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RECEIVED Haines Borough

OCT 07 2013

Clerk's Office

Borough Clerk
City and Borough of Haines, Alaska

October 7, 2013

Dear Clerk:

Please find attached a notarized Notice of Election Contest. I am purposefully submitting this challenge before the canvassing date because I want it to be clear that the final outcome of the October 1 election isn't the issue. The election process itself is the issue. Despite the honest efforts and good intentions of the election workers and officials, this election was not conducted according to the law. Should I win by the votes tallied during the canvass I would still want the election results to be thrown out and for people to have an opportunity to go back to the polls. As I stated in the Notice of Election Contest, I believe voters should be able to vote for whomever they want, how many candidates they want, or vote for no candidates if it suits them, and that choice should not be questioned, or expose voters to scrutiny by the election workers or other voters present in the polling station. Also, I support the new method of selecting Assembly and School Board members, and want to make sure we don't establish precedent that leaves the process open to question and challenge by local candidates and voters.

If you need additional information, do not hesitate to contact me. I will be leaving for Juneau on the Tuesday afternoon ferry, so please use my cell phone number (907) 303-0065 after that.

Sincerely,



Ardy Miller

NOTICE OF ELECTION CONTEST

I, the undersigned, believe that the following prohibited practices occurred at the election held on October 1, 2013. I also hereby state that the violation was committed by the following person(s):

Prohibited practices:

1. The election worker receiving ballots from voters at the counting machine told a voter that his ballot was rejected because he didn't vote for two assembly members. The voter returned to the voting booth. The poll worker's comments and the voter's response constituted an influence by the Borough on how people were voting. It is my understanding that this was not an isolated incident. The Borough influenced how people voted in multiple ways, by posting the "vote for two" directive in the polling booth, by programming the machines to reject Assembly ballots that did not have two votes, and by the comments from election officials who explained to voters that their ballots were rejected because they under-voted. Voters should be able to vote for whomever they want, how many candidates they want, or vote for no candidates if it suits them, and that choice should not be questioned, or expose voters to scrutiny by the election workers or other voters present in the polling station. According to the Chilkat Valley News article of October 3, 2013, some voters were upset at the process and considered it a violation of voter privacy. An election official stated in a news article that of the voters whose ballots were rejected by the vote tallying machine, about half returned to the voting booth. These additional votes may have affected the outcome of the election.

2. A voter asked one of the election workers checking voter names on the registration list a question about a write-in candidate's name. The election worker told the voter that election workers aren't allowed to answer any questions relating to the election but that they could check the newspaper on the table out in front for information. The newspaper was on the same table as the sample ballots. The newspaper contained information on candidates and Proposition Number 1, including paid advertisements, in violation of election regulations prohibiting such information near the polling area.

Person(s) alleged to have committed the violation:

1. Jeanette Heinrich

2. One of the three workers at the check-in table. I did not look up to see which of the three women was speaking.

Signature of Person Contesting *Ardys Muller*

SUBSCRIBED and SWORN to before me this 7 day of October, 2013 by:

Jan Bell
Notary Public

Expire: With office



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