

**ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE**

Anchorage LIO - Auditorium

August 29, 2016

10:03 a.m.

MEMBERS PRESENT

Senator Bill Stoltze, Chair
Senator John Coghill, Vice Chair (via teleconference)
Senator Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Bob Lynn
Representative Liz Vazquez
Senator Anna MacKinnon (via teleconference)
Senator Kevin Meyer

COMMITTEE CALENDAR

PERFORMANCE AND PROCEDURES REVIEW: STATEWIDE PRIMARY ELECTION OF
AUGUST 16, 2016.

- HEARD

WITNESS REGISTER

BRANDON BREFCZYNSKI, Staff
Senator Bill Stoltze
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an overview on issues regarding the
2016 Primary Election.

ALPHEUS BULLARD, Attorney
Legislative Legal Services
Juneau, Alaska

POSITION STATEMENT: Addressed legal remedies regarding electoral issues for the 2016 Primary Election.

JOSIE BAHNKE, Director
Division of Elections
Juneau, Alaska

POSITION STATEMENT: Addressed issues regarding the 2016 Primary Election.

LUKE WELLES, representing himself
Barrow, Alaska

POSITION STATEMENT: Detailed his voting experience in District 40 during the 2016 Primary Election.

PAUL KENDALL, representing himself
Anchorage, Alaska

POSITION STATEMENT: Commented on voting in the 2016 Primary Election in Anchorage.

MICHAEL CHAMBERS, representing himself
Anchorage, Alaska

POSITION STATEMENT: Commented on voting in the 2016 Primary Election.

EUGENE HABERMAN, representing himself
Wasilla, Alaska

POSITION STATEMENT: Commented on the electoral process and the Division of Elections.

DAVID EASTMAN, representing himself
Wasilla, Alaska

POSITION STATEMENT: Discussed his challenges in attempting to observe the vote count after the 2016 Primary Election.

DEBORAH BROLLINI, representing herself
Anchorage, Alaska

POSITION STATEMENT: Discussed her son's issue regarding voter registration for the 2016 Primary Election.

MIKE COONS, representing himself
Palmer, Alaska

POSITION STATEMENT: Commented on the Division of Elections and provided suggestions regarding the 2016 Primary Election.

ACTION NARRATIVE

[10:03:41 AM](#)

CHAIR BILL STOLTZE called the Senate State Affairs Standing Committee meeting to order at 10:03 a.m. Present at the call to order were Senators Wielechowski, Huggins, Coghill (via teleconference), and Chair Stoltze. He announced that non-committee legislators in attendance were Representative Lynn, Senator Meyer, and Senator MacKinnon (via teleconference).

ELECTION PERFORMANCE AND PROCEDURES REVIEW:
STATEWIDE PRIMARY ELECTION OF AUGUST 16, 2016

[10:04:21 AM](#)

CHAIR STOLTZE announced that the committee was meeting to review issues related to the 2016 Primary Election. He noted that the recent primary election was still in the process of counting votes. He stated that he appreciated Director Bahnke for making herself available to listen and respond in order to serve the public's interest both through the attending press, questions from the committee, and to hear concerns as the Division of Elections goes through their process prior to finalizing on September 2.

He explained that due to the Labor Day holiday, the committee was having the hearing because the next possible date would have been after certification. He asserted that the purpose of the hearing was about the issues and not about a specific candidate or to influence the election.

He set forth that the committee's intent would be to go through a brief presentation on the issues that had been raised, including those brought up in the media. He detailed that the meeting's interactive portion would entail responses and clarifications. He remarked that there may be things that the Division of Elections may easily explain and those that require contemplation. He added that he intended to include public testimony in order to hear any comments that people have about any issues encountered with the 2016 election. He stated that instead of having anecdotal calls that many legislators have received, the committee intends to give the public an opportunity to put their experiences on the record for the Division of Elections to hear.

SENATOR HUGGINS pointed out that no one from the administration was in the committee room.

[10:08:55 AM](#)

BRANDON BREFCZYNSKI, Staff, Senator Stoltze, Alaska State Legislature, Juneau, Alaska, stated that the hearing's intent was to discuss potential concerns with the 2016 Primary Election and not to influence any outcome of an election or any other purpose prohibited by AS 24.60.030. He revealed that the Legislature does have the constitutional authority for review and oversight of elections. He specified that the election data used in his presentation was based upon unofficial election results, recent media reports, statements made by the administration, and did not include anecdotal accounts from members of the public. He added that official results were scheduled for certification on September 2. He revealed that voter turnout for the primary election was lower than prior years.

[10:10:18 AM](#)

He set forth that the committee would cover areas of potential concern that focused on Shungnak in House District 40, Chefornek in House District 38, Newtok in House District 38, and Copper Center in House District 6.

He referenced a slide on District 40, Shungnak. He said the slide showed historical primary data for 2016, 2014, and 2012. He detailed that the primary was broken down by types of ballots cast and specified as follows:

For reference right now you will see that there were 100 cards that were cast, but as we see in this slide here, following the primary, media reports started to claim that voters were given both the Republican and Democratic combined ballot and that there were only 100 cards cast; but, in the event they were given both, you would have 50 voters voting on both ballots.

CHAIR STOLTZE stated that the question regarding two ballots would be posed to Director Bahnke to directly respond to rather than a filtered response through the media.

[10:12:23 AM](#)

MR. BREFCZYNSKI referenced a slide showing two media reports that noted that the administration was aware.

CHAIR STOLTZE asked that Mr. Brefczynski read the quotes from the Alaska Dispatch News regarding State Division of Elections Director Josie Bahnke and a statement by Lieutenant Governor Byron Mallott.

MR. BREFCZYNSKI referenced an article from the Alaska Dispatch News that quoted Director Bahnke as follows:

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 the Alaska House District 40 contest, covering the Northwest Arctic and North Slope boroughs. "It's not like there's double votes," she said.

He referenced a statement submitted to the Alaska Dispatch News from Lieutenant Governor Byron Mallott on "Primary Election Unofficial Results" as follows:

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.

CHAIR STOLTZE asked Mr. Brefczynski to confirm that the statement was a direct statement from Lieutenant Governor Mallott's office.

MR. BREFCZYNSKI answered correct and added as follows:

Aside from condensing the Democratic ballot and it listed all of the parties. So why would this be a potential concern? Alaska statute speaks directly to how many ballots a voter can request, you are only allowed to choose one particular ballot to go into the box.

