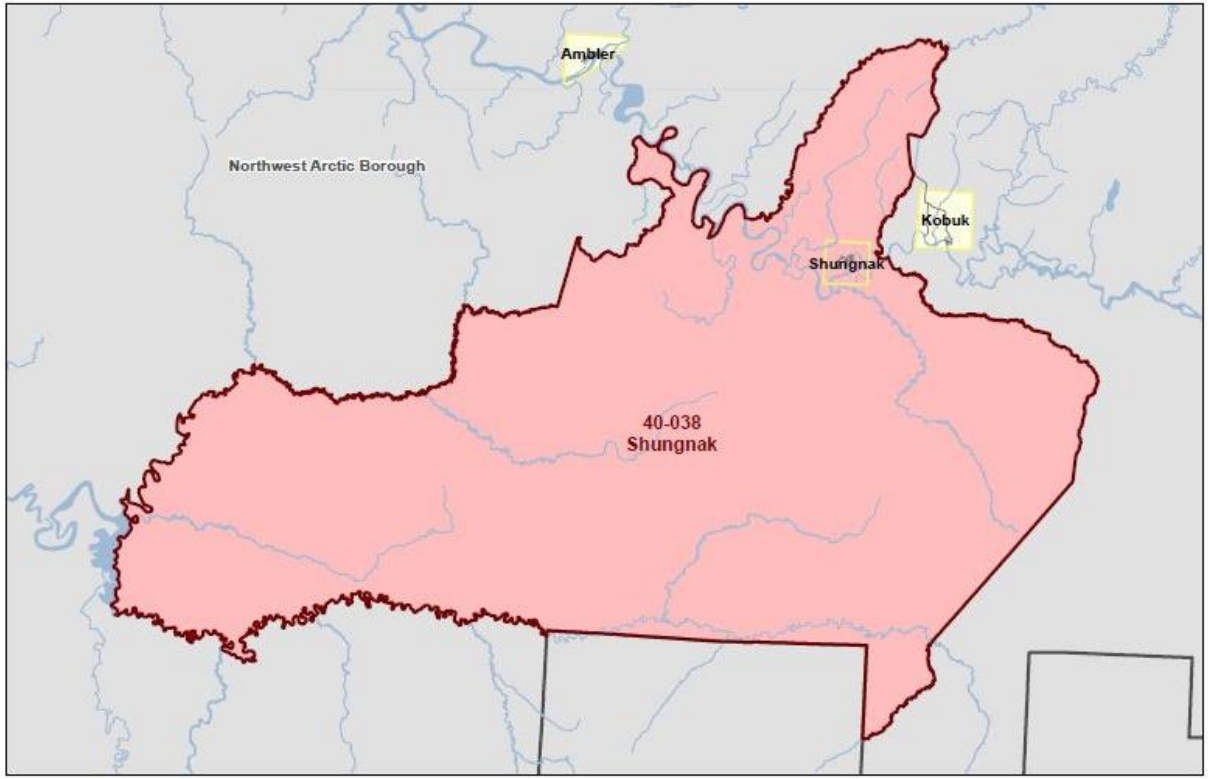
Shungnak Primary History

- 2016 Primary
  - Registered Voters: 159
  - Cards Cast: 100
  - Voter Turnout: 62.89%
- 2014 Primary
  - Registered voters: 158
  - Cards Cast: 69
  - Voter Turnout: 43.67%
- 2012 Primary
  - Registered Voters: 146
  - Cards Cast: 62
  - Turnout: 42.47%

