

Introduced by: Mayor
Date: October 9, 1990
Action:
Vote:

KENAI PENINSULA BOROUGH

RESOLUTION 90-110

CERTIFYING THE RESULTS OF THE OCTOBER 2, 1990 REGULAR BOROUGH ELECTION.

WHEREAS, the Cavassing Board of the Kenai Peninsula Borough met on October 8, 1990 and tallied the votes of Questioned and Absentee ballots together with votes counted on election night and write-ins; and

WHEREAS, the precinct tallies from the four Assembly districts as recorded by the Canvass Board are as follow:

BOROUGH MAYOR

(3 Year Term)

GILMAN, Don 4858
PENNINGTON, Barbara 1721

BOARD OF EDUCATION
(Seat A, 3 Year Term)

MASSIE, Cliff 4678

BOARD OF EDUCATION
(Seat B, 3 Year Term)
DIMMICK, Marilyn 3435

KENDALL, Ross 2560

BOARD OF EDUCATION
(Seat C, 3 Year Term)
ARNESS, Joe 2525

SULLIVAN, John 967

WILEY, Michael 2353

BOARD OF EDUCATION
(Seat E, 1 Year Term)

BRICKEY, James R. 1114
GROSS, Marianne 2468
OFFT, Darrell 375
WRIGHT, A. Kearlee 1925

ASSEMBLY DISTRICT 1

(Seat A, 3 Year Term)
SKOGSTAD, James W. 580

ASSEMBLY DISTRICT 2
(Seat A, 3 Year Term)

CAREY, David R. 833
DAVIS, John C. 539
LITTLE, Suzanne 804
STANDEFER, John M. 347

ASSEMBLY DISTRICT 2
(Seat E, 3 Year Term)

EVANS, Tim 721
MOOCK, Sharon 968

OBERTS, Ed 732

ASSEMBLY DISTRICT 3
(Seat B, 3 Year Term)

BROWN, Jack 994

WATERS, Barbara E. 614

ASSEMBLY DISTRICT 3
(Seat C, 3 Year Term)

HODGINS, Mark 895

McCLOUD, Don 475

RODES, Nick 194

ASSEMBLY DISTRICT 4
(Seat A, 3 Year Term)

CRAWFORD, John L. 579

ANDERSON, Burt 846

ANCHOR POINT FIRE SERVICE
(Seat E, 3 Year Term)

* *Carol Mead 7*
Total Write-ins 32

(Seat C, 1 Year Term)
TRACY, Joe 181

BEAR CREEK FIRE SERVICE
(Seat E, 3 Year Term)

ELHARD, Rock 94

*

(Seat C, 1 Year Term)

HENDERLONG, Carol R. 99

*

Central Peninsula Emergency
Medical Service Area

(Seat A, 3 Year Term)
CLARK, Ty 1668

*

Seat B, 3 Year Term)
BISHOP, Al 1716

*

(Seat D, 2 Year Term)
HOEGER, Linda 1707

*

KALIFONSKY FIRE SERVICE
(Seat C, 1 Year Term)
SILVA, David 592

*

(Seat D, 3 Year Term)
* Fairchild, John 5

(Seat A, 1 Year Term)
HALL, Martin K. 581

*

Nikiski Fire Service
(Seat F, 3 Year Term)
SMITH, Bernie 513

*

(Seat G, 3 Year Term)
TRAXINGER, Sandra 532

*

(Seat E, 1 Year Term)
NEWTON, Fred H. 498

*

North Peninsula Recreation
Service Area
(Seat E, 3 Year Term)
O'CONNELL, Annette Cameron 519

*

Ridgeway/Sterling Fire Service
(Seat C, 3 Year Term)
WARD, Walter H. 365

*

(Seat D, 3 Year Term)
CHUMLEY, Hugh R. (Scooter) 278

33.52
66.18

HODEL, Tom 544

Total Write-ins _____

(Seat E, 1 Year Term)
ARTENO, Jackie 125

17.15

CHRISTENSEN, Frank 276

37.86

NELSON, Robert M. 97

13.30

NORTHEY, Janice (Jaye) 231

31.69

Total Write-ins _____

South Pen. Hospital Service Area

(Seat D, 3 Year Term)
NCANELLY, Mary T. 1185

Total Write-ins _____

(Seat E, 3 Year Term)
GANNAWAY, Leroy 1157

Total Write-ins _____

(Seat F, 3 Year Term)
ZITZMANN, Thomas 1137

Total Write-ins _____

(Seat A, 1 Year Term)
DAVIS, Charles H. 997
(Charlie) Jr.