[10:14:19 AM](#)

He detailed that following the report that both ballots were given to voters, there were additional reports of further potential concern coming out of Shungnak. He referenced a Shungnak election worker who was interviewed by a television reporter as follows:

She said she had not received training in a few years, her quote is, "I did receive training 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." Why would this be a potential concern? Again, Alaska statute requires that the Division of Elections director provide training for election officials prior to the primary election.

MR. BREFCZYNSKI referenced a slide that showed the poll worker application from the Division of Election website as well as the training requirements for fulltime and temporary staff for the Division of Elections

CHAIR STOLZE asked Mr. Brefczynski to verify that another issue in Shungnak pertained to the time of the open poll hours.

MR. BREFCZYNSKI replied that how long the poll was left open remained unclear. He revealed that a worker was quoted to have said, "I tried getting ahold of them," meaning the Division of Elections, "Right after I closed the polls at 9:00." He explained that the actual poll closing was unclear because the worker may have meant when the doors were locked or when she stopped taking voters.

[10:16:33 AM](#)

He announced that he would next address Chefnak, District 38. He referenced a slide and explained as follows:

This slide shows again the breakdown for the Chefnak race by party and title ballot. You'll notice that the parties that the numbers all align, for every Democratic type primary, there were 86 voters, for every Republican primary, there were 16 voters. The state House race did not have a Republican candidate. If you add up the U.S. Senate and the U.S. Representative race, you get 102 total ballots or total voters, but if you look at the Division of Election reports for the amount of cards that were cast you have 204 cards cast, exactly double of what voted in the races for U.S. Senate or U.S. Representative.

He addressed Newtok, District 38 as follows:

The issues coming out of Newtok, the main issue is I would say self-explanatory or easier of the issues to understand. You'll see on the left under the 2016 primary, you will notice the voter turnout which is

being reported by the Division of Elections is: 105.58 percent. Again, there's a breakdown of the race by type of primary ballot, on the left the cards cast: 227. The race with the largest amounts of votes was the U.S. House of Representative race which received 93 votes combined for Republican and Democratic ballots. There are 215 registered voters in the precinct of Newtok, yet the precinct is reporting 227 cards that were casted; again, for 105.5 percent voter turnout.

CHAIR STOLTZE remarked that Newtok exhibited spirited patriotism.

10:18:46 AM

MR. BREFCZYNSKI announced that the last precinct issue that would be covered pertained to Copper Center, District 6. He detailed that Copper Center encompassed Chitina, Copper Center, and Tazlina. He added that the precinct started outside of the juncture for the Glennallen and Richardson highways.

CHAIR STOLTZE asked Mr. Brefczynski to confirm that Copper Center's issue pertained to not reporting their precinct numbers.

MR. BREFCZYNSKI revealed that Copper Center's unofficial numbers have been reported, but no numbers were reported for 10 days.

CHAIR STOLTZE remarked that the Division of Elections may have an easy and logical explanation, but added that not reporting votes was always a source of concern. He stated that a nefarious motive was not being assumed, but the public was always comforted with more information to explain circumstances.

MR. BREFCZYNSKI reviewed the areas of concern for the four precincts as follows:

1. House District 40-Shungnak: allegedly the voters were allowed to vote on both Republican and Democratic ballots and the election workers did not receive proper training.
2. House District 38-Chefornak: the amount of voters was half of that reported for ballots casted.
3. House District 38-Newtok: 105 percent turnout.
4. House District 6-Copper Center: 10-day delay before reporting an unofficial election result.

10:21:36 AM

CHAIR STOLTZE revealed that his office had received a lot of phone calls from people throughout the state regarding problems or irregularities. He detailed that he invited people to submit their issues in writing for the Division of Elections and the committee to review. He remarked that the committee's meeting was not an overly inclusive review, but the more glaring issues that caused questions were addressed. He said the committee's intent was not to get into anecdotal information unless folks were willing to come forward. He asserted that the committee deferred only to things that were fairly clinical and easily examinable.

MR. BREFCZYNSKI concurred with Chair Stoltze and noted that the data was from the Division of Elections as well.

[10:23:57 AM](#)

SENATOR MEYER asked if images from the 2016 Primary Election would be presented to the committee as well. He recalled that he saw people who were voting in the open. He asserted that voting was supposed to be very private, but remarked that there may be an explanation for the voting in the open and added that the situation may have involved a special-needs person. He asked that the director address his query.

CHAIR STOLTZE commented that Senator Meyer's concern would specifically be posed to Director Bahnke. He remarked that he did not want to jump to a conclusion absent other backup information.

SENATOR MEYER stated that he was not aware of any problems in District 6, Copper Center. He asked if the electoral race was particularly close.

CHAIR STOLTZE explained that District 6 jumped out because results were reported over a week after the election. He noted that Copper Center was a large precinct in the district.

MR. BREFCZYNSKI concurred and noted that Copper Center was the fifth largest precinct within District 6.

CHAIR STOLTZE reiterated that Director Bahnke would hopefully provide a simple explanation.

[10:25:53 AM](#)

SENATOR MCGUIRE joined the committee meeting.

SENATOR MEYER commented that knowing if the race was close or not was irrelevant because every vote matters and every vote was important. He asserted that voting was the only power people had over its government.

CHAIR STOLTZE opined that Alaska's elections were a lot cleaner than the famous Lyndon Johnson races.

SENATOR HUGGINS asked Mr. Brefczynski to address the language used on ballots and inquired if there was some federal oversight.

MR. BREFCZYNSKI replied that the committee was provided with a packet of media articles and noted that two articles addressed the Lieutenant Governor saying that there didn't appear to be any issues regarding native languages on the ballot. He added that he met with Department of Justice officials as well.

CHAIR STOLTZE noted that the committee received a memo from Legal Services, Work Order No. 29-LS1729, which addressed questions the committee had, specifically on legal remedies should an election have problems. He asked Mr. Bullard if he had any general comments on the memo.

10:28:08 AM

ALPHEUS BULLARD, Attorney, Legislative Legal Services, Juneau, Alaska, addressed general remedies for election issues as follows:

Start with a recount that can be requested by the losing candidate within five days of a primary election. If there's a recount, all ballots, including absentee ballots that have come in before the recount, will be tabulated again by the Division of Elections. Beyond a recount there is a procedure for contesting the results of an election under AS 15.20.540 and there are also provisions for appeal to the courts and provisions for appeal to the, in the case of a state election for the legislature, appeal to the body that the losing candidate would have been in. Those are the most immediate and first step remedies for a losing candidate or in some cases, ten voters, affected voters who are aggrieved by the results.