Source: Alaska Division of Elections

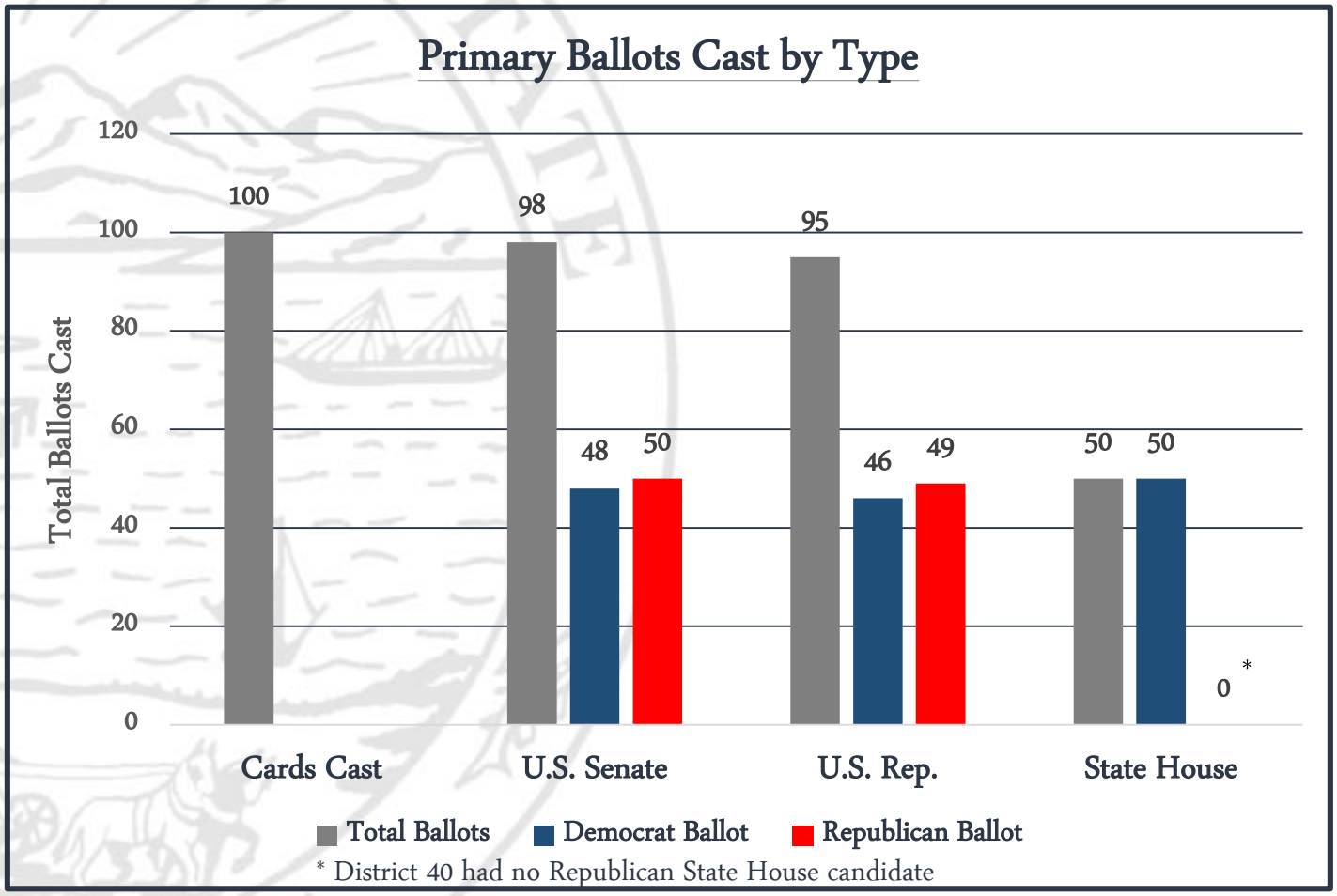
Note: Election district were redrawn following 2012.

Voting Precinct 40-038 Shungnak
Redistricting Plan July 14, 2013



District 40 – Shungnak

2016 Primary Detail



2016 SHUNGNAK PRIMARY BALLOTS CAST

- U.S. Senate
  - Total Ballots Cast: 98
  - Democrat Ballot: 48
  - Republican Ballot: 50
- U.S. Representative
  - Total Ballots Cast: 95
  - Democrat Ballot: 45
  - Republican Ballot: 49
- State House
  - Total Ballots Cast: 50
  - Democrat Ballot: 50
  - Republican: N/A

Source: Division of Elections 8/26/16 unofficial results

District 40 – Shungnak

Potential Concerns

Media reports and state officials claimed:

- Shungnak had unusually high voter turnout
  - HD 40 average: 23.47%
  - Shungnak: 62.89%
- Voters were given **both** Republican and Democratic primary ballots
  - Division of Elections reported 100 cards cast, however, there were only 50 voters
- Election officials may not have had required election training

The Arctic Sounder

Update: House District 40 primary election coverage

August 17, 2016, 9:30 a.m.

"Shungnak's voter turnout was greater than of the other villages..."

Alaska Dispatch News

Questions arise over close House race after revelation of ballot mistake

August 19, 2016

"Voters in the tiny far-north village of Shungnak were...mistakenly given both the Republican and combined Democratic-Libertarian-Alaskan Independence party ballots."

District 40 – Shungnak

Potential Concern: Both Ballots

Lt. Governor Byron Mallot and Division of Elections Director Josie Bahnke acknowledged the mistake of providing voters both Republican and Democrat ballots:

Alaska Dispatch News

Questions arise over close House race after revelation of ballot mistake

August 19, 2016

"**State Division of Elections Director Josie Bahnke said** there's no need to redo the election because voters didn't vote twice in any race, including in the Alaska House District 40 contest, covering the Northwest Arctic and North Slope boroughs.

"It's not like there's double votes," she said."

