

## **Appendix A**

2016 Primary Election Media Coverage of Irregularities

*Compiled by Senate State Affairs Committee*

8/29/2016



## LIEUTENANT GOVERNOR BYRON MALLOTT

You are here: [Home](#) / [Press Releases](#) / Statement by Lt. Governor Byron Mallott on Primary Election Unofficial Results

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

**August 19, 2016**

"The Alaska Division of Elections' mission is straightforward — to ensure that every qualified voter has a meaningful opportunity to cast a ballot and have their vote counted. I take any suggestions of voting irregularities very seriously and the Division is in the process of reviewing ballots and precinct procedures. Until all the questioned and absentee ballots have been counted, no election result is final or will be certified. We also consider this to be a training issue and one that the Division will address meaningfully and promptly.

With respect to the Shungnak precinct, the Division is aware of reports that the precinct workers gave voters both Republican and the combined Alaska Democratic Party, Alaska Libertarian Party and Alaskan Independence Party ballot. The Democratic Party 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.

Ballots and voter registers are mailed to the Division headquarters in Juneau on the day following the election. Shungnak mailed the ballots and registers on Wednesday and they are currently in the custody of the United States Postal Service.

On Monday, August 29, the hand count verification process will take place at Centennial Hall in Juneau. That same day, the bipartisan State Review Board will carefully audit election results and materials such as ballots and precinct registers. Certification of the primary election is slated for Friday, September 2."

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## Mistake at the polls could cost North Slope representative his seat

By Liz Raines (<http://www.ktva.com/authors/elizabeth-raines/>)

7:34 PM August 22, 2016

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**2m 51s**

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ANCHORAGE – 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.

According to unofficial results, just five votes separate the two Democratic candidates — Nageak and Dean Westlake. There are 19 registered Republicans in Shungnak

(<http://elections.alaska.gov/statistics/2016/AUG/VOTERS%20BY%20PARTY%20AND%20PRECINCT.htm#40>), who, had they chosen their own party’s ballot, would not have been allowed to weigh in on the race, which Westlake won overwhelmingly (<http://www.elect.alaska.net/data/sovc/hd40.pdf>).

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.

“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.”

In a prepared statement, Lt. Gov. Byron Mallott, who oversees state elections, said he takes voting irregularities very seriously, but indicated he doesn't think the extra votes are invalid.

"The Democratic Party 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," he wrote. "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."

The Alaska Republican Party pointed its finger at Mallott for the mistake.

"Byron Mallott has two jobs: protect the state seal and run elections properly. This was incompetent administration of an election," Alaska GOP chairman Tuckerman Babcock wrote on Facebook (<https://www.facebook.com/AlaskaRepublicanParty/?rf=436678019694305>).

Shungnak wasn't the only anomaly this primary season. The Western Alaska village of Newtok reported a 105.58 percent voter turnout (<http://www.elect.alaska.net/data/sovc/hd38.pdf>).

"Basically it was a data entry error," Bahnke said. "It was a human error and it's been fixed."

Bahnke said the State Review Board will be verifying results statewide on Monday, Aug. 29. She said she expects certified election results to be available by Sept. 2.

According to state law (<http://www.touchngo.com/lglcntr/akstats/statutes/title15/chapter20/section430.htm>), a defeated candidate or group of 10 voters can request a recount. If the difference is 20 votes or less, the state covers the cost of the recount. Nageak did not return calls on Monday about whether he would seek one.

*KTVA 11's Liz Raines can be reached via email (<mailto:eraines@denalimediaalaska.com>) or on Facebook (<https://www.facebook.com/Liz-Raines-KTVA-1486077031703797/?fref=ts>) and Twitter (<https://twitter.com/lrainesktva>).*

# Voters in one village were allowed to cast ballots in both primaries

By **Andrew Kitchenman, APRN & KTOO - Juneau** - August 19, 2016

The result of Tuesday's Democratic primary for House District 40 remains in doubt. And now, there are also concerns over how voters in the Northwest Arctic village of Shungnak were able to cast ballots in both the Republican primary and in the primary for Democrats and others.

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According to the Alaska Dispatch News, Shungnak precinct chairwoman Evelyn Woods says she mistakenly allowed 52 voters to cast ballots in both primaries.

Dean Westlake is ahead of Benjamin Nageak by five votes in the district, which covers the North Slope and Northwest Arctic boroughs, as well as three precincts in the Unorganized Borough.