10:30:59 AM

CHAIR STOLTZE asked Mr. Bullard to confirm that a recount could be initiated by any ten voters. He inquired if the ten voters

had to reside within the election district or just voters of Alaska.

MR. BULLARD replied as follows:

The statute provides that they have to be qualified voters and I would interpret that to be voters who are affected because their ballots are at issue, so they would have to be from, well, in the case of the primary for the state legislature, they would have to be from the appropriate House district.

SENATOR MCGUIRE asked if there was a catchall-provision for the state to decide beyond the percentage threshold to initiate a recount based on a state interest in abnormal reports from precincts, suspicion of voter fraud, or suspicion of misinformation given to voters.

MR. BULLARD answered as follows:

The only case in which a recount will occur if it is not requested is if the director finds that there's been a tie-vote between the candidates, other than that, to catch up the majority of these incidences we have a division-zone process of reviewing votes and the final certification of votes and that is normally the review which all of our elections go through.

SENATOR MCGUIRE suggested that future legislators consider other reasons for a recount and a review.

[10:33:36 AM](#)

CHAIR STOLTZE recognized that Representative Vazquez had joined the committee meeting.

MR. BULLARD announced that he would answer specific questions regarding the recount procedure, contesting an election, or appealing to the Legislature or the Congress.

CHAIR STOLTZE asked if Mr. Bullard was familiar with the circumstances regarding the Finkelstein v. Stout and the McGill v. Thomas cases.

MR. BULLARD described the cases as follows:

In the McGill v. Thomas case, I'm not sure that I would describe what happened as a necessary remedy.

Some sort of steps are missing, in my research it was a superior court case so of course it has no precedential value; that election was set aside by the superior court, a result that was not appealed and I believe from looking at the minutes of the House journal that the then governor found a third person to appoint to the seat, finding a vacancy in the case that neither candidate had been elected, then I believe there was a subsequent special election to fill the seat.

10:35:53 AM

CHAIR STOLTZE asked Mr. Bullard to verify that the election was essentially rerun.

MR. BULLARD replied that was his imperfect understanding.

CHAIR STOLTZE asked Mr. Bullard to clarify that there was a special election and there was an outcome which may or may not have been different in the primary, but it was rerun.

MR. BULLARD replied that was his understanding.

CHAIR STOLTZE added that McGill v. Thomas was a case where there was a primary loss, then one candidate ran as a write-in and there was a contested election that went to the court system. He asked that Mr. Bullard address the general facts and remedies for the Finkelstein v. Stout case.

MR. BULLARD answered as follows:

A close election, the candidate that was initially found to have lost was found to have won following the recount; again, a close number of votes. The division certified that recount against the initial victor and then there was another election recount and the Alaska Supreme Court upheld the outcome of that election finding that the errors of voting officials would not be held against the voters casting the ballots which were not as the law required them to. But the court found that the errors in the ballot were due to on the part of election officials and that election and its results were upheld. The court found, I should say that the official mistakes had not effected the integrity of the electoral process, therefore they were upheld.

10:38:05 AM

CHAIR STOLTZE pointed out that the Division of Elections during the voting process that Mr. Bullard described determined some formulas on how votes would be casted and noted that there was terminology about "3.96 votes." He noted that his only reference on fractional votes had since been repealed and that had to do with "three fifths." He asked if Mr. Bullard could explain the division's remedies or did he have a deep enough understanding of fractional votes.

MR. BULLARD replied as follows:

I think that the case that you are referring to is Hammond v. Hickel, which is another case in the same line of cases and that was where the formula came in for the counting of votes and that was a case where there was a series of what the court found to be isolated incidences of irregularity that the court found did not cumulatively considered change the election enough to render the electoral outcome in doubt. The court held in that instance that if a bias cannot be shown that even significant deviations from the norm would not amount to malconduct unless there was a knowing non-compliance with the law or whether the electoral officials had displayed a reckless indifference to the norms established by statute, that it wasn't enough to show malconduct that it was necessary for the plaintiffs to show that the malconduct changed the election results.

CHAIR STOLTZE asked Mr. Bullard to define "malconduct."

10:40:06 AM

MR. BULLARD detailed as follows:

The court defined malconduct in that case, they define malconduct on the part of an election official to require evidence of bias resulting from significant deviation from statutorily or constitutionally prescribed norms and held that plaintiffs had the burden of proving that malconduct on the part of election officials and proving that that malconduct would have changed the results of the election.

SENATOR WIELECHOWSKI reiterated that District 6 did not report their results until 10 days after the primary. He noted that District 6 had 20 voters and stated that he believed the race

was decided by more than 20 votes. He asked if Mr. Bullard believed that a court would intervene in a situation that occurred in District 6 and overturn the results or require a new election.

CHAIR STOLTZE clarified that the committee's intent was for the Director Bahnke to talk about the process issue. He said he did not think the committee or staff thought what occurred in District 6 was relevant to the outcome of the election.

[10:42:10 AM](#)

MR. BREFCZYNSKI clarified that the slide showing Copper Center's precinct results arbitrarily showed the U.S. Senator race and was not meant to single out Democrats.

CHAIR STOLTZE disclosed that the margin in the District 6 race was almost 20 percentage points and the reporting delay was not relevant in the process, but not reporting for a week and a half required an explanation. He opined that a reporting delay in another precinct might have been a bigger issue.

SENATOR WIELECHOWSKI noted that the mistakes made in District 38 did not appear to be enough to change the election's result. He asked if the mistakes made would be something that the court would require a new election or overturn the results.

MR. BULLARD answered as follows:

I cannot speak to any of these ongoing elections or how significant some ballots may be. The end analysis if a court examines this issue will be the cumulative effect of those ballots amongst all of the ballots casted in those elections and whether they would affect the results.

CHAIR STOLTZE clarified that the percentages were fairly wide in District 38, but the issue was a fairly illustrative example of potential delivery of more than one ballot. He remarked that explaining the multiple ballot dynamic irrespective of the outcome was in the public's best interest. He specified that the committee intended to clarify the issue of following the statutes.

[10:44:34 AM](#)

SENATOR WIELECHOWSKI noted that District 40 was a very close race were the candidates were separated by 3 or 4 votes. He reiterated that two ballots were reportedly given to people. He

said his guess was the people wanted to vote for the House members as well as vote in the Senate and congressional races on the Republican ballots. He asked Mr. Bullard if there was enough of an error to cause the court to overturn the election.