(emphasis added)

LIEUTENANT GOVERNOR
BYRON MALLOTT

Statement by Lt. Governor Byron Mallott on Primary Election Unofficial Results

August 19, 2016

"With respect to the Shungnak precinct, the Division [of Elections] is aware of reports that the precinct workers gave voters both Republican and the [Democrat] ballot. The Democratic Primary allows any qualified voter to vote in their primary, so anyone who voted in their primary was legally entitled to do so under party rules. **Moreover, a candidate's name appears on only one ballot, not multiple ballots, so no voter was able to cast more than one vote for any individual candidate."**

(emphasis added)

District 40 – Shungnak

Why is this a Potential Concern?

Alaska Statute prohibits election officials from providing voters with more than one type of primary ballot:

AS 15.25.060 – Preparation and Distribution of Ballots; Appropriate Ballot

(b) **A voter may vote only one primary election ballot.** A voter may vote a political party ballot only if the voter is registered as affiliated with that party, is allowed to participate in the party primary under the party's bylaws, or is registered as nonpartisan or undeclared rather than as affiliated with a particular political party and the party's bylaws do not restrict participation by nonpartisan or undeclared voters in the party's primary. For the purpose of determining which primary election ballot a voter may use, a voter's party affiliation is considered to be the affiliation registered with the director as of the 30th day before the primary election. If a voter changes party affiliation within the 30 days before the primary election, the voter's previous party affiliation shall be used for the determination under this subsection.

(Emphasis added)

District 40 – Shungnak

Potential Concern: Lack of Training

Shungnak election workers potentially did not receive required training:

KTVA ALASKA

Mistake at the polls could cost North Slope Representative his seat

By Liz Raines 7:34 p.m. August 22, 2016 (Updated: 10:34 a.m. August 24, 2016)

"A simple mistake in last Tuesday's primary election may have cost Barrow's Rep. Benjamin Nageak his seat in the Legislature. Throughout the state, voters had to choose between a Republican or Democrat ballot, but in Shungnak, voters accidentally got both...

Division of Elections director Josie Bahnke said all polling officials receive training each election cycle, but the woman working the polls in Shungnak said she didn't receive any *(emphasis added).*

"I did a few years ago in the last election they had for senators and stuff, but I haven't had an election for a few years," said Evelyn Woods, who is also the city's clerk.

Woods said she tried to report the problem Tuesday night, but couldn't.

"I tried to get ahold of them after, right after I closed down the polls at nine, but their phones were busy," Woods said of the election office in Nome. "There's a lot of other villages calling and I kept trying to get ahold of them that night, but they couldn't get any answers and it was getting kind of late."

District 40 – Shungnak

Why is this a Potential Concern?

Alaska Statute requires the Division of Elections Director to provide biennial training for election official prior to a primary election:

Your Community Will Thank You.

It's as easy as 1-2-3.

1 First, you'll attend a paid training session to learn how to be a poll worker. Then, you're ready to go to work.

2 On Election Day, you'll help set up the polling place before your neighbors arrive to vote.

3 Finally, you'll check voters in at the polling place and issue ballots. Once the day is done, you and your fellow poll workers will close the polling place.

Your neighbors are counting on you. Fill out the form on the opposite page and apply today to pitch in at the polls.

Help carry the torch.
Be a poll worker.

Source: Division of Elections poll worker application (highlight emphasis added)

AS 15.10.107 – Staff Training

The director shall, before each primary election in even-numbered years, provide for a comprehensive training program for election officials, both the **full-time members of the staff of the division of elections** and those who are appointed as members of election boards under AS 15.10.120 - 15.10.140 and **other temporary election employees**. The director shall prepare and, not later than March 1, file with the lieutenant governor a plan that describes the comprehensive training program for election officials to be provided to those officials during that calendar year.

(Emphasis added)

