

## CITY OF DILLINGHAM, ALASKA

## RESOLUTION NO. 2012-59

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ACCEPTING THE CERTIFICATION OF THE CANVASSING COMMITTEE RESULTS AND CERTIFYING THE OCTOBER 2, 2012 REGULAR CITY ELECTION**

WHEREAS, the Canvassing Committee of the City of Dillingham met on Election night and tallied the votes cast at the polls, and met on October 4, 2012, and tallied the votes of Absentee Voting in Person, Absentee Voting by Personal Representative, Absentee Voting by Mail, and Questioned ballots cast by voters; and

WHEREAS, the tallies recorded by the Canvassing Committee are as follows:

<b>Mayor's Seat; a three year term ending October 2015.</b>			
Name	Poll Votes	Absentee/Questioned	Total
<b>Alice Ruby</b>	<b>301</b>	<b>22</b>	<b>323</b>
Write-ins	80	3	83

<b>City Council Seat A; a one year term ending October 2013.</b>			
Name	Poll Votes	Absentee/Questioned	Total
McCormick, Jackson	118	1	119
Nicholson, Dave	119	10	129
<b>Holt, Doug</b>	<b>153</b>	<b>15</b>	<b>168</b>
Write-ins	9	0	9

<b>City Council Seat B; a one year term ending October 2013.</b>			
Name	Poll Votes	Absentee/Questioned	Total
<b>Maines, Christopher</b>	<b>222</b>	<b>21</b>	<b>243</b>
Johnson, Glen S.	115	2	117
Write-ins	26	2	28

<b>City Council Seat E; a three year term ending October 2015.</b>			
Name	Poll Votes	Absentee/Questioned	Total
<b>Hightower, Tracy G.</b>	<b>201</b>	<b>22</b>	<b>223</b>
Johnson, Helen M.	184	5	189
Write-ins	11	0	11

<b>City Council Seat F; a three year term ending October 2015.</b>			
Name	Poll Votes	Absentee/Questioned	Total
Clavette, Andrew	27	1	28
<b>Liedberg, Paul</b>	<b>188</b>	<b>18</b>	<b>206</b>
Gladden, David	65	2	67
Lind, Buchi	132	5	137
Write-ins	1	0	1

<b>School Board Seat D; a three year term ending October 2015.</b>			
Name	Poll Votes	Absentee/Questioned	Total
<b>Williams, Kimberly</b>	<b>317</b>	<b>17</b>	<b>334</b>
Write-ins	40	4	44

<b>School Board Seat E; a three year term ending October 2015.</b>			
Name	Poll Votes	Absentee/Questioned	Total
<b>Luckhurst, Patty</b>	<b>396</b>	<b>28</b>	<b>424</b>
Write-ins	5	0	5

<b>Ballots Cast</b> on Election Day	419	Ballots Counted on Election Day	419
Absentee in Person Ballots Received	26	Absentee in Person Ballots Counted	26
Absentee by Mail Ballots Received	0	Absentee by Mail Ballots Counted	0
Absentee by Personal Rep Ballots Recd	1	Absentee by Personal Rep Ballots Counted	1
Questioned Ballots Received	12	Questioned Ballots Counted	1
<b>Total Ballots Issued</b>	<b>458</b>	<b>Total Ballots Counted</b>	<b>447</b>

NOW, THEREFORE, BE IT RESOLVED by the Dillingham City Council that the October 2, 2012, Regular City Election was held valid to the best of our knowledge; and

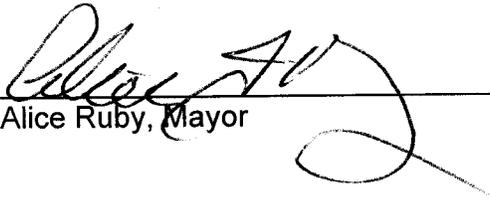
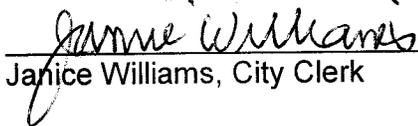
BE IT FURTHER RESOLVED that the results are certified as follows:

1. That Alice Ruby was elected to the Mayor's Seat, a three-year term ending October 2015, having received the greatest number of votes cast for this seat.
2. That Doug Holt was elected to Council Seat A, a one-year term ending October 2013, having received the greatest number of votes cast for this seat.
3. That Christopher Maines was elected to Council Seat B, a one-year term ending October 2013, having received the greatest number of votes cast for this seat.
4. That Tracy Hightower was elected to Council Seat E, a three-year term ending October 2015, having received the greatest number of votes cast for this seat.
5. That Paul Liedberg was elected to Council Seat F, a three-year term ending October 2015, having received the greatest number of votes cast for this seat.
6. That Kim Williams was elected to School Board Seat D, a three-year term ending October 2015, having received the greatest number of votes cast for this seat.
7. That Patty Luckhurst was elected to School Board Seat E, a three-year term ending October 2015, having received the greatest number of votes cast for this seat.