MR. BULLARD answered as follows:

Once again, I really don't want to speculate about any of the ongoing elections. I don't know what the vote totals are, I don't know what the number of ballots are, what the proportional values of any question votes may be.

SENATOR WIELECHOWSKI asked hypothetically if a race was separated by a few votes and people received ballots in both the Democratic and Republican primary, was receiving two ballots the sort of thing that a court would require a new election.

MR. BULLARD answered as follows:

It's a violation of our statutes on what ballots need to be provided. I don't know whether the necessary bias is there or what a court would find. This is not a situation the specifics of which have been addressed by an Alaska court before.

[10:46:31 AM](#)

CHAIR STOLTZE pointed out that the overseer of the state's elections, the lieutenant governor, was acutely aware of the dynamics of primary voting. He revealed that the lieutenant governor commented on primary voting following the 2010 primary election about the need for rural Alaskans to make themselves available to vote in the primary so that they could influence important federal elections. He said others have established the important dynamic and he surmised that the need to choose was obviated if a person receives both ballots. He opined that whether a change would have occurred was open to speculation.

SENATOR MEYER asked when the federal government or the Department of Justice would get involved, especially in the case where the process was flawed or compromised in three districts that have a lot of minority folks as well as folks that do not speak English as their first language.

MR. BULLARD answered as follows:

I don't know at what point the federal government might involve itself. I will say historically that we've had elections with greater voting irregularities. I think the Hickel v. Hammond case that was mentioned earlier in which the federal government did not involve itself.

SENATOR HUGGINS asked if communities had the autonomy to invalidate a local election.

[10:49:58 AM](#)

MR. BULLARD answered as follows:

I think that in this case all of these elections are run by the state and so I don't know what basis the local official would have for overturning if you are talking about a local option election, that's an election conducted by the Division of Elections.

SENATOR COGHILL asked if the test Mr. Bullard was talking about with the courts is the actual statutory language plus how they view their integrity decision, for example, the motive. He pointed out that the plain statutory language that Mr. Bullard said was violated, but training looked like it was not put forth statutorily. He asked if the irregularity he noted would rise to a level of malfeasance.

[10:51:30 AM](#)

MR. BULLARD replied as follows:

Again, I'm not going to speculate on the actions of this election or any electoral official. I will tell you that there's sort of a consolation of factors that a court considers and one of the first things is to make sure that every vote and every ballot that is casted that they try to honor the voter's intent first and foremost, until the point at which say ballots are wrongly distributed or something, at the point that the court determines that would affect the election, then the desire to make sure that every ballot count has to be balanced against the integrity of the election as a whole. In deciding at which point this malfeasance has become an issue after the election has taken place, the courts will frequently look at a mandatory statute. I don't remember the exact language of our training statutes or election officials, but they become sort of a directory if the departure from

that mandatory statute is not so great, that they can't honor the will of the voter, then they will not enforce it. In other cases, it was Finkelstein v. Stout, if we have a statute that prevents an unregistered voter from voting, that's one they are going to enforce in a mandatory way because that's a provision that is designed to ensure the integrity of the electoral process in the same way that a statute that relates to election official training will not.

[10:53:50 AM](#)

SENATOR COGHILL remarked that determining the emphatic nature of the statute for enforcing a single ballot for a single person under a primary election would have to be addressed.

CHAIR STOLTZE asked that Mr. Bullard recap the statutes that were potentially violated and briefly describe them.

MR. BULLARD replied that he did not want to speculate as to which statutes may have been violated.

CHAIR STOLTZE stated that he would speculate regarding the one-person-one-ballot issue. He asked if the circumstance described by individual voters and election officials regarding more than one ballot given to one voter would potentially violate the statute.

[10:55:29 AM](#)

MR. BULLARD answered as follows:

It is most definitely a violation of the statute.

CHAIR STOLTZE commented that Mr. Bullard went further than he did and had taken "potential" out of his reply, a statement that he considered to be good.

MR. BULLARD continued as follows:

It is a violation of the statute. How that violation would be construed when it comes time or if there is an election contest, whether the courts would find that the right to vote is a superseding mandate, I don't know, this is a novel situation in Alaska and I haven't found another example of voters being supplied with two primary ballots in a very close election. So I do not know how a court would come down in this instance.

CHAIR STOLTZE asked if Mr. Bullard would have the same comments with the training statute as well.

MR. BULLARD replied as follows:

Same comments, but I think that the rule of reason is that the, I don't know that the training statute is one that is going to be held to have the same cache and importance as a citizen's right to vote.

CHAIR STOLTZE remarked that the state has statutes which have pretty clear intent, but the legislative counsel's opinion that it may not matter because the other lawmaking body, the court system, says it is not important. He asked why the state has election statutes in the first place and noted that he did not expect an answer to his a question.

10:58:08 AM

JOSIE BAHNKE, Director, Division of Elections, Juneau, Alaska, said she has served in her position since October 2015. She noted that the division is really fortunate to have experienced managers who have served in various capacities throughout the years. She said she had a lengthy prepared statement, and it should be pretty clear that there are concerns surrounding election worker training and of polling irregularities in Alaska's rural precincts. She said she reviewed the committee's presentation this morning, and she will respond to the four concerns outlined. She added that she would like to summarize plans for the primary election and speak to what is happening in Juneau this week. The election is active right now and will not be certified until later this week, she explained, when the state review board has completed its audit of the election materials.

CHAIR STOLTZE stated that Ms. Bahnke's delivery of her testimony is right on target, and he would like to give her some uninterrupted time. He expressed that the intent is to address the process without interrupting the conduct of the election itself. "There should only be voting once, and that's on or before the 16th of August," he added.

11:00:15 AM

MS. BAHNKE noted that the lieutenant governor is traveling and sends his regrets, but he looks forward to being fully transparent and cooperative in working with the committee and to be responsive to any matters the committee may wish to pursue

with the division of elections or with his office. She said that the core mandate at the division is to ensure that every qualified voter has the opportunity to cast a ballot and to have their vote count. To meet that mandate and in preparation for the 2016 election cycle, the division held a two-day election-prep kickoff meeting here in Juneau in February. It included regional supervisors and election management staff, she explained. The purpose was to start discussing election priority issues, new or potential changes in the upcoming year—which there were many, and an implementation strategy. Among all of the election administration topics that were covered, a great deal of emphasis was placed on election worker recruitment and training. She said that the overview of staff training is required, and she submitted a training plan to the lieutenant governor on March 1. She added that she is happy to provide that to the committee.