Potential Concern

District 38 – Chefornak

District 38 – Chefornak

General Information

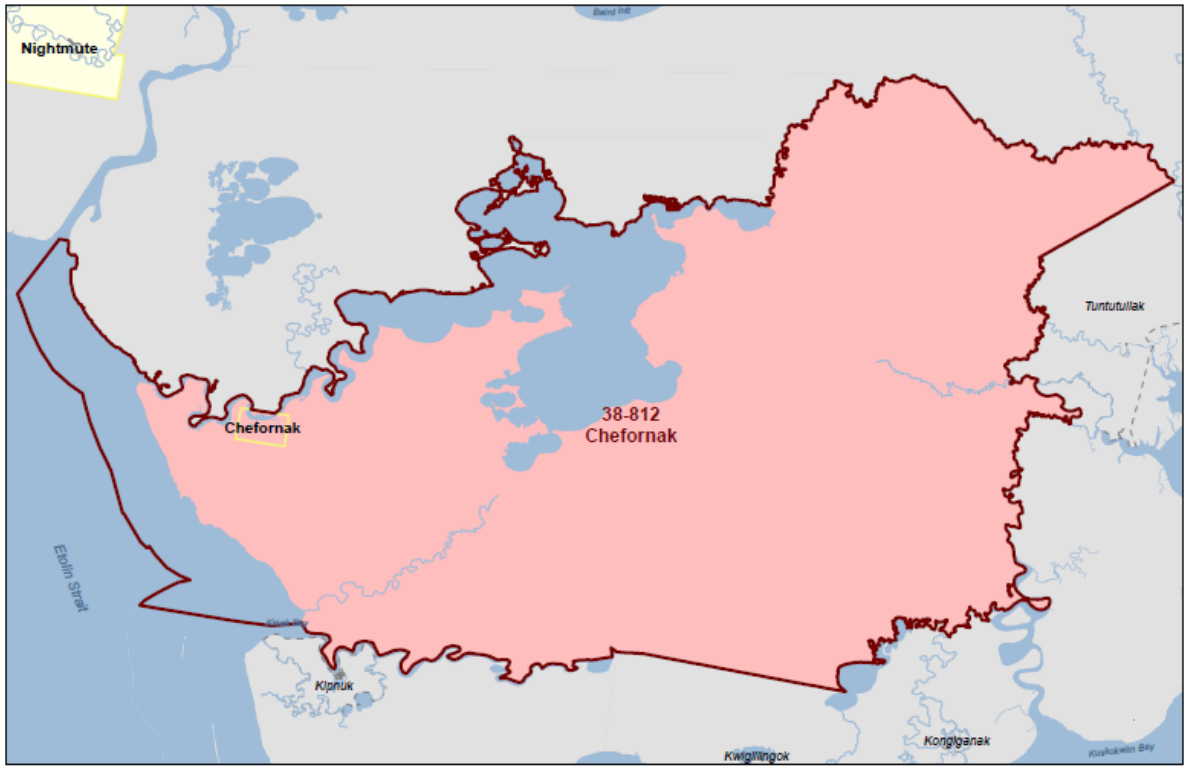
Chefornak Primary History

- 2016 Primary
  - Registered Voters: 297
  - Cards Cast: 204
  - Voter Turnout: 68.69%
- 2014 Primary