PASSED and ADOPTED by the Dillingham City Council on October 11, 2012.

SEAL:

ATTEST:

  
\_\_\_\_\_  
Alice Ruby, Mayor  
\_\_\_\_\_  
Janice Williams, City Clerk

City of Dillingham Information Memorandum R2012-59

Subject: A Resolution of the Dillingham City Council accepting the Certification of the Canvassing Committee results and certifying the October 2, 2012 Regular City Election

Agenda of: October 11, 2012

City Council Action:
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Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):**

- Official Tally Report
- Minutes of Canvassing Committee, October 4, 2012

**Summary Statement.**

**Request for a Waiver of the Nepotism Rules.** Christopher Maines was elected to Council Seat B. His brother, Craig Maines, is employed by the City of Dillingham as a Corrections Officer. According to the City's Personnel Regulations Section 3.95 the City Manager may recommend a waiver to the Council as long as the employee is not directly supervised by the Council or Mayor. In this case, Craig would not be directly supervised by the Council or Mayor.

According to the City's Attorney:

"Whoever gets the most votes wins the election regardless of whether they have a relative employed by the City. They don't get to run for office and then decide later if they will take the oath depending on how the council votes on a nepotism waiver. That is why it is not necessary to decide the waiver issue in advance of administering the oath of office.

If the person that won the election refuses to take the oath the person who currently holds the council seat remains in office.

If the nepotism waiver is not granted then either the relative leaves city employment or the newly elected council member resigns. My suggestion is that decision gets made by the November meeting. If the council member does not resign at that meeting or in advance of that meeting their relative is terminated from city employment.

If the council member resigns, the seat is filled using the vacancy procedure it does not automatically go to whoever finished second in the election."

**CERTIFICATE OF CANVASSING COMMITTEE RESULTS**

**CITY OF DILLINGHAM  
OFFICIAL TALLY REPORT  
October 4, 2012**

**Regular City Election - October 2, 2012**

<b>Ballots Cast</b> on Election Day	419	Ballots Counted on Election Day	419
Absentee in Person Ballots Received	26	Absentee in Person Ballots Counted	26
Absentee by Mail Ballots Received	0	Absentee by Mail Ballots Counted	0
Absentee by Personal Rep Ballots Recd	1	Absentee by Personal Rep Ballots Counted	1
Questioned Ballots Received	12	Questioned Ballots Counted	1
<b>Total Ballots Issued</b>	<b>458</b>	<b>Total Ballots Counted</b>	<b>447</b>

The one absentee vote by personal representative ballot and the one questioned ballot were combined with the absentee vote in person ballots to preserve the confidentiality of the ballots.

**Mayor's Seat; a three year term ending October 2015.**

Name	Poll Votes	Absentee/Questioned	Total
Alice Ruby	301	22	323
Write-ins	80	3	83

**City Council Seat A; a one year term ending October 2013.**

Name	Poll Votes	Absentee/Questioned	Total
McCormick, Jackson	118	1	119
Nicholson, Dave	119	10	129
Holt, Doug	153	15	168
Write-ins	9	0	9

**City Council Seat B; a one year term ending October 2013.**

Name	Poll Votes	Absentee/Questioned	Total
Maines, Christopher	222	21	243
Johnson, Glen S.	115	2	117
Write-ins	26	2	28

**CERTIFICATE OF CANVASSING COMMITTEE RESULTS**

**CITY OF DILLINGHAM  
OFFICIAL TALLY REPORT  
October 4, 2012**

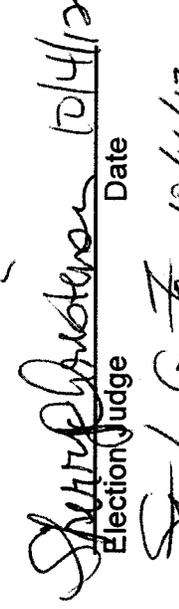
City Council Seat E; a three year term ending October 2015.			
Name	Poll Votes	Absentee/Questioned	Total
Hightower, Tracy G.	201	22	223
Johnson, Helen M.	184	5	189
Write-ins	11	0	11