MS. BAHNKE said that at the February meeting staff was really excited about the ability to incorporate technology and employ some fresh ideas into the statewide training plan. She noted that the division had offered some tutorials, but this year "we went all in" in order to be more cost effective and to provide a more interactive experience for the election workers. There was a presentation by KTOO at the 360 North studio during the meeting, and the division contracted with KTOO to conduct five live election worker training meetings using streaming at its studio in Juneau, he stated. The training is on the division's website and on over 300 DVDs that were provided to regional offices and rural precincts. She said she is proud to be the first state agency to deliver training this way in an effort to save on travel costs. The training was provided at a minimal cost, saving the state about \$225,000 while still being innovative and responsive to all Alaskan voters. The division also provided in-person training, she noted, which is required for language assistance precincts and were done in St. Mary's, Bethel, Dillingham, Fairbanks, Anchorage, and the Mat-Su area.

[11:04:12 AM](#)

She said there was a total of 1,571 election workers who received the four-hour training course. She noted that there were questions about the training plan that is required by law. Other states have election training certificate programs, but Alaska does not, and certainly this is a huge area of focus for the division. On Election Day, "It's our election officials who really help us meet our core mandate in ensuring that Alaskans have a meaningful opportunity to vote, and so we put a lot of faith and trust in them." Obviously, there were a few instances

where the training was not provided, she stated, and once the dust settles with the primary, the election management team will regroup to address those training gaps going into the general election.

CHAIR STOLTZE noted there was a comment in the press attributed to Ms. Bahnke that characterized the election process as part of an ongoing training exercise. He asked for clarification.

MS. BAHNKE responded that she was not aware of having said that. Training is an activity that happens before an election—not on Election Day, she clarified.

CHAIR STOLTZE said he will let the press "mess with that, because they are the ones that reported it."

SENATOR COGHILL asked if the training requires a "sign-off" or some accountability for staff who have received training.

[11:07:56 AM](#)

MS. BAHNKE answered that detailed training and work records are kept for precinct workers. With respect to the Shungnak precinct, the division learned that the precinct chair gave voters both ballots when the results were reported to the Nome office on Wednesday morning. She said that the polls closed at 8 o'clock, and the precinct attempted to call the Nome office to report results. On election night the Nome office has 11 phone lines and receives reports from about 95 precincts through the hand-count process, so the [Shungnak] chair called in the next morning. She noted that the election boards are trained to provide only one ballot during the primary, and it wasn't until last Friday when they received the precinct materials back from Shungnak that they could really verify that the election board did, in fact, issue both ballots. She said the state review board will be reviewing that today, and her goal is to certify all of House District 40 this afternoon. It is one of the first things that the state review board is working on here in Juneau, she added.

She said the training for that precinct was provided in Kotzebue in June 2014, and "They did not participate in any kind of training that we had offered—six teleconference trainings, and all our election workers were advised to do that. We also send out our polling place procedures for the hand-count communities and also, our new training DVD. So, while we try in earnest to ensure that our election workers are prepared, sometimes they don't attend, and there's really no ramifications for them not

to attend," she added. For example, they are not asked not to work on Election Day if they have not received training.

11:10:00 AM

CHAIR STOLTZE said, regarding providing two ballots, the media quoted [someone who said] that it was not a big deal because nobody voted twice in the Democratic primary. "Having been involved in the political process, is it a possibility that the dynamics are changed if people have decided to vote just in the national elections, which there were contested primaries on the Republican ballot if they had opted to take that ballot instead and actually may have been illegally given that ballot if they weren't eligible under the statute. Did that change the dynamics of the election in validating it, sometime, and on the election ballot, if you vote for two candidates in a—you don't get to vote for both of those." Such a ballot will be invalidated by a combination of state law and election procedures, he noted. He said that, in fairness, he has dealt with the media and the public process and sometimes when his quotes are verbatim, he is really embarrassed, but he offered to give Ms. Bahnke a chance to "maybe clarify on the dynamics of the importance of two ballots for one voter."

MS. BAHNKE said, absolutely, this is a very serious issue that the division has been looking at. Going into the general election, voters will only have one ballot, but the fact that the primary has two ballots obliges her division to do a better job educating voters about the two-ballot system. "I think it's definitely something that we will evaluate, again after this election is certified," she stated, but if voting irregularities in Shungnak appear to have changed the outcome of the race, "we are absolutely considering options of what to do." She added that she is working closely with the Department of Law (DOL) in evaluating those options.

11:12:58 AM

SENATOR HUGGINS noted that Ms. Bahnke said she gave the lieutenant governor a training plan in March, so that is about five and a half months leading up to the primary election. He asked for the chronology and milestones of the training plan to accomplish all of the tasks.

MS. BAHNKE replied that the division is divided into four regions for the purposes of administering elections, and regional offices are conducting training. The months of March through June are spent recruiting election workers, doing

polling place agreements with the various polling places, and delivering training.

11:14:42 AM

SENATOR HUGGINS noted Ms. Bahnke was very specific in saying she had trained 1,571 people, "so you had a pretty good count of individuals." He then asked how she knows that figure.

MS. BAHNKE said, in advance of the primary election, she produced a briefing for the lieutenant governor, and to compile that, the regional supervisors provided their exact numbers. The briefing is available to the committee, she noted.

SENATOR HUGGINS asked how many people were not trained.

MS. BAHNKE said she would have to get back on that.

SENATOR HUGGINS noted that there is a primary coming up, and he assumes that there is a remedial training portion of the March training plan. He asked Ms. Bahnke to describe it.

MS. BAHNKE said that she is planning to reconvene the regional supervisors in the next few weeks or months to do a post-election briefing, and this is definitely an area they will focus on. She is required to provide in-person training to many of the language-assistance communities, and "we've also talked about conducting our four-hour training at AFN [Alaska Federation of Natives convention] in Fairbanks this year in advance of the general election." She said that is a conversation that she will have with regional supervisors, and she will be happy to provide a revised plan.

11:17:05 AM

SENATOR MEYER noted that Ms. Bahnke will review the process and training for District 40. He asked about the 105 percent turnout in District 38.

