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IN THE SUPREME COURT FOR THE STATE OF ALASKA

BENJAMIN N. NAGEAK,

Appellant,

vs.

LT. GOVERNOR BYRON MALLOT, in
his official capacity as Lt. Governor for the
State of Alaska, and JOSEPHINE
BAHNKE, in her official capacity as
Director of the Division of Elections,

Appellees.

Supreme Court No. _____

STATEMENT OF POINTS ON APPEAL

COMES NOW Appellant Benjamin N. Nageak by and through his attorneys,
Holmes, Weddle & Barcott, P.C. and provides the following statement of points on
appeal pursuant to AS 15.20.510 and Alaska R. App. P. 204(e) as numerous errors
have been made in the Primary Election Recount for House District 40:

1. At the recount, three questioned ballots not counted previously were
counted in violation of the law and Division of Election regulations and procedures.
2. At the recount, it was discovered that seven voters from Kivalina had
voted twice, i.e. seven voters voted both the Republican Ballot and the ADL Ballot in

violation of AS 15.15, *et seq.* Those ballots were rejected as improper by the Regional Questioned Ballot Review Board and by the State Review Board however at the recount those illegally voted ballots were counted.

3. Fifty voters in Shungnak were given both the Republican and the ADL ballots in the primary in violation of the law and during the recount those ballots were counted again in violation of the law and regulations.

4. Twelve voters in Buckland were allowed to vote special needs ballots but the voters and the representatives failed to properly document the ballots. In spite of the violations of the law and regulations these ballots were allowed to be counted.

5. Election official in the regional office misplaced 4 absentee ballots and improperly substituted replaced 4 ballots that had been cast as questioned ballots for the 4 missing ballots.

6. Voters in several precincts were improperly, illegally and unconstitutionally deprived of the primary ballot of their choice and the right to have elections properly conducted in accordance with state and federal law.

7. Numerous other violations of the law occurred in the conduct and counting of the primary election held on August 16, 2016 in various precincts in House District 40 depriving the voters of their right to a fair and objective election.


8. The Division of Elections erred in its recount to ensure an election that did not disenfranchise voters pursuant to AS 15.15, *et seq.* and AS 15.20, *et seq.*

9. This court should promptly conduct a complete review of the election and the recount and require a retabulation of the votes, properly and legally cast

consistent with the law in the August 16, 2016 primary election for the State House in Alaska Election District 40.

Dated this 16th day of September, 2016, at Anchorage, Alaska.

HOLMES WEDDLE & BARCOTT, P.C.
Co-Counsel for Appellant

By: 
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CERTIFICATE OF SERVICE

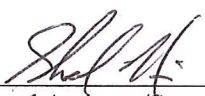
The undersigned certifies that on this 16th day of September, 2016, a true and correct copy of the foregoing document was served via:

- ☒ E-Mail
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