City Council Seat F; a three year term ending October 2015.			
Name	Poll Votes	Absentee/Questioned	Total
Clavette, Andrew	27	1	28
Liedberg, Paul	188	18	206
Gladden, David	65	2	67
Lind, Buchi	132	5	137
Write-ins	1	0	1

School Board Seat D; a three year term ending October 2015.			
Name	Poll Votes	Absentee/Questioned	Total
Williams, Kimberly	317	17	334
Write-ins	40	4	44

School Board Seat E; a three year term ending October 2015.			
Name	Poll Votes	Absentee/Questioned	Total
Luckhurst, Patty	396	28	424
Write-ins	5	0	5

 Election Judge \_\_\_\_\_ Date 10-4-12  
 Election Judge \_\_\_\_\_ Date 10/4/12

 Election Judge \_\_\_\_\_ Date 10/4/12  
 Election Judge \_\_\_\_\_ Date 10-4-12

**CERTIFICATE OF CANVASSING COMMITTEE RESULTS**

**CITY OF DILLINGHAM  
OFFICIAL TALLY REPORT  
October 4, 2012**

Attest:

  
Janice Williams, City Clerk

**I. CALL TO ORDER**

Election Chairperson Keggie Tubbs called the meeting to order at 12:30 p.m.

**II. ROLL CALL**

Canvass Committee Members Present:

Keggie Tubbs, Election Chairperson  
Dana Clark, Election Judge  
Sherry Christensen, Election Judge  
Steve Foy, Election Judge  
Curt Armstrong, Election Judge

Staff Present:

Janice Williams, City Clerk

**III. APPROVAL OF AGENDA**

**MOTION:** Steve Foy moved and Sherry Christensen seconded the motion to approve the agenda.

**GENERAL CONSENT:** The motion passed without objection.

**IV. SPECIAL BUSINESS****A. Questioned Ballots****1. Tally Questioned Ballots**

City Clerk Williams referred to the Question Verification Voter form with comments provided by the Nome Election office. A review was made on each of the twelve (12) questioned ballots that were received. After the review, one ballot was determined to be eligible when it was confirmed that the voter had been residing in Dillingham for at least a year. The remaining ballots did not meet the Dillingham Municipal Code voter qualifications.

**MOTION:** Steve Foy moved and Curt Armstrong seconded the motion to accept the questioned ballot from Susan Jenkins-Brito.

**GENERAL CONSENT:** The motion passed without objection.

**MOTION:** Steve Foy moved and Sherry Christensen seconded the motion to reject the remaining eleven (11) questioned ballots.

**GENERAL CONSENT:** The motion passed without objection.

**B. Absentee Ballots****1. Tally Qualified Absentee Voting in Person Ballots**

2. Tally Qualified Absentee Voting by Personal Representative Ballots
3. Tally Qualified Absentee Voting by Mail Ballots

City Clerk Williams referred to the Absentee in Person Register for the absentee ballots cast in person and asked the committee members to review each one and indicate those that they questioned as an ineligible voter, including living outside Dillingham City limits. City Clerk Williams informed the Committee that all twenty-six (26) absentee voting in person ballots and one (1) absentee voting by personal representative ballot for a total of twenty-seven (27) were listed on the precinct registration list.

**MOTION:** Steve Foy moved and Sherry Christensen seconded the motion to accept the twenty-six (26) absentee voting in person ballots.

**GENERAL CONSENT:** The motion passed without objection.

**MOTION:** Curt Armstrong moved and Steve Foy seconded the motion to accept the one (1) absentee voting by personal representative ballot.

**GENERAL CONSENT:** The motion passed without objection.

There was no absentee voting by mail ballots, although one had been sent out and had not been received by the start of the meeting. Chairperson Tubbs confirmed the count at twenty-seven (27). The Committee confirmed that all twenty-seven absentee ballots were eligible.

The envelopes from the twenty-seven (27) absentee ballots and the one (1) questioned ballot were opened and the privacy sleeves placed on the table. A recount was made to verify there were twenty-eight (28) privacy sleeves.