  - Registered voters: 283
  - Cards Cast: 143
  - Voter Turnout: 50.53%
- 2012 Primary
  - Registered Voters: 238
  - Cards Cast: 73
  - Turnout: 30.67%

Source: Alaska Division of Elections

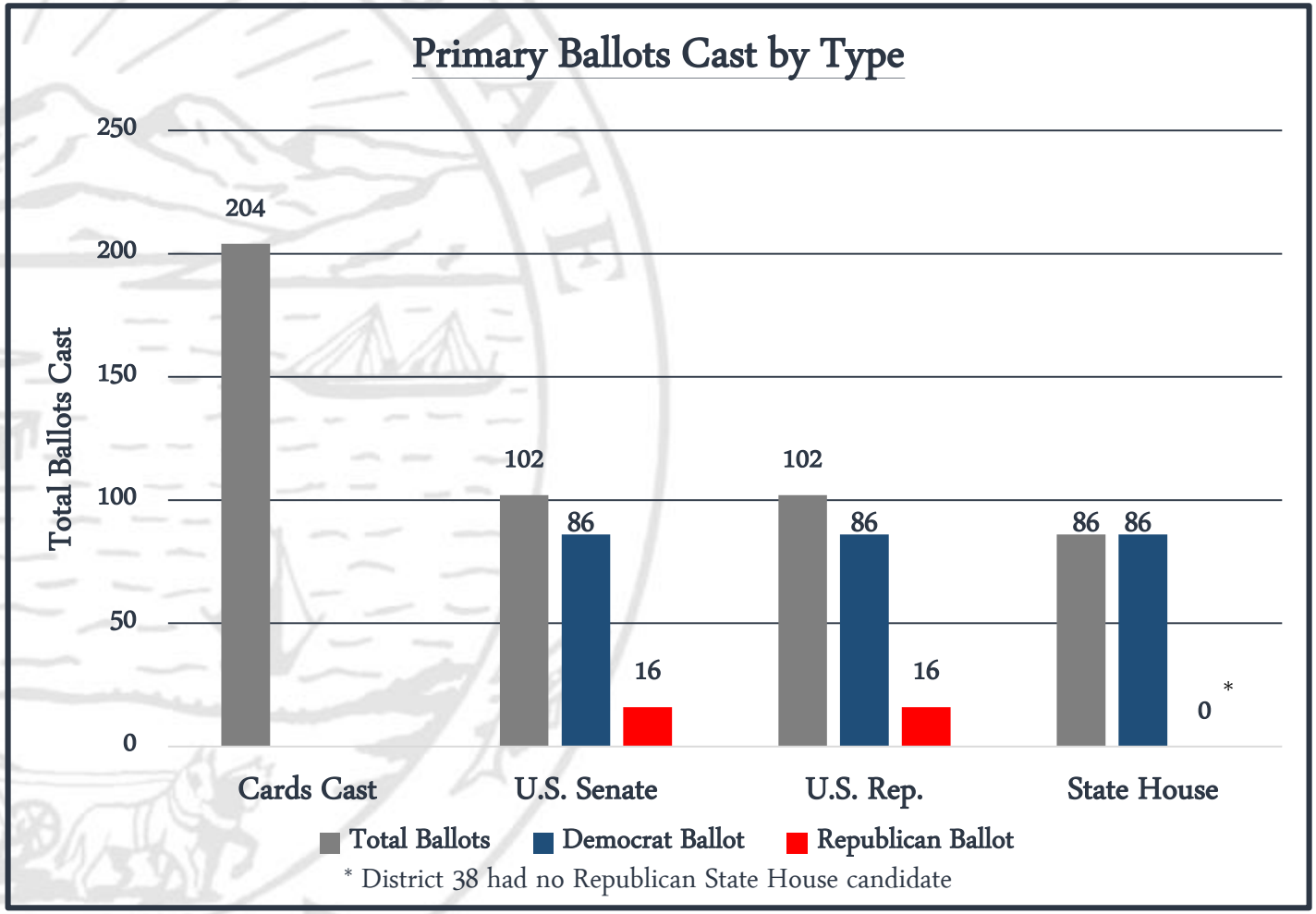
Note: Election district were redrawn following 2012.