Mike Morris 131
Total Write-ins 8

Central Road Maint. Service Area

(Seat A, 3 Year Term)
POSEY, M. (Ray) 1332

Total Write-ins 1

(Seat B, 3 Year Term)

Total Write-ins 2

Phillips, William 2

(Seat E, 1 Year Term)
WHITE, Al 1318

Total Write-ins 1

East Road Maint. Service Area

(Seat A, 3 Year Term)
BAYSINGER, Ken 235

Total Write-ins 5

(Seat B, 3 Year Term)

Morris, Jerry 11
Total Write-ins 30

Serguson, John 12 10 224
(Seat D, 2 Year Term) 3331

Tracy, John 14
Total Write-ins 19 317

North Road Maint. Service Area

(Seat A, 3 Year Term)

Rounds, Alan 15
Total Write-ins 46

(Seat B, 3 Year Term)

McGahan, Richard 3
Total Write-ins 30

(Seat D, 2 Year Term)
BUTE, Alan J. 551

Total Write-ins _____

South Road Maint. Service Area

(Seat A, 3 Year Term)

Cuffe, Michael 5
Total Write-ins 60

(Seat B, 3 Year Term)

Gregore, Dick. 3
Total Write-ins 43

South Road Maint. Service Area

(Seat E, 1 Year Term)

Eischens, G. 3
Total Write-ins 52

TOTAL VOTES CAST 7,050

NOW THEREFORE, THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
DECLARES:

Section 1: That in the Borough-wide election for Mayor, Don Gilman was elected, having received the highest vote tallies.

Section 2: That in the Borough-wide election for School District, Seat A, Cliff Massie; Seat B, Marilyn Dimmick; Seat C, Joe Arness, and Seat E MariAnne Gross were elected having received the highest vote tallies and in excess of the required forty (40%) percent of the vote.

Section 3: That in Assembly District 1, Seat A, James W. Skogstad was elected having received the highest vote tallies and in excess of the forty (40%) percent vote.

Section 4: That in Assembly District 2, Seat A, no candidate received highest vote tallies and in excess of the required forty (40%) percent of the vote.

Section 5: That in Assembly District 2, Seat E, no candidate received the required 40% and in addition, a Notice of Request for Recount has been received.

Section 6: That in Assembly District 3, Seat B, Jack Brown was elected having received the highest vote tallies and in excess of the required forty (40%) percent of the vote.

Section 7: That in Assembly District 3, Seat C, Mark Hodgins was elected having received the highest vote tallies and in excess of the required forty (40%) percent of the vote.

Section 8: That in Assembly District 4, Seat A, Burt Anderson was elected having received the highest vote tallies and in excess of the required forty (40%) percent of the vote.

Section 9: That in the Anchor Point Fire and Emergency Service Area, Seat E, Carol Mead was election to a 3 year term.

Section 10: That in the Bear Creek Fire Service Area, Seat E, Rock Elhard was elected to a 3 year term, and Seat C, Carol R. Henderlong was elected to a 1 year term.

Section 11: That in the Central Peninsula Emergency Medical Service Area, Seat A, Ty Clark was elected to a 3 year term, Seat B, Al Bishop was elected to a 3 year term, and Seat D. Linda HJoeger was elected to a 2 year term.

Section 12: That in the Kalifonsky Fire Service Area, Seat C, David Silva was election to a 1 year term, Seat D, John Fairchild was elected to a 3 year term, and Seat A, Martin Hall was elected to a 1 year term.

Section 13: That in the Nikiski Fire Service Area, Seat F,

Bernie Smith was elected to a 3 year term, Seat G, Sandra Traxinger was elected to a 3 year term, and Seat E, Fred Newton was elected to a 1 year term.

Section 14: That in the North Peninsula Recreation Service Area, Seat E, Annette Cameron O'Connell was elected for a 3 year term.

Section 15: That in the Ridgeway/Sterling Fire Service Area, Seat C, Walter H. Ward was elected to a 3 year term, Seat D Tom Hodel was elected to a 3 year term, Seat E, Frank Christensen was elected to a 1 year term.

Section 16: That in the South Peninsula Hospital Service Area, Seat D, Mary T. McAnelly was elected to a 3 year term, Seat E, Leroy Gannaway was elected to a 3 year term, Seat F, Thomas Zitzmann was elected to a 3 year term, and Seat A, Charles H. (Charlie) Davis Jr. was elected to a 1 year term.

Section 17: That in the Central Road Maintenance Service area Seat A, Ray M. Posey was elected to a 3 year term, Seat B, Williams Phillips was elected to a 3 year term, Seat E, Al White was elected to a 1 year term.

Section 17: That in the East Road Maintenance Service Area Seat A, Ken Baysinger was elected to a 3 year term, Seat B Bob Ferguson was elected to a 3 year term, and Seat D, John Tracy was elected to a 2 year term.

Section 18: That in the North Road Maintenance Service Area Seat A, Dean Rounds was elected to a 3 year term, Seat B, Richard McGahan was elected to a 3 year term, and Seat D, Alan J. Bute was elected to a 2 year term.

Section 19: That in the South Road Maintenance Service Area Seat A, Michael Cuffe was elected to a 3 year term, Seat B, Dick Gregoire was elected to a 3 year term, and Seat E, G. Eischems was elected to a 1 year term.

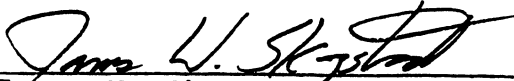
Section 20: That in the non-areawide vote, Proposition #1 authorizing the assembly to remove restrictions on hiring and expenditures from the non-areawide port and harbor powers of the Kenai Peninsula Borough, failed by the voters outside the cities.