*Rep. Benjamin Nageak, D-Bethel, during debate on the creation of Indigenous Peoples Day, April 1, 2016. (Photo by Skip Gray/360 North)*

Election officials continue to count absentee ballots, and will review questioned ballots.

State Division of Elections Director Josie Bahnke said that a state review will examine the statewide results – particularly those in Shungnak.

"We're still getting to the bottom of it," Bahnke said. "We're considering this to be a huge training issue for us going into the general, and one we will address meaningfully and promptly."

Shungnak was one of six precincts in northern and western Alaska that didn't report their results until well into Wednesday – many hours after they were supposed to be reported under state election procedures.

Bahnke noted that no voter was allowed to vote twice in the Democratic primary. The number of Democratic voters was similar to previous primaries, but there were more than four times as many Republican voters.

Forty-eight Shungnak residents voted for Westlake, while only two voted for Nageak.

It could be at least several weeks before the winner in District 40 is clear. The deadline for absentee ballots mailed before the election to arrive by mail is August 26th. And the Division of Elections anticipates it will take another week to certify the results.

There's a good chance there will be a recount, since the trailing candidate or a group of voters in an election this close can request a recount paid for by the state. The recount request deadline is five days after the state review of the results. It's not clear when that review will take place.

**Andrew Kitchenman, APRN & KTOO - Juneau**

[http://www.newsminer.com/news/alaska\\_news/mallott-no-major-voting-problems-after-legal-settlement/article\\_8c26f72e-65b6-11e6-8635-d77469ac37c6.html](http://www.newsminer.com/news/alaska_news/mallott-no-major-voting-problems-after-legal-settlement/article_8c26f72e-65b6-11e6-8635-d77469ac37c6.html)

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NEXT UP

2 men armed with shotgun and handgun rob Anchorage bank

## Mallott: No major voting problems after legal settlement

Becky Bohrer, Associated Press Aug 18, 2016

ANCHORAGE, Alaska (AP) - Lt. Gov. Byron Mallott said Thursday that he saw no substantive problems during his visit to rural communities to monitor voting in this week's primary election.

He also said he got the impression from the U.S. Department of Justice that this was a good first statewide election following last year's settlement of a lawsuit over the translation of voting materials for voters with limited English proficiency.

Mallott and Division of Elections Director Josie Bahnke were among the state officials who met with Justice Department representatives Thursday to discuss Tuesday's elections. The department had election watchers in Alaska.

Messages left for a Department of Justice spokesman and an attorney for the plaintiffs in the lawsuit weren't immediately returned.

Provisions of the settlement in a case brought by Alaska Native plaintiffs include increased language assistance for three census areas. Mallott visited three rural villages - Manokotak, Togiak and New Stuyahok - in the region affected by the order.

He said there were some "little glitches," such as a lack of private areas to cast a ballot in New Stuyahok. That was remedied by people going to a corner of a table where they could be alone to vote.

In Manokotak, Mallott said, an electronic voting machine wasn't working so paper ballots were used all day. Bahnke said later that every precinct has paper ballots but some communities prefer to use touch screens to ease in quick tallying of results.

"There was nothing substantive that either the DOJ or our own folks saw," Mallott told reporters during a conference call. "And so it's just continuing the process, making it work, being responsive to those issues that are raised."

Bahnke said her division would need to provide more training to bilingual outreach workers to better assist voters. She didn't know how many people asked for language assistance Tuesday.

She and Mallott noted that the general election would be different because ballot measures will need to be translated. There were no ballot measures in the primary.

Attorneys for the state and plaintiffs flagged for the federal judge overseeing the case a potential concern with translating the legal text of the ballot measures into Alaska Native languages for an election pamphlet. But they said they believed they had found a workable solution that would leave the law section only in English. Other pieces - including the ballot measure language and pro, con and neutral statements - would be translated into different languages.

In correspondence filed with the judge, Libby Bakalar, an assistant attorney general, said the concern dealt partly with translators lacking the legal expertise necessary to ensure that any summary of the law itself would be accurate.

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Follow Becky Bohrer at <https://twitter.com/beckybohrerap> .



## Mallott: No major voting problems after legal settlement

Posted: August 19, 2016 - 12:03am

By [Becky Bohrer](#)

THE ASSOCIATED PRESS

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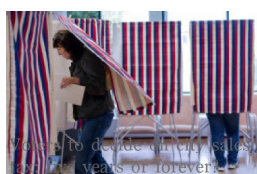
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## Politics

# Questions arise over close House race after revelation of ballot mistake

 Author: [Lisa Demer](#)
 Updated: 2 days ago
  Published 3 days ago

Voters in the tiny far-north village of Shungnak were the only ones in the state who didn't have to make a choice over their ballot in Tuesday's primary — they were mistakenly given both the Republican and combined Democratic-Libertarian-Alaskan Independence party ballots.