Voting Precinct 38-812 Chefornak
Redistricting Plan July 14, 2013



District 38 – Chefornak

2016 Primary Detail



2016 Chefornak Primary Ballots Cast

- U.S. Senate
  - Total Ballots Cast: 102
  - Democrat Ballot: 86
  - Republican Ballot: 16
- U.S. Representative
  - Total Ballots Cast: 102
  - Democrat Ballot: 86
  - Republican Ballot: 16
- State House
  - Total Ballots Cast: 86
  - Democrat Ballot: 86
  - Republican: N/A

Source: Division of Elections 8/26/16 unofficial results

District 38 – Chefornak

Potential Concerns

- Unusually high voter turnout:
  - 2016 Primary
    - HD 38 average: 30.35%
    - 2016 Chefornak: 68.69%
  - 2014 Primary
    - HB 38 average: 33.02%
    - Chefornak: 50.53%
- Total votes for the U.S. Senate and Representative races are exactly 50 percent less compared to the number of cards cast:
  - Republican and Democratic ballots cast: 102
  - Total reported cards cast: 204

Potential Concern

District 38 – Newtok

District 38 – Newtok

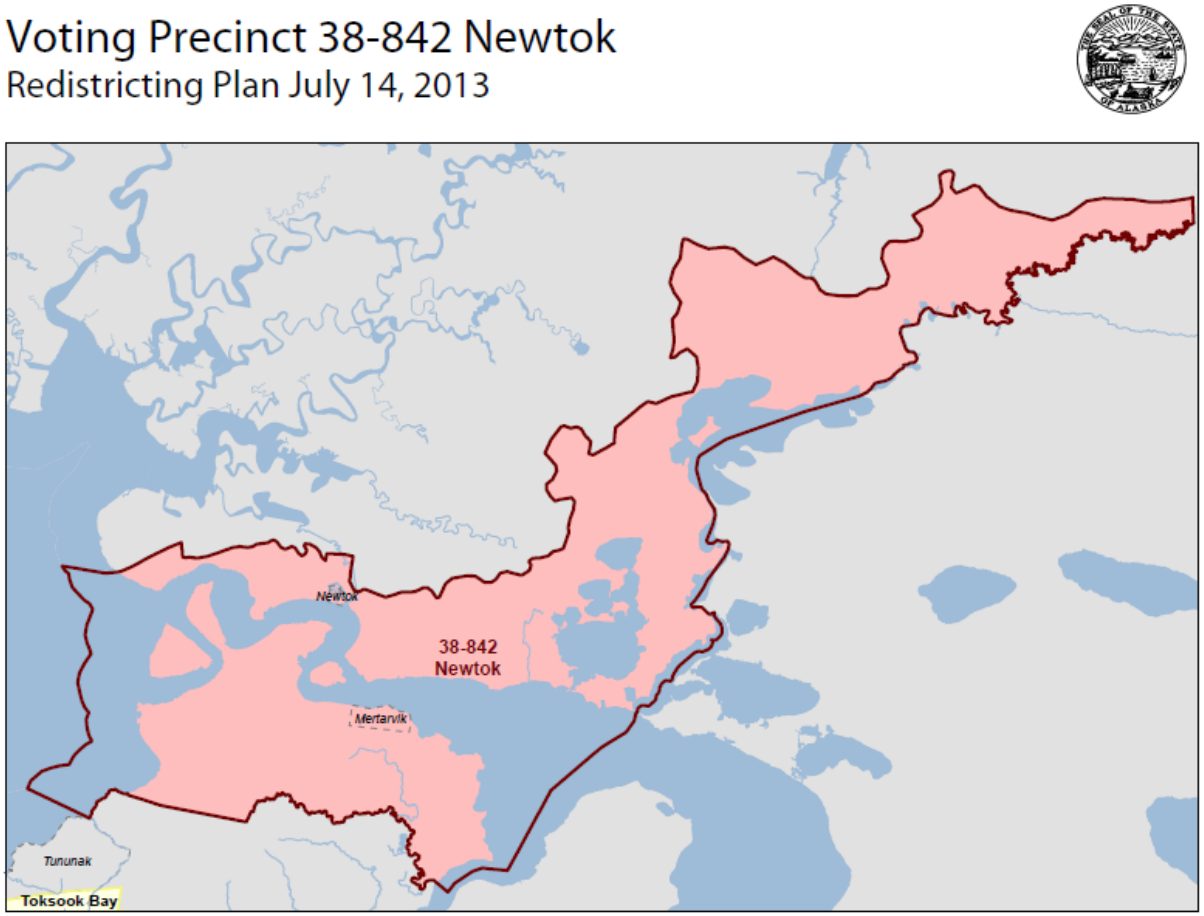
General Information

Newtok Primary History

- 2016 Primary
  - Registered Voters: 215
  - Cards Cast: 227
  - Voter Turnout: 105.58%
- 2014 Primary
  - Registered voters: 223
  - Cards Cast: 102
  - Voter Turnout: 45.74%
- 2012 Primary
  - Registered Voters: 206
  - Cards Cast: 24.76
  - Turnout: 24.76%