Section 21: That in the areawide vote, Proposition #2, providing for areawide authority of the Kenai Peninsula Borough to fund postsecondary education programs provided by colleges in the University of Alaska system located in the Kenai Peninsula Borough subject to a one-tenth of a mill tax levy limit, was approved by the voters areawide.

Section 22: That in the non-areawide vote, Proposition #3 raising the mill rate cap of the Central Peninsula Emergency Medical Service Area from 1 mill to 1.5 mills, failed approval by

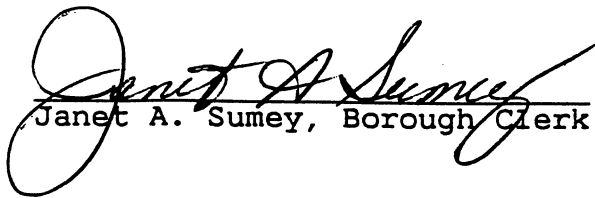
the non-areawide voters.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS
9th DAY OF October, 1990.



James W. Skogstad, Assembly President

ATTEST:



Janet A. Sumey, Borough Clerk

KENAI PENINSULA BOROUGH

CERTIFICATION OF REGULAR BOROUGH ELECTION
OCTOBER 2, 1990

Canvass Board

WHEREAS, the undersigned judges of election of _____ Precinct in the election of the Kenai Peninsula Borough held on October 2, 1990, do solemnly affirm that the results of said election in this precinct are as follows:

BOROUGH MAYOR
(3 Year Term)
GILMAN, Don 4858
PENNINGTON, Barbara 1721
Total Write-ins 2

BOARD OF EDUCATION
(Seat A, 3 Year Term)
MASSIE, Cliff 4678
Total Write-ins 1

BOARD OF EDUCATION
(Seat B, 3 Year Term)
DIMMICK, Marilyn 3435
KENDALL, Ross 2560
Total Write-ins 2

BOARD OF EDUCATION
(Seat C, 3 Year Term)
ARNESS, Joe 2525
SULLIVAN, John S. 967
WILEY, Mike 2353
Total Write-ins 2

BOARD OF EDUCATION
(Seat E, 1 Year Term)
BRICKEY, James R. 1114
GROSS, Marianne 2468
OFFT, Darrell K. 375
WRIGHT, A. Kearlee 1925
Total Write-ins 2

ASSEMBLY DISTRICT 1
(Seat A, 3 Year Term)
SKOGSTAD, James W. 580
Total Write-ins 23

ASSEMBLY DISTRICT 2
(Seat A, 3 Year Term)
CAREY, David R. 833
DAVIS, John 539
LITTLE, Suzanne 804
STANDEFER, John M. 347
Total Write-ins _____

ASSEMBLY DISTRICT 2
(Seat E, 3 Year Term)
EVANS, Tim 721
MOOCK, Sharon 968
OBERTS, Ed 732
Total Write-ins _____

ASSEMBLY DISTRICT 3
(Seat B, 3 Year Term)
BROWN, Jack 994
WATERS, Barbara E. 714
Total Write-ins 1

ASSEMBLY DISTRICT 3

(Seat C, 3 Year Term)

HODGINS, Mark 895

McCLOUD, Don 475

RODES, Nick 194

Total Write-ins 1

ASSEMBLY DISTRICT 4

(Seat A, 3 Year Term)

CRAWFORD, John L. 579

ANDERSON, Burt 846

Total Write-ins _____

ANCHOR POINT FIRE SERVICE

(Seat E, 3 Year Term)

Mead, Carol 7
Total Write-ins 32

(Seat C, 1 Year Term)
TRACY, Joe 181

Total Write-ins _____

BEAR CREEK FIRE SERVICE

(Seat E, 3 Year Term)

ELHARD, Rock _____

Total Write-ins _____

(Seat C, 1 Year Term)

HENDERLONG, Carol R. _____

Total Write-ins _____

Central Pen. Emergency Medical
Service Area

(Seat A, 3 Year Term)

CLARK, Ty 1668

Total Write-ins _____

(Seat B, 3 Year Term)

BISHOP, Alan _____

Total Write-ins 1716

(Seat D, 2 Year Term)

HOEGER, Linda 1707

Total Write-ins _____

KALIFONSKY FIRE SERVICE

(Seat C, 1 Year Term)

SILVA, David W. 592

Total Write-ins _____

(Seat D, 3 Year Term)

Fairchild, John 5
Total Write-ins 9

(Seat A, 1 Year Term)

HALL, Martin K. 581

Total Write-ins _____

Nikiski Fire Service

(Seat F, 3 Year Term)

SMITH, Bernie 513

Total Write-ins _____

(Seat G, 3 Year Term)

TRAXINGER, Sandra 532

Total Write-ins _____

(Seat E, 1 Year Term)

NEWTON, Fred H. 498

Total Write-ins _____

North Peninsula Recreation
Service Area

(Seat E, 3 Year Term)

O'CONNELL, Annette Cameron 519

Total Write-ins 2

Ridgeway/Sterling Fire Service

(Seat C, 3 Year Term)