Now that error is a new factor in the extremely close election that may lead to the defeat of incumbent Rep. Ben Nageak, a Democrat from Barrow.

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.

*[7 legislative incumbents voted out in low-turnout Alaska primary election]*

Irregularities also have emerged in other precincts in that part of Alaska.

Some Republicans in one of two Barrow precincts, Browerville, wanted to vote in the Democratic House District 40 primary but were told they had to vote a questioned ballot, requiring them to fill out an extra form and undergo reviews to make sure their vote would count.

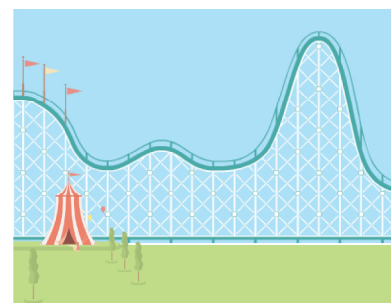
That was wrong, Bahnke says. Republicans can vote in the Democratic primary in Alaska, though not the other way around because Republicans have closed their primary. Some Republicans in Barrow refused to vote a questioned ballot, so didn't get to vote in the Democratic House race at all, said voter Luke Welles, who reported the problem to the elections office and the Republican Party.

In Point Hope, the precinct chair — who worked the election solo — left the polling place Tuesday night without counting the ballots and calling in the result, which goes against election protocol. Elections officials tried frantically to reach him, but his phone wasn't working. He returned before noon Wednesday to do the count.

Lt. Gov. Byron Mallott, who oversees state elections, said the troubles are prompting a review.



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**Alaska** Dispatch News

"I take any suggestions of voting irregularities very seriously and the Division is in the process of reviewing ballots and precinct procedures," the lieutenant governor said in an emailed statement.

The missteps suggest a need for better instruction, he said.

"We also consider this to be a training issue and one that the Division will address meaningfully and promptly," Mallott said.

The election will only be certified when all votes are counted, including absentees and questioned ballots, Mallott said. Questioned ballots are usually those of voters not on the precinct registry. Some questioned ballots get thrown away, but if they can be validated, they're counted like the others.

A hand-count verification of a sampling of ballots is set to begin Aug. 29 in Juneau and the election should be certified by the bipartisan State Review Board on Sept. 2, Mallott said.

Among the votes left to count: those from the village of Mekoryuk on Nunivak Island in the Yukon-Kuskokwim Delta. There, a memory card holding the votes may have malfunctioned. It was being flown to Nome, but as of Friday evening, the Mekoryuk vote had yet to be tallied and posted for the public.

A fierce Democratic primary also was on the ballot there in House District 38.

"We just want to make sure everybody's voice is heard," said Bethel's Zach Fansler, the Democratic challenger in that race. He was leading Rep. Bob Herron of Bethel by 260 votes with that one precinct left to count. Fansler said he wasn't ready to call himself the winner until all the votes are in.

The 52 voters in Shungnak voted both the Republican ballot and the combined ballot, which includes Democratic candidates as well as any Libertarian and Alaskan Independence Party candidates.

"No one got to vote more than once in the ADL primary. That is really the line," Bahnke said.

Evelyn Woods, precinct chair in the village of about 260 people, said she started out on Election Day handing out both ballots to every voter and didn't realize her error until the poll closed at 8 p.m. Shungnak is on a bluff overlooking the Kobuk River 150 miles east of Kotzebue, a place where most every family hunts caribou — and where Nageak's opponent, Dean Westlake of Kotzebue, has strong support.

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After the election, Woods said she looked over the precinct register that distinguishes voters by their party registration.

"I finally realized I did something wrong," she said. "I realized I gave both ballots, which I shouldn't have."

She told herself: "Oh shoot, I made a mistake."

The House Democratic contest there is the state's closest primary race. With some votes yet to be counted, including questioned, absentee and special-needs ballots for voters who need extra help, challenger Westlake is leading Nageak by five votes, 765 to 760, across all precincts. In Shungnak, he collected 48 votes to Nageak's two, according to the unofficial tally.

Westlake said he believed the election was conducted fairly. Nageak didn't return a call.

"The people out there are hardworking. They are honest," Westlake said.