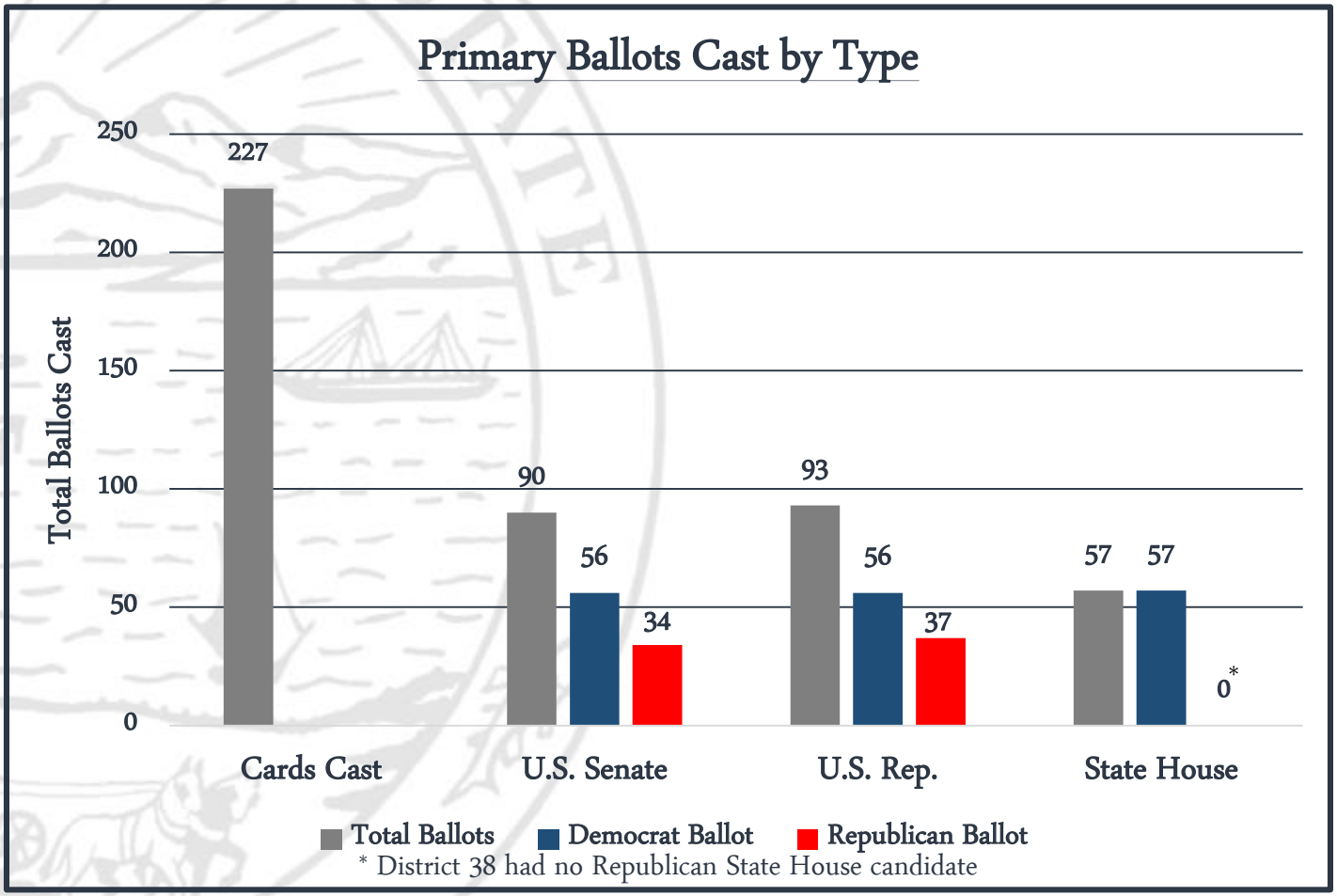
Source: Alaska Division of Elections

Note: Election district were redrawn following 2012.



District 38 – Newtok

2016 Primary Detail



2016 NEWTOK PRIMARY BALLOTS CAST

- U.S. Senate
  - Total Ballots Cast: 90
  - Democrat Ballot: 56
  - Republican Ballot: 34
- U.S. Representative
  - Total Ballots Cast: 93
  - Democrat Ballot: 56
  - Republican Ballot: 37
- State House
  - Total Ballots Cast: 57
  - Democrat Ballot: 57
  - Republican: N/A

Source: Division of Elections 8/26/16 unofficial results

District 38 – Newtok

Potential Concern

Amount of reported ballots cast by the Division of Elections is statistically confusing:

- Race with largest amount of voters: 93 (U.S. Representative)
- Total Newtok registered voters: 215
- Reported number of cards cast: 227
  - **For a total voter turnout of 105.58%**