MS. BAHNKE said that some smaller precincts throughout the state hand count the ballots after the polls close on Election Day using tally books. The results of those counts are called into the appropriate regional offices, and data are entered into the regional [Global Election Management] (GEMS) computers, the ballot tabulation system, and then the data is uploaded to the host GEMS server in Juneau, she explained. She added that on election night, with regard to Chefnak, the election workers taking precinct phone calls in Nome had a data entry error. Chefnak was entered with the wrong number of voted ballots,

but she brought that to the attention of the state review board this morning, and they will review it and make adjustments.

11:19:03 AM

CHAIR STOLTZE asked how adjustments are made to undo a double vote.

MS. BAHNKE gave the example of Newtown where it appears that the number of ballots cast was entered as 151 instead of 51. The totals are now correct. The results that are posted on the website are unofficial, she explained, and the data entry mistakes were fixed and disclosed to the state review board. The board also verifies the results prior to certification of an election. She said the review board members are the ones who actually adjust the mistakes on the GEMS server. Similar issues happened in Cheffonak and Newtown, she added.

SENATOR MEYER stated that some statutes were broken and asked how one certifies an election that was not legal.

MS. BAHNKE referred to the Department of Law.

SENATOR MEYER asked:

If you were a candidate in District 38 or District 40, and there may be other districts we don't even know about whose election was determined or finalized based on the results of the primary, would you feel good about this election?

MS. BAHNKE answered that she is in the process of convening the state review board, a 10-member bipartisan group, to review all of the ballots cast. She explained that the bipartisan group goes through a very stringent auditing process, and not until they are complete with their work, can she answer that question.

11:22:17 AM

REPRESENTATIVE VAZQUEZ asked if training is mandatory for election workers.

MS. BAHNKE said statute calls for comprehensive training, but she does not believe the word "mandatory" is used.

REPRESENTATIVE VAZQUEZ asked if the answer is yes, it is required by statute.

MS. BAHNKE answered that AS 15.01.107 requires the division to have a comprehensive training program.

REPRESENTATIVE VAZQUEZ asked about consequences for an individual who does not participate in training.

MS. BAHNKE said there are no sanctions for election workers who do not attend training.

REPRESENTATIVE VAZQUEZ asked how many workers who participated in the primary election were not trained.

MS. BAHNKE said those numbers will be provided later. Due to the close House race in District 40 and the potential for a recount request, the state review board is working to certify those results later today. She noted her prepared written statement, and said, "I don't know that I can really respond much more until the results have been certified," but stated that she is happy to listen and take notes regarding the committee's concerns and follow up as soon as more information and analysis is available. She said she may need to return to the process, and there are staff here taking notes, but she would like to make herself available to appear at future committee hearings in person once the results are certified and she can provide more information.

[11:25:32 AM](#)

CHAIR STOLTZE said he understood the constraints going into this process, but he wanted the meeting to be timely as well.

SENATOR MCGUIRE thanked the director for attending, saying that the first test in a career like this is the willingness to come forward during difficult situations and answer questions from elected leaders, "so you passed the first test, and I compliment you for it." She added that this is not one person's fault, but there is an issue here that is very serious, which is a series of systemic breakdowns. "But we all need to work through it together," and being here in person helps. She then asked if Ms. Bahnke believes that she or the governor has the authority in regulation or in her executive powers to hold off on the regular certification of the election in "this" district until there can be a conversation with the Department of Justice regarding the federal Voting Rights Act and with the Alaska Department of Law to be sure that "you have crossed every 'T' and dotted every 'I'." She said she is concerned that if this is certified and the winner does not prevail in a future special election or audit, the impact on voter morale and confidence will be

devastating and possibly unrecoverable for generations. She noted that Ms. Bahnke is constrained in how she can answer some questions and stated:

But do you believe you have the authority—do you believe the governor has the authority—to go ahead and, in this case because of the special consideration, hold off on this march toward certification?

[11:28:19 AM](#)

MS. BAHNKE said she is committed "to getting this right." It is really important. She agreed that she wants to be open and honest in communications with the Legislature. She will take any measure under the advisement of DOL and take those steps to get it right. "I don't know if the authority is there, but I can certainly examine that along with folks in the administration.

SENATOR MCGUIRE said Ms. Bahnke is in uncharted territory. There are basic standards. If it makes it to the court, she stated, courts are reluctant to permit what they call "wholesale disenfranchisement" of qualified electors through no fault of their own, and 98 percent of the time courts will be reluctant to overturn a result. That said, on the other side is the issue of malfeasance and if it has a meaningful impact on results. She said her main concern is in Noatak, Shungnak, and Chefornak, with the issue of two ballots given to individual voters, where there is 105 percent of a community voting, and where there is the perception of 100 ballots missing. "Those are the kinds of thing that, I think, raise serious concerns." Some of these other things, like reporting 10 days later as the statutes allows, can be dealt with through training. The issue of closing the polling station in Point Hope and not coming back until noon the next day can be addressed with training, she added:

I don't mean to suggest that they're not also important, but to me these three rise up to the level of serious concerns, because you're talking about an election that will be decided by a mere, potentially, two handfuls of votes.

She encouraged Ms. Bahnke to consider her choices and options and to reach out to the lifelines that she has with the DOL, the Department of Justice, and the attorney general, because there will be challenges and she hates to see Ms. Bahnke go through a process that does not leave every stone unturned.

[11:31:34 AM](#)

SENATOR WIELECHOWSKI noted that it seems that every election encounters problems, and this time around there is a very close election. There are thousands of people to train, and he is wondering, from a big-picture perspective, if Alaska has looked into voting by mail. It seems that would solve a lot of the problems. "You don't have to train 2,000 workers all across the state—a massive state; you don't have to worry about who's getting the right ballot or not—it's done internally; it just seems like that solves a lot of the problems," and he asked if the division is considering that.

MS. BAHNKE said the division is always contemplating Alaska's future elections. The lieutenant governor has expressed interest in evaluating some options like vote by mail. She said she would like to reassure the committee that the integrity and security of Alaska's election system is well-noted and has been documented in many places, so she takes this very seriously. For the future, she said, the division is working closely with the Municipality of Anchorage in evaluating its proposals to vote by mail by April of next year. She said:

We're working closely with them to coordinate things like the voter's signature verification and looking at the different systems.

She revealed that out of our 516,000 voters in this state, 210,000 are located right there within the municipality, she said:

When the useful life of Alaska's equipment that we've been successfully patching together and has worked very, very well for us, when we start looking at replacing that system, certainly, vote-by-mail is definitely something of interest to the lieutenant governor and the division.