Shungnak had two ballots left to be counted, one questioned, the other a special-needs ballot.

Whoever wins "will come in with the proper degree of humble," Westlake said.

Shungnak precinct chair Woods told village election judges about the problem and tried to call the regional elections office in Nome, but said she couldn't get through Tuesday night. She alerted them to the issue on Wednesday, the day after the primary, when the village reported its vote count. She said she felt badly about what happened.

Bahnke said she anticipated the election review board will allow the Shungnak balloting to stand as is. The same problem has happened in other primaries, she said, though she didn't have examples.

"Their votes will count," she said.

In all, six precincts didn't report their results Tuesday night or early Wednesday, Bahnke said, including Shungnak, Point Hope and Kaktovik in District 40.

Elections officials were calling around until 1:45 a.m. Wednesday trying to locate precinct chairs to get vote counts, she said.

In Point Hope, Bahnke tracked down cousins and messaged aunts on Facebook looking for precinct chair Lloyd Vincent, whose phone wasn't working. Officials got hold of Point Hope Mayor Jack Schaefer, but he said he didn't see cause to go knocking on Vincent's door.

"Why should we?" Schaefer said. "What's the rush?"

Vincent has run elections for years and knew what he was doing, the mayor said. "He is good people. I respect him."

Vincent couldn't find any poll workers so worked the election alone all day, Bahnke said. That night, he locked up the ballots at city hall, the polling place, before returning on Wednesday to count them, Bahnke said.

In the North Slope's Browerville, where Republicans had trouble getting the ballot they wanted, precinct chair Ethel Kuutuuq Taalak said, "I was kinda confused on the ballots." She is experienced at local elections but said she hadn't run a state election in 15 or 20 years.

The Friday before the primary, she participated in elections training, but it was on the phone late in the afternoon. She was tired. Plus, someone dear to her in the village had just died.

"I wasn't concentrating good," she said. The training should be in person and it shouldn't be last minute, she said.

Only seven questioned ballots were cast in Browerville and just three were because of ballot confusion, Bahnke said.

In House District 40, no Republican candidate was on the ballot. But if Shungnak voters had to choose a ballot, some of those who voted in the Democratic primary may have gone with the Republican ballot instead, where both U.S. Sen. Lisa Murkowski and U.S. Rep. Don Young were in primaries, though each triumphed big against marginal Republican opposition.



Were Nageak's two Shungnak votes from Republicans who might otherwise have chosen the Republican ballot and been unable to vote for him, or from people who would have chosen the combined ballot regardless? There's no way to know. But **Nageak was targeted by the Alaska Democratic Party** because of his alignment with the ruling Republican majority in the House.

Shungnak has 159 registered voters and 100 ballots were counted there on Election Day, giving the village an inflated turnout of 63 percent, well above the statewide total of about 15 percent.

According to the state, the village had 51 registered Democrats and 19 registered Republicans as of early August. The rest were in third parties or not registered with any party. Only Republicans and unaffiliated voters are supposed to cast a Republican ballot. Any voter can pick the combined ballot.

But they're not allowed to have both.

**About this author** Lisa Demer

Lisa Demer is based in Bethel and covers rural Alaska stories. She has been a reporter more than three decades. Reach her at 907-543-3555.



# District 38 has only precinct with no results from Primary election

By **Anna Rose MacArthur, KYUK - Bethel** - August 18, 2016

Mekoryuk in District 38 is the **only precinct in the entire state** whose Primary ballots from Tuesday have not been recorded with the State Division of Elections.

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Angelique Horton with the division says the Mekoryuk voting machine malfunctioned when the election workers tried to close it out Tuesday. She says the memory card from the machine is being flown from the island to the region's election district office in Nome and should arrive today.

When KYUK talked with Mekoryuk election worker Jeffery King Wednesday afternoon, he said that the precinct was waiting for an evening airplane to pick up the votes, and that he was hoping the weather would hold.

**Zach Fansler remains in the lead** and is the presumed winner over incumbent Bob Herron for the House District 38 Democratic Primary. With 30 of 31 precincts counted, Fansler has received 56.7 percent, or 1,099 votes, compared to 43.3 percent, or 839 votes, for Herron.

Fansler says he will not do any media interviews until all precincts are recorded.



## Update: House District 40 primary election coverage

August 19th 1:37 pm | **Shady Grove Oliver, The Arctic Sounder**

print email link

UPDATE, Aug. 17, 2016, 9:30 a.m.:

In one of the few contested House District races in the state this primary season, incumbent Rep. Benjamin "Bennie" Nageak and challenger Dean Westlake, both Democrats, were neck and neck throughout election night.