Potential Concern

District 6 – Copper Center

District 6 – Copper Center

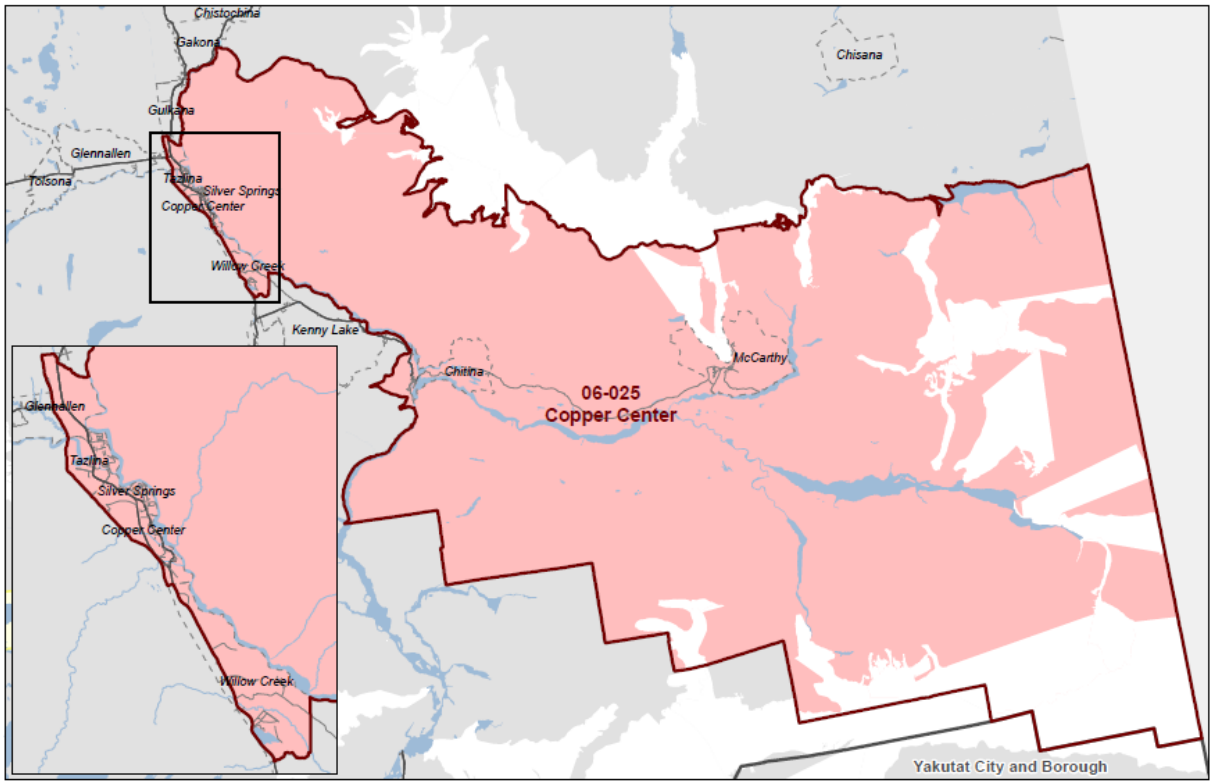
General Information

Copper Center Primary History

- 2016 Primary
  - Registered Voters: 967
  - Cards Cast: 112
  - Voter Turnout: 11.58%
- 2014 Primary
  - Registered voters: 917
  - Cards Cast: 199
  - Voter Turnout: 21.7%

Source: Alaska Division of Elections

Voting Precinct 06-025 Copper Center
Redistricting Plan July 14, 2013



District 6 – Copper Center

Potential Concern

Copper Center precinct did not report primary election results the night of the statewide primary held on August 16, 2016. The following unofficial Divisions of Elections primary update on August 23rd still showed no results for Copper Center.

State of Alaska - 2016 Primary Election
Statement of Votes Cast
August 16, 2016
Unofficial Results

Date:08/23/16
Time:17:02:28
Page:1 of 5

	TURN OUT			US SENATOR (ADL)				
	Reg. Voters	Cards Cast	% Turnout	Reg. Voters	Total Votes	Blatchford, Edgar (DEM)	Metcalfe, Ray (DEM)	Stevens, Cean (LIB)
Jurisdiction Wide								
06-005 Anderson	178	24	13.48%	178	8	3	3	2
06-007 Arctic Village	108	43	39.81%	108	37	16	16	5
06-010 Beaver	59	23	38.98%	59	9	5	4	0
06-012 Cantwell	201	23	11.44%	201	6	4	2	0
06-015 Central	151	35	23.18%	151	6	2	2	2
06-020 Chistochina	216	30	13.89%	216	4	0	1	3
06-023 Circle	71	16	22.54%	71	4	1	2	1
06-024 Clear	201	21	10.45%	201	8	1	4	3
06-025 Copper Center	967	0	0.00%	967	0	0	0	0
06-026 Denali Park	284	45	15.85%	284	30	11	18	1
06-027 Dot Lake	119	9	7.56%	119	0	0	0	0
06-030 Eagle	211	49	23.22%	211	14	7	6	1

Source: Division of Elections unofficial Copper Center precinct totals reported on 8/23/2016

District 6 – Copper Center

Potential Concern cont.

Unofficial results for the Copper Center precinct were reported on August 26, 2016, 11:18 p.m., ten days after the primary election had been held:

State of Alaska - 2016 Primary Election
Statement of Votes Cast
August 16, 2016
Unofficial Results

Date:08/26/16
Time:23:18:20
Page:1 of 5

	TURN OUT			US SENATOR (ADL)				
	Reg. Voters	Cards Cast	% Turnout	Reg. Voters	Total Votes	Blatchford, Edgar (DEM)	Metcalfe, Ray (DEM)	Stevens, Cean (LIB)
Jurisdiction Wide								
06-005 Anderson	178	24	13.48%	178	8	3	3	2
06-007 Arctic Village	108	43	39.81%	108	37	16	16	5
06-010 Beaver	59	23	38.98%	59	9	5	4	0
06-012 Cantwell	201	23	11.44%	201	6	4	2	0
06-015 Central	151	35	23.18%	151	6	2	2	2
06-020 Chistochina	216	30	13.89%	216	4	0	1	3
06-023 Circle	71	16	22.54%	71	4	1	2	1
06-024 Clear	201	21	10.45%	201	8	1	4	3
06-025 Copper Center	967	112	11.58%	967	20	7	12	1
06-026 Denali Park	284	45	15.85%	284	30	11	18	1
06-027 Dot Lake	119	9	7.56%	119	0	0	0	0
06-030 Eagle	211	49	23.22%	211	14	7	6	1

Source: Division of Elections unofficial Copper Center precinct totals reported on 8/26/2016

In Review

This presentation discussed the following election precincts that had potential primary election concerns:

1) House District 40 – Shungnak
   - Voters allowed to vote both Republican and Democratic ballot
   - Election workers did not receive required training
2) House District 38 – Chefornak
   - Ballots cast were double the amount of votes received by candidates
3) House District 38 – Newtok
   - 105.58% voter turnout
4) House District 6 – Copper Center
   - Ten-day delay before reporting unofficial election results

Questions?