[11:34:30 AM](#)

SENATOR COGHILL asked that a follow-up meeting occur after certification, and he opined that the accountability for training will need to be addressed in statute.

CHAIR STOLTZE said his idea of a meeting in Wasilla being the last one is long gone now.

REPRESENTATIVE LYNN asked if the election worker in District 40 received the training.

MS. BAHNKE answered that the last time that election worker attended training was in 2014.

REPRESENTATIVE LYNN asked if training is provided every election, since 2014 was the previous election.

MS. BAHNKE said, "We try to provide this." The division focuses a lot of its training efforts on producing an interactive DVD because of the travel freeze and budget cuts, so not everybody received in-person training. Regional training was not held in Kotzebue or Barrow. She added:

We are re-evaluating that at this time, and it appears that we need to focus our efforts up north going into the general election.

11:36:30 AM

REPRESENTATIVE LYNN asked if the same person worked in 2014.

MS. BAHNKE answered that the precinct chair has worked for the division since the 2012 primary and general elections.

REPRESENTATIVE LYNN asked what evidence Ms. Bahnke has that a worker has received training for the 2016 election.

MS. BAHNKE answered that the division pays election workers to attend training, so their timesheets as well as sign-in sheets are sent in to the regional offices.

REPERSENATIVE LYNN asked if this election worker was paid.

MS. BAHNKE replied that the worker was paid for work on Election Day.

11:38:03 AM

CHAIR STOLTZE commented that this large cadre of election workers who just work local and state elections are active community people, and he expressed concern over casting aspersions by using the terms "malfeasance" and "misconduct," because a bad result can be due to an honest mistake. The election worker mistake is not from malice, he said, and "the act, nonetheless, has a deleterious result." He asserted that there are incredible people, including in his own precinct, who are active and involved citizens. He said if there were violations in law, he does not believe they were intentional by election workers but from lack of training and communication. He

added that he wants to compliment those hundreds of people who come out for not the greatest pay and perhaps without overtime compensation. "Just like I'd hate to criticize the unpaid or undercompensated jurors in a court system for bad results," he explained. The last thing he wants to do is focus on the election workers, he said, but clearly there were mistakes made.

11:40:00 AM

SENATOR WIELECHOWSKI noted that the governor's budget is going to get rolled out in a couple of months, and he asked if Ms. Bahnke has plans to ask for additional resources for training to deal with the problems that occurred during this election.

MS. BAHNKE answered, "We're set for this election cycle for this year." She said the division received a multiple-year appropriation to conduct elections. She detailed that when the division starts to look at the primary for 2018, that conversation will begin, but for now the division will do whatever it takes, going into the general elections, to ensure that the election workers are supported and have what they need. She stated:

We want them to have a successful experience for voters in their communities, and, so, we'll be looking at that again.

11:41:14 AM

CHAIR STOLTZE asked how much time she will need to respond to the questions today; there are about five people from the public who have signed up to speak, and one is from the affected region. He said to take the time she needs to respond to the slideshow presentation.

MS. BAHNKE said she is done. She added that she was going to just take notes and follow up later.

CHAIR STOLTZE asked Ms. Bahnke to describe her schedule.

MS. BAHNKE answered that the hand-count verification process is occurring today. She specified that 40 temporary election workers were at Centennial Hall. She detailed:

Those 40 precincts, one randomly selected out of each house district to do a hand-count verification. They will be down there for the next few days.

MS. BAHNKE said the state review board is scheduled to certify the primary election on Friday, September 02, 2016, and added:

Although, per state law, the requirement is the day of Labor Day, maybe September 6th, but we'll be then next certifying the ballot for the general elections, so those deadlines come back to back.

She said she will be regrouping with regional supervisors. She revealed that following Election Day, there is all the preparations and work that goes on in the regional offices. She noted that the division concluded its final 10-day upload last Friday around midnight, and all election materials are now here in the director's office in addition to all the ballots and precinct registers. She believes that there are still five precincts left; for now, she is focusing on that this week and answering questions for the state review board, perhaps take a breather and then gear right back up for the general election.

[11:45:01 AM](#)

CHAIR STOLTZE asked Ms. Bahnke to describe the membership of the review board.

MS. BAHNKE replied that all members are from Juneau: two Republicans, two Democrats, the remaining six are nonpartisan or undeclared.

CHAIR STOLTZE expressed appreciation for Ms. Bahnke's attendance. He asserted that Ms. Bahnke's responses cleared up some things and maybe raised questions on others; however, that is an important part of the Legislature's process.

CHAIR STOLTZE opened public testimony.

[11:46:40 AM](#)

LUKE WELLES, representing himself, Barrow, Alaska, revealed that he voted in District 40, the Browerville Precinct. He said he and his wife were frustrated that there were challenges with voting. He disclosed that he was a registered Republican and his intent was to vote the open ballot. He detailed that he was informed that he would need to vote a question-ballot instead. After reviewing the Division of Election website that said, "Any registered voter can vote the open ballot," the precinct relented and allowed him to vote the open ballot.

He detailed that he contacted local and state officials to alert them that electoral workers informed him that they were trained

on ballot submission. He revealed that a regional director from the Division of Elections contacted him to let him know that the division had difficulty recruiting in Barrow and the workers were not trained as described. He noted that he had sent a messages to Representative Nageak and the Republican Party. He opined that the focus was on letting Republicans vote the open ballot.

MR. WELLES summarized that an effectiveness of training was definitely at stake and he questioned whether the primary election in District 40 should be certified. He pointed out that the decision whether or not to allow the double-counted votes in House District 40-Shungnak would have an impact on the closely contested race.

[11:52:53 AM](#)

CHAIR STOLTZE remarked that Mr. Welles' commentary was the reason why the committee wanted to have the discussion. He reiterated that the committee did not want to influence the election, but to have the process-issues before the public prior to certification. He suggested that Mr. Welles' remedy would probably be in the courts afterwards. He restated that the committee's intention was to restrict the discussion to the 2016 primary process and election issues.

[11:54:03 AM](#)

PAUL D. KENDALL, representing himself, Anchorage, Alaska, revealed that he was a U.S. Senate candidate in the Republican primary for the current year. He disclosed that he was confused when he was presented with two ballots when he voted in the primary election. He noted that he had intended to vote in protest against Representative Millett by either leaving his selection blank or writing in a candidate. He pointed out that he did not have a write-in option and suggested that a write-in opportunity be presented in future primary ballots. He added that counting no-votes should also be tracked as well. He summarized that all candidates should uniformly answer 100 questions for voters to review, the ballot process should be under 24-hour video review, and certification should be moved to Anchorage.

