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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

RANDALL KOWALKE,)
)
Plaintiff,)
)
v.)
)
DAVID EASTMAN, STATE OF)
ALASKA, DIVISION OF)
ELECTIONS, and GAIL FENUMIAI in)
her official capacity,)
)
Defendants.)

Case No. 3AN-22-07404 CI

SUPPLEMENTAL AFFIDAVIT OF GAIL FENUMIAI

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

1. I am the director of the Division of Elections for the State of Alaska, and I have personal knowledge of the matters in this affidavit.

2. The Division plans to certify the results from the November 8, 2022 general election, including the election for representative of House District 27, on November 29.

3. It is feasible for the Division to delay certifying the results from the House District 27 race until after trial, while certifying all the other results as planned.

4. Determining the winner of a ranked-choice election is a multi-step process. First, the Division determines whether a candidate has received a majority of first-choice rankings. If so, that candidate wins. If not, the Division applies the ranked-

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choice tabulation. Candidates with the fewest votes are eliminated in rounds until two candidates remain and the candidate with the most votes wins. The State Review Board then reviews the results and the Director of the Division of Elections certifies the winner.

5. The Division selects the races that must be decided using ranked-choice tabulation. This means the Division can complete this for every race except for House District 27; the Division can select and tabulate all of the races that require ranked choice tabulation and not select the House District 27 race. The Division can tabulate the House District 27 race later, if tabulation is required.

6. However, the Division cannot practically delay the reporting of unofficial first-choice results in House District 27. Doing so would require changing the status of all of the candidates in the race in the election project.

7. The Division can also tabulate the House District 27 race and then re-tabulate it later with a candidate “withdrawn.” The Division can “withdraw” a candidate in the election project, meaning the votes for that candidate would not count towards that candidate but would count towards the voters’ subsequent choices.

8. If ordered to delay certification until after trial, the Division would report unofficial first-choice results in House District 27. If a candidate achieved a majority, that candidate would be the unofficial winner. If no candidate achieved a majority, the Division could either (1) run the ranked-choice tabulation, report the unofficial winner, complete the State Review Board process, and delay certification until after trial, or (2) delay the ranked-choice tabulation, review, and certification until after trial. In either

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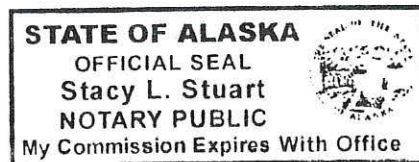
case, if the court found Representative Eastman ineligible, the Division could withdraw him as a candidate, tabulate the results, and certify the winner. The Division could complete the process of withdrawing Rep. Eastman, tabulating the results, recalling the State Review Board, and certifying the winner in approximately 24 hours.


9. It is also practically possible to withdraw a candidate and re-tabulate ranked choice votes in a race after certification. This makes it possible for the Division to re-certify a race previously certified, if ordered to do so by a court. So, rather than delay certification, the Division could certify the winner of House District 27 on November 29, as planned, then later re-certify the race based on the outcome of the trial, if ordered to do so.

DATED: September 22, 2022


Gail Fenumiai

SUBSCRIBED and SWORN before me this 22 day of Sept., 2022.




Notary Public, State of Alaska
My commission expires w/office