WARD, Walter H. 365

Total Write-ins 3

(Seat D, 3 Year Term)
CHUMLEY, Hugh R. (Scooter) 278

HODEL, Tom 544

Total Write-ins _____

(Seat E, 1 Year Term)
ARTENO, Jackie 125

CHRISTENSEN, Frank 276

NELSON, Robert M. 97

NORTHEY, Janice (Jaye) 231

Total Write-ins _____

South Pen. Hospital Service Area

(Seat D, 3 Year Term)
McANELLY, Mary T. 1185

Total Write-ins _____

(Seat E, 3 Year Term)
GANNAWAY, Leroy 1157

Total Write-ins _____

(Seat F, 3 Year Term)
ZITZMANN, Thomas 1137

Total Write-ins _____

(Seat A, 1 Year Term)
DAVIS, Charles H.
(Charlie) Jr. 997

Mike Morris 131
Total Write-ins 8

Central Road Maint. Service Area

(Seat A, 3 Year Term)
POSEY, M. (Ray) 1332

Total Write-ins 1

(Seat B, 3 Year Term)

Total Write-ins 2

Phillips, William 2

(Seat E, 1 Year Term)
WHITE, Al 1318

Total Write-ins 1

East Road Maint. Service Area

(Seat A, 3 Year Term)
BAYSINGER, Ken 235

Total Write-ins 5

(Seat B, 3 Year Term)
Norris, Jerry 11
Total Write-ins 30

Serguson, John 10
(Seat D, 2 Year Term)
Tracy, John 14
Total Write-ins 19

North Road Maint. Service Area

(Seat A, 3 Year Term)
Rounds, Alan 15
Total Write-ins 46

(Seat B, 3 Year Term)
McLahan, Richard 3
Total Write-ins 30

(Seat D, 2 Year Term)
BUTE, Alan J. 551

Total Write-ins _____

South Road Maint. Service Area

(Seat A, 3 Year Term)
Cuffe, Michael 5
Total Write-ins 60

(Seat B, 3 Year Term)
Gregore, Dick 3
Total Write-ins 43

South Road Maint. Service Area

(Seat E, 1 Year Term)
Eischens, G. 3
Total Write-ins 52

PROPOSITION #1

AUTHORIZING THE ASSEMBLY TO REMOVE RESTRICTIONS ON HIRING AND EXPENDITURES FROM THE NON-AREAWIDE PORT AND HARBOR POWERS OF THE KENAI PENINSULA BOROUGH.

1395
YES

2521
NO

PROPOSITION #2

PROVIDING FOR AREAWIDE AUTHORITY OF THE KENAI PENINSULA BOROUGH TO FUND POSTSECONDARY EDUCATIONAL PROGRAMS PROVIDED BY COLLEGES IN THE UNIVERSITY OF ALASKA SYSTEM LOCATED IN THE KENAI PENINSULA BOROUGH SUBJECT TO A ONE-TENTH OF A MILL TAX LEVY LIMIT.

3202
YES

3168
NO

PROPOSITION #3

RAISING THE MILL RATE OF THE CENTRAL PENINSULA EMERGENCY MEDICAL SERVICE AREA FROM 1 MILL TO 1.5 MILLS.

959
YES

1446
NO

TOTAL NUMBER OF PERSONS VOTING IN THIS ^{Election}~~PRECINCT~~: 7050

In witness whereof we affix our names hereunder in the presence of each other this 8th day of October, 1990.

Election Judge

Nita J. Ross

Election Judge

Janet Rustsala

Election Chairman

Nita J. Donahit

Introduced by: Mayor
Date: October 30, 1990
Action: Adopted
Vote: Unanimous

KENAI PENINSULA BOROUGH

RESOLUTION 90-114

CERTIFYING THE RESULTS OF THE OCTOBER 12, 1990 RECOUNT OF THE REGULAR BOROUGH ELECTION.

WHEREAS, the Canvassing Board of the Kenai Peninsula Borough met on October 12, 1990 and tallied the votes of Questioned and Absentee ballots together with votes counted on election night and write-ins; and

WHEREAS, the precinct tallies from the election districts involved as recorded by the Canvass Board are as follow:

ASSEMBLY DISTRICT 2
(Seat E, 3 Year Term)

EVANS, Tim	721
MOOCK, Sharon	969
OBERTS, Ed	732

East Road Maintenance Service Area
(Seat B, 3 Year Term)

FERGUSON, Bob or Robert	11
NORRIS, Jerry	11

NOW THEREFORE, THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH DECLARES:

Section 1: That the Mrs. Sharon Moock requested a recount for the race for Assembly District 2, Seat E, 3 Year Term which was conducted on October 12, 1990; and

Section 2: The result of that recount showed Mrs. Moock's count to increase from 968 votes to 969 votes, with Mr. Tim Evans and Mr. Ed Oberts votes remaining the same and the recount indicates that Mrs. Moock exceeds the required 40% of the total votes cast for that seat; and

KENAI PENINSULA BOROUGH

CERTIFICATION OF RECOUNT - October 12, 1990

WHEREAS, the undersigned judges of the recount of the Municipal Election of October 2, 1990 for the District 2, Seats A and E, and District IV, East Peninsula Road Maintenance Service Area Seat B, do solemnly affirm that the results of said election in this precinct are as follows:

ASSEMBLY DISTRICT 1 - East Road Maint. Svc
(Seat B, 3 Year Term)

FERGUSON, Bob	<u>10</u>
NORRIS, Jerry	<u>11</u>
FERGUSON, Robert	<u>5</u>

ASSEMBLY DISTRICT 2
(Seat E, 3 Year Term)

EVANS, Tim	<u>721</u>
MOOCK, Sharon	<u>969</u>
OBERTS, Ed	<u>732</u>

In witness whereof we affix our names hereunder in the presence of each other this 12th day of October, 1990.