[11:59:33 AM](#)

MICHAEL CHAMBERS, representing himself, Anchorage, Alaska, revealed that he had posted a narrative on the internet and noted receiving a comment on his website from an Eagle River voter. He detailed that the Eagle River voter questioned receiving two ballots and noted his belief that a person has a

constitutional right to vote for a candidate that was best suited and qualified to represent his views. He added that he was concerned with Lieutenant Governor Mallott overseeing the election in November and was against mail-in ballots.

[12:01:40 PM](#)

EUGENE CARL HABERMAN, representing himself, Wasilla, Alaska, stated that the most important decisions a governing body has is dealing with elections, certifying elections, and overseeing the budget. He asserted that without an election being correct and transparent, the decisions made afterward were invalid.

He questioned that an inexperienced director was appointed to the Division of Elections. He added that not knowing the number of people that were trained puts a serious question of legitimacy for the director. He asserted that training electoral workers was key.

He summarized that allowing a properly notified public to observe elections and ballot certification would ensure that elections were going to be "kosher."

[12:07:44 PM](#)

DAVID EASTMAN, representing himself, Wasilla, Alaska, noted that he was a candidate in the most recent primary election. He detailed that he asked to be allowed to observe the vote counting process after the election but was told that he had to obtain permission from the director of the Division of Elections. He revealed that he attempted to contact the director, but was told that she was unavailable. He said ultimately he was not able to observe the vote counting process. He added that a number of other candidates had to work through the challenge of observing the vote counting process as well.

He asked the committee if a candidate has the right to observe the vote counting process. He remarked that if the candidate has the right to observe the vote counting process, then the Division of Elections does not take the candidate's right very seriously. He stated that his hope was for greater transparency going forward with statutory enforcement.

[12:11:28 PM](#)

DEBORAH BROLLINI, representing herself, Anchorage, Alaska, detailed that her son registered to vote for the first time as a Republican, but the Division of Elections had no record of his registration. She asserted that Division of Elections was not

communicating with the Republican Party and her son now believes that the process was corrupt.

[12:13:44 PM](#)

MIKE COONS, representing himself, Palmer, Alaska, suggested that training for election staff should be mandatory, online video conference calls be used for training rather than DVDs, review the constant issue of voting districts with more than 100 percent voter turnout, get rid of early voting, and not certifying the election in District 40 until the issue was resolved. He noted that he did not have a problem with voting for the 2016 Primary Election at the Lazy Mountain precinct.

[12:16:33 PM](#)

CHAIR STOLTZE closed public testimony.

SENATOR MCGUIRE expressed her gratitude towards Chair Stoltze in holding the hearing. She opined that the hearing was informative, conversational, and aspersions were not cast. She suggested that a letter be crafted to the governor to ask for a delay in the election certification until greater scrutiny had been afforded to the situation. She remarked that additional information should be provided by the Division of Elections on future plans for electronic systems in rural parts of the state. She opined that the integrity of the state's electoral system should be addressed by upgrading the voting systems in rural communities. She asserted that what was good for Anchorage and the Mat-Su should be good for Chefnak and Newtok.

[12:19:04 PM](#)

REPRESENTATIVE VAZQUEZ pointed out that elections in other parts of the world were rigged. She said in light of the irregularities, maintaining the integrity of the state's voting system was important. She encouraged the director for the Division of Elections to consider reaching out to the Department of Justice regarding elections monitoring in order to ensure electoral integrity.

REPRESENTATIVE LYNN opined that Alaskans live in a wonderful place where elections can occur, even when there are difficulties in conducting the election. He remarked that he was shocked to hear what had occurred in District 40 and other districts during the 2016 Primary Election. He stated that what appeared to have happened was grossly unfair to the candidates and should never have happened. He set forth that the whole electoral system needed to be tied up and he hoped that the apparent impropriety does not occur again.

12:21:13 PM

SENATOR HUGGINS pointed out that Legislative Affairs has an opinion on contested elections. He detailed that contested elections must be brought before the superior court within 10 days. He shared 7 items that are potential solutions by the superior court as follows:

1. Validate results of the election despite the findings of malconduct when irregularities are curable.
2. Invalidate specified ballots for error and uphold the certification.
3. Invalidate election results, overturn the certificate of election, and order a new election be conducted.
4. Calculate the proportion of the affected ballots, assign the same proportion to each candidate's results depending on the results either uphold the certification or invalidate it.
5. Remand the case back to the director of elections, order a recount in a manner consistent with its opinion, and order either certification of results or a new election depending on results.
6. Order the lieutenant governor to take measures in order to ensure the integrity of the next election.
7. Validate parts of the ballot that are not effected by error and validate the election results.

He summarized that the list was not exhaustive, but the seven items were held in the legal opinion as potential remedies in the cases of superior court in contested elections.

12:23:07 PM

CHAIR STOLTZE noted that committee and non-committee members had a combined experience of 50 primary and general elections. He admitted that elections were challenging, but opined that elections came down to core principals of conduct and that was what the committee was trying to focus on at the hearing for the public. He admitted that he had never been in a close election, but expressed empathy for candidates that were in close elections. He asserted that when there were election conduct issues, whether intentional or just a lack of training, the net result was the same.

He set forth that the committee hearing allowed the public to be involved, presented an open and candid discussion with the director of elections, and acted as a conduit for the press that probably answered some questions. He reiterated that the outcome

of the election was not the purview or concern of the committee. He asserted that the committee was focused on the conduct of the election and noted that the legal division had laid out some potential remedies. He stated that whether or not the review process was effected by the committee hearing or not, the review probably should be a little more introspective. He opined that maybe District 40 should be the last district that should be certified as the Division of Elections continues to look at some of the issues. He said he hoped that the Division of Elections would take note of the issues raised by the public, Legislative Legal, and other others had raised during the hearing.

CHAIR STOLTZE set forth that the committee had met its constitutional requirement as a legislative branch of the government and its uniform rules of jurisdiction for both the House and Senate having jurisdiction on election issues. He thanked Director Bahnke for making herself available for the hearing and asserted that her involvement was good for the public process. He opined that the public and the process both benefitted from the committee hearing.

[12:26:21 PM](#)

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Committee at 12:26 p.m.