

In the Supreme Court of the State of Alaska

Kathryn Dodge,)	
)	Supreme Court No. S-17301
Appellant/Cross-Appellee,)	
v.)	
)	Order
Lt. Governor Kevin Meyer, et al.,)	Emergency Motion Re: Record
)	
Appellees,)	
)	
v.)	
)	
Barton LeBon and Alaska)	
Republican Party,)	
)	
Intervenors/Cross-Appellants.)	
<hr/>		Date of Order: 12/12/2018
Recount Appeal)	

Kathryn Dodge has filed an emergency motion to supplement the record by adding two affidavits that were transmitted to the director of the division of elections on the afternoon of December 5, 2018. The lieutenant governor, the director, and the intervenors oppose this request.

In a recount appeal, AS 15.20.510 requires the director to furnish “the record of the recount taken, including all ballots, registers, and other election material and papers pertaining to the election contest.” And “candidates are entitled to submit materials for consideration up until final certification of the recount.” *Fischer v. Stout*, 741 P.2d 217, 220 (Alaska 1987). But a candidate cannot make such materials part of “the record of the recount” by submitting them to the director after final certification. In this case, the director certified the election as determined by the recount on November 30, 2018.

Dodge v. Meyer

Supreme Court Nos. S-17301/S-17311

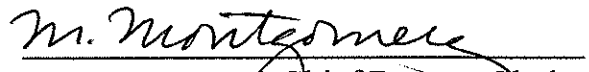
Order dated December 12, 2018

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IT IS THEREFORE ORDERED that the motion to supplement the record is DENIED. This ruling does not restrict the parties' ability to submit evidence to the special master.

Entered by direction of an individual justice.

Clerk of the Appellate Courts


M. Montgomery, Chief Deputy Clerk

cc: Supreme Court Justices
Judge Aarseth

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