Election Judge Kathleen E. Sexton

Election Judge Leri L. Sepman

Election Judge _____

Cynthia L. Sausedo
Mia M. Pearson

Jinda O'Brien

Ramonado Efta

Nita J. Denthit

Nita J. Ross

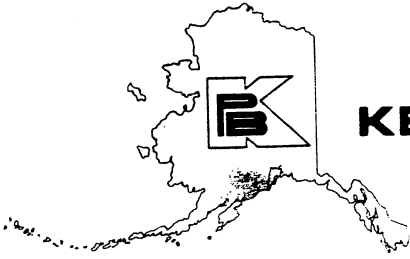
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Janet A. Sumey, Borough Clerk
October 19, 1990

Page 2

board to fill the seat and they chose to fill the seat by tossing a coin between the two tied candidates. This was done under the filling of a vacant seat since no person could be declared elected. That person was then appointed as filling a vacancy. Should you need further information on this, please let me know.

TRB:bl



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

DON GILMAN
MAYOR

M E M O R A N D U M

TO: Janet A. Sumey, Borough Clerk
FROM: *TRB* Thomas R. Boedeker, Borough Attorney
DATE: October 19, 1990
SUBJECT: Recount results.

You asked for an opinion regarding whether votes cast for Bob Ferguson should be considered votes tallied for Robert Ferguson and Robert H. Ferguson in the East Peninsula Road Maintenance Service Area board race. My opinion is that "yes" you should consider those all votes for the same person. The general rule of law is that you may not infer a name from the ballot unless the intent is evidenced by the ballot. If there is some ascertainable expression of intent on the ballot, you may refer to matters outside of the face of the ballot. In this case, the voter registration shows one Robert H. Ferguson, III, registered in that precinct. Given the circumstances it is permissible to infer that votes cast for Bob Ferguson, Robert Ferguson, and Robert H. Ferguson are votes cast for the same person and all should be combined. Further, one vote was for a Bob Ferguson spelled with an "a" instead of a "u." This vote may also be considered a vote for Bob or Robert Ferguson. Minor misspelling would not invalidate that write-in vote where there is clearly no registered voter in the precinct with a spelling of Ferguson with an "a." In my opinion the vote cast for Ferguson with no first name cannot be inferred to be a vote for any one particular individual and thus should not be tabulated as a vote for Robert Ferguson.

It is my understanding that the recount board provided a listed tally showing six votes for Bob Ferguson but did not include those for Robert, or Robert H. Ferguson. You, as the election official, should present this to the Assembly with the combined total of all the Robert Ferguson votes from the precinct recount sheets. This would be a total of 11 votes for Robert Ferguson and 11 votes for Jerry Norris. The results should be presented to the Assembly as a tie vote.

There is no provision for how an election is resolved in the event of a tie vote. Technically, no person has been elected as our ordinances require a higher tally to be elected. In one such instance in the past, the matter was left to the service area



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

DON GILMAN
MAYOR

MEMORANDUM

TO: Tom Boedeker, Borough Attorney
FROM: Janet A. Sumey, Borough Clerk *Janet*
DATE: October 16, 1990
SUBJECT: RECOUNT RESULTS

=====

Attached is a copy of the certification signed by the Recount Team the day the recount was conducted. As you will note, they certified the East Road Maintenance Service Area Seat B with the different "Ferguson" names broken down.

Per our conversation of October 15th, we agreed that it would be appropriate to group the "Robert" and "Bob" names as one person. Under those circumstances, I would draft a resolution to the Assembly certifying the results of the recount to be:

Bob or Robert Ferguson - 11

Jerry Norris - 11


If this is not the case, please let me know as soon as possible.

Also, per our conversation of October 15th, please provide me with your memo regarding the grouping of "Bob" and "Robert" Ferguson for my file.

Thank you for your help.

