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

LANCE PRUITT, JEFF GARNESS, LISA
GARNESS, SHANNON CARTE, DONALD
CRAFTS, SUSAN M. KENT-CRAFTS, and
CAROLYN "CARE" CLIFT

Plaintiffs,

v.

LT. GOVERNOR KEVIN MEYER, in his
official capacity as Lt. Governor for the State
of Alaska, and GAIL FENUMIAI, in her
official capacity as Director of the Division of
Elections,

Defendants.

FILED in the TRIAL COURTS
STATE OF ALASKA, THIRD DISTRICT

DEC 14 2020

Clerk of the Trial Courts

By _____ Deputy

Case No. 3AN-20-09661CI

FIRST AMENDED COMPLAINT

COME NOW Plaintiffs Lance Pruitt, Jeff Garness, Lisa Garness, Shannon Carte, Donald Crafts, Susan M. Kent-Crafts, and Carolyn "Care" Clift, by and through their attorneys, Holmes, Weddle & Barcott, P.C. and hereby set forth their first amended complaint against Defendant Lt. Governor Kevin Meyer and Gail Fenumiai, in their official capacities by stating and alleging as follows:

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I. JURISDICTION AND VENUE

1. The Alaska Superior Court has jurisdiction under and by virtue of AS 15.20.550 and other applicable law. The Third Judicial District at Anchorage is an appropriate venue under Alaska R. Civ. P. 3(c) and 4(d)(8).

II. PARTIES

2. Plaintiffs are public interest litigants who have a public interest in the integrity of elections for public office that occur within the State of Alaska.

3. Plaintiff Lance Pruitt, a registered Republican, appeared on the General Election Day ballot for reelection to the Alaska State House District 27, and at the conclusion of the most recent recount was behind his challenger by eleven votes.

4. The remaining plaintiffs are qualified voters pursuant to AS 15.20,540

5. Defendant Kevin Meyer is the Lt. Governor of the State of Alaska. He is vested with the executive power of the State and is responsible for the faithful execution of the election.

6. Gail Fenumiai is the Director of the Alaska Division of Elections, which administers the elections.

III. FACTS

7. The General Election took place in the State of Alaska on November 3, 2020.

8. There were several errors in the conduct of the election sufficient to change the outcome of the election.

9. Just days before the election, the polling place location for House District 27 Precinct 915 was changed from Muldoon Town Center to Begich Middle School.

10. The precinct polling place location change in 27-915 was the second change during 2020.

11. On October 5, 2020, the Superior Court in *Arctic Village Council, et al. v. Kevin Meyer, et al.*, Case No. 3AN-20-07858CI granted a preliminary injunction eliminating the witness requirement for the 2020 General Election.

12. Upon interlocutory review, the Supreme Court upheld the lower court's granting of the preliminary injunction.

13. One absentee voter returned two ballots, one using his first name and one using his middle name.

IV. COUNT I – VIOLATION OF AS 15.20.203

14. Plaintiff realleges and incorporates by reference the allegations set forth above.

15. AS 15.20.203 provides that the district absentee ballot counting board shall examine each absentee ballot envelop to ensure the ballot has been properly cast and that the voter properly executed the certificate.

16. Following the unconstitutional elimination of the witness signature by the courts, the Division failed to develop a procedure for review of the signatures to ensure that the person casting the ballot signed the certificate, or to ensure that the same person did not sign more than one certificate.

17. Given the failure to properly review the voter signature, the integrity of the election is at question and thus, plaintiffs are entitled to relief.

V. COUNT II – VIOLATION OF AS 15.10.090

18. Plaintiff realleges and incorporates by reference the allegations set forth above.

19. AS 15.10.090 provides that the Director shall give full public notice if the location of a polling place is changed.

20. Public notice must include (1) whenever possible, sending written notice of the change to each affected registered voter in the precinct; (2) providing notice of the change by

publication in a local newspaper of general circulation; (3) posting notice of the change on the internet website of the division of elections; (4) providing notification of the change to the appropriate municipal clerks, community councils, tribal groups, Native villages, and village regional corporations; and (5) inclusion in the official election pamphlet.

21. In 27-915, the location was changed from Muldoon Town Center to Begich Middle School without notice pursuant to State law.

22. As there was another polling place location for a different district at Muldoon Town Center, there was voter confusion due to the failure to give proper notice.

23. Given the failure to provide proper notice, voters were disenfranchised and the integrity of the election is at question and thus, plaintiffs are entitled to relief.

VI. VIOLATION OF AS 15.05.010

24. Plaintiff realleges and incorporates by reference the allegations set forth above.

25. AS 15.05.010(2) provides in pertinent part that a person may vote at any election who has been a resident of the house district in which the person seeks to vote for at least 30 days just before the election.

26. While pursuant to AS 15.05.020(8) the address of the voter on the registration is presumptive evidence of the voting residence, however, it does not permit violation of AS 15.05.010(2).

27. During the 2020 General Election, there were several voters who cast ballots in House District 27 who did not reside in House District 27 for at least 30 days just before the election.

28. While these voters may have been eligible to vote for President, Statewide races, Judicial District, or even Senate District races, these voters were not eligible to cast their ballots in House District 27.

29. Given that unqualified voters voted in the 2020 General Election, voters qualified to vote in House District 27 were disenfranchised and the integrity of the election is at question and thus, plaintiffs are entitled to relief.

VII. VIOLATION OF THE 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION

30. Plaintiff realleges and incorporates by reference the allegations set forth above.

31. By disenfranchising certain voters, allowing at least one voter to vote twice, and by failing to otherwise properly conduct the election the Division of Elections has deprived voters in District 27 of the equal protection guaranteed by the 14th Amendment to the United States Constitution

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Lance Pruitt, Jeff Garness, Lisa Garness, Shannon Carte, Donald Crafts, Susan M. Kent-Crafts, and Carolyn "Care" Clift pray the following relief:

1. An order directing that the votes properly and legally cast in the November 3, 2020 General Election in House District 27 be properly tabulated and the correct result be certified.
2. In the alternative for an order declaring that because of the many manifest errors in the conduct of the November 3, 2020 General Election in House District 27, that the true winner cannot be determined and ordering that a new election conducted in accordance with law be conducted.
3. Any other relief this Court deems just and appropriate.

DATED this 14th day of December, 2020, at Anchorage, Alaska.

HOLMES WEDDLE & BARCOTT, P.C.
Counsel for Plaintiffs

By: s/ Stacey C. Stone

Stacey C. Stone
Alaska Bar No. 1005030

CERTIFICATE OF SERVICE

The undersigned certifies that on this 14th
day of December, 2020, a true and correct copy
of the foregoing document was served via Email to:

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