While Nageak remained in the lead from the start until we went to press on Wednesday morning, it was an ever-narrowing lead. By deadline on Wednesday, there were still three precincts that hadn't been tallied.

After the polls closed at 8 p.m. Tuesday, Nageak pulled ahead to around a 100-vote lead, where he hovered for much of the evening.

By the wee hours of Wednesday morning, however, Westlake had played catch-up until only nine votes separated the two candidates.

At that point, Nageak had 716 votes, or 50.32 percent of the total, to Westlake's 707, or 49.68 percent, according to the unofficial results.

The three precincts that were left were Kaktovik, Point Hope, and Shungnak.

Westlake typically takes the lead in the villages of the Northwest Arctic, the borough he calls home. Nageak, on the other hand, often dominates in the North Slope, where he is from.

The last time Westlake challenged Nageak for the HD 40 seat was in 2014. Looking at the tallies from that year of the three precincts missing in this election so far — Shungnak, Point Hope, and Kaktovik — they divided as would be expected. Nageak won Point Hope and Kaktovik and Westlake won Shungnak in 2014.

However, Shungnak's voter turnout was greater than either of the other villages, meaning Westlake's win there was enough to bring him 10 votes ahead of Nageak when all three are added together.

This has been a close race since the start, but the historical numbers only serve to underscore that by Wednesday morning, this race was anyone's game.

With a nine-vote spread in favor of Nageak and a historically 10-vote spread in favor of Westlake from the missing precincts, just one vote could be enough to tip this election in either direction.

The district is made up of the Northwest Arctic Borough, the North Slope Borough, and the Yukon-Koyukuk Census Area communities of Allakaket, Bettles, and Hughes.

According to the unofficial results, which still have to be certified, Westlake came out on top in the hub community of Kotzebue with 158 votes and 58.9 percent of the total to Nageak's 110 votes and 41 percent.

Nageak dominated in Barrow's two precincts. In Barrowside, he claimed 92 votes and 82.1 percent to Westlake's 20 votes and 17.8 percent. In the Browerville precinct, he walked away with 276 votes and

85.7 percent to Westlake's 46 votes and 14.2 percent.

For Senate District T, incumbent Sen. Donny Olson ran unopposed and took 100 percent of the vote.

For the U.S. seats, incumbent Sen. Lisa Murkowski walked away with 88 percent of the Republican vote overall while Democratic candidate Ray Metcalfe earned 42 percent of the Democratic vote.

Incumbent Rep. Don Young took 83.6 percent of the Republican vote for his seat while newcomer and former public radio executive Steve Lindbeck took 33 percent, the majority, of the Democratic vote.

Voter turnout for the district, not counting the three precincts left uncounted by early Wednesday morning, was 19.98 percent, or 1,850 votes cast out of 9,261 registered voters, including absentee, early voting, and question ballots. Statewide, the district ranked above average for number of voters who turned out to cast a ballot in the primary.

Those percentages are bound to shift slightly once the final three villages have been counted.

So, although the primary was too close to call by our deadline on Wednesday morning, what was clear was that this was a nail-biter — an incredibly close race in which incumbent and challenger were separated by a hair's breadth and any vote could tip the scales.

This is a developing story.

ORIGINAL STORY, Aug. 17, 2016, 2:30 a.m.:

In one of the few contested House District races in the state this primary season, incumbent Rep. Benjamin "Bennie" Nageak and challenger Dean Westlake, both Democrats, were neck and neck throughout election night.

While Nageak remained in the lead from start to finish, it was an ever-narrowing lead.

After the polls closed at 8 p.m., Nageak pulled ahead to around a 100-vote lead, where he hovered for much of the evening.

By the wee hours of Wednesday morning, however, Westlake had played catch-up until only nine votes separated the two candidates with three precincts yet to be counted: Kaktovik, Point Hope, and Shungnak.

At that point, Nageak had 716 votes, or 50.32 percent of the total, to Westlake's 707, or 49.68 percent, according to the unofficial results which still have to be certified.

The district is made up of the Northwest Arctic Borough, the North Slope Borough, and the Yukon-Koyukuk Census Area communities of Allakaket, Bettles, and Hughes.

Westlake, who calls the Northwest home, came out on top in the hub community of Kotzebue with 158 votes and 58.9 percent of the total to Nageak's 110 votes and 41 percent.

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