EAST KENAI DENNISICA ROAD MAINTENANCE ROAD SERVICE AREA TOTALS - RECORD OCT 12, 1990

JOINT - October 12, 1990

LS-KS


NAME OF CANDIDATE	Line No.	Beat	Creek	Cooper	Landing	Hope	Moose	Pass
T ROAD MAINTENANCE	1							
VICE AREA	2							
T B	3	3	A	A	A	A	A	A
ROBERT	4	5	L	L	L	L	L	L
BOB	5	1	A	A	A	A	A	A
D	6	1	L	L	L	L	L	L
LINNE	7	1	L	L	L	L	L	L
MICK	8	1	L	L	L	L	L	L
ROBERT D	9	1	L	L	L	L	L	L
TICK	10	1	L	L	L	L	L	L
BOB	11	1	L	L	L	L	L	L
JERRY	12	1	L	L	L	L	L	L
CABRERA	13	1	L	L	L	L	L	L
BEL	14	1	L	L	L	L	L	L
HARRY	15	1	L	L	L	L	L	L
KABEN	16	1	L	L	L	L	L	L
LINDA	17	1	L	L	L	L	L	L
AL	18	1	L	L	L	L	L	L
ED	19	1	L	L	L	L	L	L
BILL	20	1	L	L	L	L	L	L
SIDAN	21	1	L	L	L	L	L	L
DAVE	22	1	L	L	L	L	L	L
ROBERT H	23	1	L	L	L	L	L	L
TOMM	24	1	L	L	L	L	L	L
CINDY	25	1	L	L	L	L	L	L
BOB	26	1	L	L	L	L	L	L
GORDON	27	1	L	L	L	L	L	L
DAN	28	1	L	L	L	L	L	L
FERGUSON	29	1	L	L	L	L	L	L
	30	1	L	L	L	L	L	L
	31	1	L	L	L	L	L	L

ORIGINAL

Introduced by: Mayor
Date: October 30, 1990
Action: Adopted
Vote: Unanimous

KENAI PENINSULA BOROUGH

RESOLUTION 90-114

CERTIFYING THE RESULTS OF THE OCTOBER 12, 1990 RECOUNT OF THE REGULAR BOROUGH ELECTION.

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(Seat E, 3 Year Term)

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MOOCK, Sharon	969
OBERTS, Ed	732

East Road Maintenance Service Area
(Seat B, 3 Year Term)

FERGUSON, Bob or Robert	11
NORRIS, Jerry	11

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Section 2: The result of that recount showed Mrs. Moock's count to increase from 968 votes to 969 votes, with Mr. Tim Evans and Mr. Ed Oberts votes remaining the same and the recount indicates that Mrs. Moock exceeds the required 40% of the total votes cast for that seat; and

KENAI PENINSULA BOROUGH

CERTIFICATION OF RECOUNT - October 12, 1990

WHEREAS, the undersigned judges of the recount of the Municipal Election of October 2, 1990 for the District 2, Seats A and E, and District IV, East Peninsula Road Maintenance Service Area Seat B, do solemnly affirm that the results of said election in this precinct are as follows:

ASSEMBLY DISTRICT 1 - East Road Maint. Svc
(Seat B, 3 Year Term)

FERGUSON, Bob	<u>62</u>
NORRIS, Jerry	<u>11</u>
FERGUSON, Robert	<u>5</u>

ASSEMBLY DISTRICT 2
(Seat E, 3 Year Term)

EVANS, Tim	<u>721</u>
MOOCK, Sharon	<u>969</u>
OBERTS, Ed	<u>732</u>

In witness whereof we affix our names hereunder in the presence of each other this 12th day of October, 1990.

Election Judge

Kathleen E. Peyton

Election Judge

Lori L. Simpson

Election Judge

Cynthia L. Sausedo

Maria M. Pearson

Linda O'Brien

Ramonad V. Efta

Nita J. Donchit

Nita J. Ross

yes

Janet A. Sumey, Borough Clerk
October 19, 1990

Page 2

board to fill the seat and they chose to fill the seat by tossing a coin between the two tied candidates. This was done under the filling of a vacant seat since no person could be declared elected. That person was then appointed as filling a vacancy. Should you need further information on this, please let me know.

TRB:bl



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

DON GILMAN
MAYOR

M E M O R A N D U M

TO: Janet A. Sumey, Borough Clerk

FROM: TRB Thomas R. Boedeker, Borough Attorney

DATE: October 19, 1990

SUBJECT: Recount results.

You asked for an opinion regarding whether votes cast for Bob Ferguson should be considered votes tallied for Robert Ferguson and Robert H. Ferguson in the East Peninsula Road Maintenance Service Area board race. My opinion is that "yes" you should consider those all votes for the same person. The general rule of law is that you may not infer a name from the ballot unless the intent is evidenced by the ballot. If there is some ascertainable expression of intent on the ballot, you may refer to matters outside of the face of the ballot. In this case, the voter registration shows one Robert H. Ferguson, III, registered in that precinct. Given the circumstances it is permissible to infer that votes cast for Bob Ferguson, Robert Ferguson, and Robert H. Ferguson are votes cast for the same person and all should be combined. Further, one vote was for a Bob Ferguson spelled with an "a" instead of a "u." This vote may also be considered a vote for Bob or Robert Ferguson. Minor misspelling would not invalidate that write-in vote where there is clearly no registered voter in the precinct with a spelling of Ferguson with an "a." In my opinion the vote cast for Ferguson with no first name cannot be inferred to be a vote for any one particular individual and thus should not be tabulated as a vote for Robert Ferguson.

It is my understanding that the recount board provided a listed tally showing six votes for Bob Ferguson but did not include those for Robert, or Robert H. Ferguson. You, as the election official, should present this to the Assembly with the combined total of all the Robert Ferguson votes from the precinct recount sheets. This would be a total of 11 votes for Robert Ferguson and 11 votes for Jerry Norris. The results should be presented to the Assembly as a tie vote.