The Committee determined to make a hand count of the absentee ballots, with one member reading the ballot, one watching while the ballot was read, one member tallying the votes, and one watching the tally being made.

The election judges proceeded to tally the absentee votes and confirmed the count between both teams.

The ballot results were read aloud by Chairperson Tubbs and entered on the Official Tally Report.

#### C. Write-in and Voided Ballots

DMC 3.70.030, Record of canvass. The minutes shall indicate the disposition of all questioned, absentee, write-in and voided ballots.

Voided ballots: There were no voided ballots.

Write-ins: The total write-in votes for any one seat did not exceed the number of votes cast for the highest vote getter.

#### D. Approve the Official Tally Report

**MOTION:** Sherry Christensen moved and Steve Foy seconded the motion to approve the Official Tally Report.

**GENERAL CONSENT:** The motion passed without objection.

**ELECTION TALLY:**

	<u>POLLS</u>	<u>ABSENTEE</u>	<u>TOTAL</u>
<b>Mayor's Seat</b>			
Alice Ruby	<u>301</u>	<u>22</u>	<u>323</u>
Write-ins	<u>80</u>	<u>3</u>	<u>83</u>
<b>Seat A, Council</b>			
Jackson McCormick	<u>118</u>	<u>1</u>	<u>119</u>
David Nicholson	<u>119</u>	<u>10</u>	<u>129</u>
Doug Holt	<u>153</u>	<u>15</u>	<u>168</u>
Write-ins	<u>9</u>	<u>0</u>	<u>9</u>
<b>Seat B, Council</b>			
Christopher Maines	<u>222</u>	<u>21</u>	<u>243</u>
Glen S. Johnson	<u>115</u>	<u>2</u>	<u>117</u>
Write-in	<u>26</u>	<u>2</u>	<u>28</u>
<b>Seat E, Council</b>			
Tracy G. Hightower	<u>201</u>	<u>22</u>	<u>223</u>
Helen M. Johnson	<u>184</u>	<u>5</u>	<u>189</u>
Write-ins	<u>11</u>	<u>0</u>	<u>11</u>
<b>Seat F, Council</b>			
Andrew Clavette	<u>27</u>	<u>1</u>	<u>28</u>
Paul Liedberg	<u>188</u>	<u>18</u>	<u>206</u>
David Gladden	<u>65</u>	<u>2</u>	<u>67</u>
Buchi Lind	<u>132</u>	<u>5</u>	<u>137</u>
Write-ins	<u>1</u>	<u>0</u>	<u>1</u>
<b>Seat D, School Bd</b>			
Kimberly Williams	<u>317</u>	<u>17</u>	<u>334</u>
Write-ins	<u>40</u>	<u>4</u>	<u>44</u>
<b>Seat E, School Bd</b>			
Patty Luckhurst	<u>396</u>	<u>28</u>	<u>424</u>
Write-ins	<u>5</u>	<u>0</u>	<u>5</u>

**E. Approve the Question and Absentee Voter Statements**

Janice Williams presented the individual statements which noted the voter's questioned ballot had been rejected and the reason it was questioned to Chairperson Tubbs for his signature.

(Clerk Note: The official tally and the minutes of the meeting will be presented to the Council at their Special Meeting, October 11, to certify the election.)

## V. OTHER BUSINESS

The committee discussed reviewing the Precinct Register and making a list of the names of people who have not lived in Dillingham for some time. The list will be forwarded to the Nome Elections office.

City Clerk Williams commented that an ordinance had been introduced in September that would be up for adoption in November. The ordinance would require a letter of intent be on file for a write-in candidate, would disallow a sticker be affixed to the ballot for write-ins, and would allow marks other than filling in the oval, such as a cross, etc.

## VI. COMMITTEE COMMENTS

Keggie Tubbs:

- praised the election judges for once again doing a great professional job.

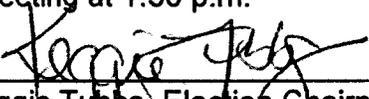
Janice Williams:

- dittoed his comments.

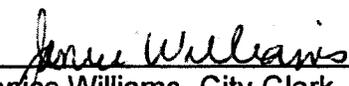
There were no other committee comments.

## VII. ADJOURNMENT

Election Chairperson Keggie Tubbs adjourned the meeting at 1:30 p.m.

  
\_\_\_\_\_  
Keggie Tubbs, Election Chairperson

ATTEST:

  
\_\_\_\_\_  
Janice Williams, City Clerk