There is no provision for how an election is resolved in the event of a tie vote. Technically, no person has been elected as our ordinances require a higher tally to be elected. In one such instance in the past, the matter was left to the service area



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

DON GILMAN
MAYOR

MEMORANDUM

TO: Tom Boedeker, Borough Attorney

FROM: Janet A. Sumey, Borough Clerk *Janet*

DATE: October 16, 1990

SUBJECT: RECOUNT RESULTS

=====
Attached is a copy of the certification signed by the Recount Team the day the recount was conducted. As you will note, they certified the East Road Maintenance Service Area Seat B with the different "Ferguson" names broken down.

Per our conversation of October 15th, we agreed that it would be appropriate to group the "Robert" and "Bob" names as one person. Under those circumstances, I would draft a resolution to the Assembly certifying the results of the recount to be:

Bob or Robert Ferguson - 11

Jerry Norris - 11

If this is not the case, please let me know as soon as possible.

Also, per our conversation of October 15th, please provide me with your memo regarding the grouping of "Bob" and "Robert" Ferguson for my file.

Thank you for your help.

KENAI PENINSULA BOROUGH

CERTIFICATION OF REGULAR BOROUGH ELECTION
OCTOBER 2, 1990

Canvass Board

WHEREAS, the undersigned judges of election of _____ Precinct in the election of the Kenai Peninsula Borough held on October 2, 1990, do solemnly affirm that the results of said election in this precinct are as follows:

BOROUGH MAYOR
(3 Year Term)
GILMAN, Don

4858 73.84

ASSEMBLY DISTRICT 1
(Seat A, 3 Year Term)

SKOGSTAD, James W. 580

PENNINGTON, Barbara

1721 26.16

Total Write-ins 23

Total Write-ins 2

BOARD OF EDUCATION
(Seat A, 3 Year Term)
MASSIE, Cliff

4678

ASSEMBLY DISTRICT 2
(Seat A, 3 Year Term)

CAREY, David R. 833 33.02

Total Write-ins 1

DAVIS, John 539 21.36

LITTLE, Suzanne 804 31.87

BOARD OF EDUCATION
(Seat B, 3 Year Term)
DIMMICK, Marilyn

3435 57.30

STANDEFER, John M. 347 13.75

KENDALL, Ross

2560 42.70

Total Write-ins _____

Total Write-ins 2

ASSEMBLY DISTRICT 2
(Seat E, 3 Year Term)

EVANS, Tim 721 29.78

BOARD OF EDUCATION
(Seat C, 3 Year Term)
ARNESS, Joe

2525 43.20

MOOCK, Sharon 968 39.98

SULLIVAN, John S.

967 16.54

OBERTS, Ed 732 30.24

WILEY, Mike

2353 40.26

Total Write-ins _____

Total Write-ins 2

ASSEMBLY DISTRICT 3
(Seat B, 3 Year Term)

BROWN, Jack 994 58.20

BOARD OF EDUCATION
(Seat E, 1 Year Term)
BRICKEY, James R.

1114 18.94

WATERS, Barbara E. 974 41.80

GROSS, MariAnne

2468 41.96

Total Write-ins 1

OFFT, Darrell K.

375 6.3%

WRIGHT, A. Kearlee

1925 32.72

Total Write-ins 2

ASSEMBLY DISTRICT 3

(Seat C, 3 Year Term)

HODGINS, Mark

895 57.23

McCLOUD, Don

475 30.37

RODES, Nick

194 12.40

Total Write-ins

1

ASSEMBLY DISTRICT 4

(Seat A, 3 Year Term)

CRAWFORD, John L.

579 40.63

ANDERSON, Burt

846 59.37

Total Write-ins

ANCHOR POINT FIRE SERVICE

(Seat E, 3 Year Term)

Mead, Carol

7

Total Write-ins

32

(Seat C, 1 Year Term)

TRACY, Joe

181

Total Write-ins

BEAR CREEK FIRE SERVICE

(Seat E, 3 Year Term)

ELHARD, Rock

94

Total Write-ins

(Seat C, 1 Year Term)

HENDERLONG, Carol R.

99

Total Write-ins

Central Pen. Emergency Medical Service Area

(Seat A, 3 Year Term)

CLARK, Ty

1668

Total Write-ins

(Seat B, 3 Year Term)

BISHOP, Alan

Total Write-ins

1716

(Seat D, 2 Year Term)

HOEGER, Linda

1707

Total Write-ins

KALIFONSKY FIRE SERVICE

(Seat C, 1 Year Term)

SILVA, David W.

592

Total Write-ins

(Seat D, 3 Year Term)

Fairchild, John

5

Total Write-ins

9

(Seat A, 1 Year Term)

HALL, Martin K.

581

Total Write-ins

Nikiski Fire Service

(Seat F, 3 Year Term)

SMITH, Bernie

513

Total Write-ins

(Seat G, 3 Year Term)

TRAXINGER, Sandra

532

Total Write-ins

(Seat E, 1 Year Term)

NEWTON, Fred H.

498

Total Write-ins

North Peninsula Recreation Service Area

(Seat E, 3 Year Term)

O'CONNELL, Annette Cameron

519

Total Write-ins

2

Ridgeway/Sterling Fire Service

(Seat C, 3 Year Term)

WARD, Walter H.

365

Total Write-ins

3

(Seat D, 3 Year Term)
CHUMLEY, Hugh R. (Scooter) 278

33.82
66.18

HODEL, Tom 544

Total Write-ins _____

(Seat E, 1 Year Term)
ARTENO, Jackie 125

17.15
37.86

CHRISTENSEN, Frank 276

NELSON, Robert M. 97

13.30

NORTHEY, Janice (Jaye) 231

31.69

Total Write-ins _____

South Pen. Hospital Service Area
(Seat D, 3 Year Term)

MCANELLY, Mary T. 1185

Total Write-ins _____

(Seat E, 3 Year Term)
GANNAWAY, Leroy 1157

Total Write-ins _____

(Seat F, 3 Year Term)
ZITZMANN, Thomas 1137

Total Write-ins _____

(Seat A, 1 Year Term)
DAVIS, Charles H. 997

(Charlie) Jr. 131

Mike Morris 8
Total Write-ins

Central Road Maint. Service Area
(Seat A, 3 Year Term)

POSEY, M. (Ray) 1332

Total Write-ins 1

(Seat B, 3 Year Term)

Total Write-ins 2

Phillips, William 2

(Seat E, 1 Year Term)
WHITE, Al 1318

Total Write-ins 1

East Road Maint. Service Area
(Seat A, 3 Year Term)

BAYSINGER, Ken 235

Total Write-ins 5

(Seat B, 3 Year Term)

Morris, Jerry 11
Total Write-ins 30

Ferguson, John 12
(Seat D, 2 Year Term) 10

Tracy, John 14
Total Write-ins 19

2
224
3331
X317
NR

North Road Maint. Service Area
(Seat A, 3 Year Term)

Rounds, Alan 15
Total Write-ins 46

(Seat B, 3 Year Term)

McLahan, Richard 3
Total Write-ins 30

(Seat D, 2 Year Term)

BUTE, Alan J. 551

Total Write-ins _____

South Road Maint. Service Area
(Seat A, 3 Year Term)

Cuffe, Michael 5
Total Write-ins 60

(Seat B, 3 Year Term)

Gregore, Dick 3
Total Write-ins 43

South Road Maint. Service Area
(Seat E, 1 Year Term)

Eischens, G. 3
Total Write-ins 52

PROPOSITION #1

AUTHORIZING THE ASSEMBLY TO REMOVE RESTRICTIONS ON HIRING AND EXPENDITURES FROM THE NON-AREAWIDE PORT AND HARBOR POWERS OF THE KENAI PENINSULA BOROUGH.

1395
YES 35.62

2521
NO 64.38

PROPOSITION #2

PROVIDING FOR AREAWIDE AUTHORITY OF THE KENAI PENINSULA BOROUGH TO FUND POSTSECONDARY EDUCATIONAL PROGRAMS PROVIDED BY COLLEGES IN THE UNIVERSITY OF ALASKA SYSTEM LOCATED IN THE KENAI PENINSULA BOROUGH SUBJECT TO A ONE-TENTH OF A MILL TAX LEVY LIMIT.

3202
YES 50.27

3168
NO 49.73

PROPOSITION #3

RAISING THE MILL RATE OF THE CENTRAL PENINSULA EMERGENCY MEDICAL SERVICE AREA FROM 1 MILL TO 1.5 MILLS.

959
YES 39.88

1446
NO 60.12

TOTAL NUMBER OF PERSONS VOTING IN THIS ^{Election} ~~PRECINCT~~: 7050

In witness whereof we affix our names hereunder in the presence of each other this 8th day of October, 1990.

Election Judge Nita J. Ross
Election Judge Janet Rustsala
Election Chairman Nita J. Douthitt

KENAI PENINSULA BOROUGH
LIST OF VACANCIES

<u>Body</u>	<u>Seat Vacant</u>	<u>Term</u>	<u>Incumbent</u>	<u>Candidate</u>
Mayor	At large	3 yr.	D. Gilman	<u>Gilman</u> ✓ <u>B. Pennington</u> ✓
School Board	A	3 yr.	C. Massie	<u>C. Massie</u> ✓
School Board	B	3 yr.	M. Dimmick MARTIN Dimmick	<u>R. Kendall</u> ✓ <u>M. Dimmick</u> ✓
School Board	C	3 yr.	M. Wiley	<u>M. Wiley</u> ✓ <u>J. Sullivan</u> * ✓ <u>Joe Arness</u> * ✓
School Board	E	1 yr.	W. Kessler M-A. GROSS K-wright	<u>J. Brickey</u> <u>Mari Anne Gross</u> ✓ <u>KEARLEE WRIGHT</u> ✓ <u>Darrell OFFT</u> <u>J. Skogstad</u> ✓
Assembly Dist 1	A	3 yr.	J. Skogstad	<u>J. Skogstad</u> ✓
Assembly Dist 2	A	3 yr.	S. Moock	<u>Dave Carey</u> <u>Carla Anderson</u> <u>S. Little</u> ✓ ✓ <u>Ed Oberts</u> ✓
Assembly Dist 2	E	3 yr.	F. Mullen	<u>Jim Evans</u> ✓ <u>Sharon Moock</u> ✓ <u>John Davis</u> <u>ED OBERTS</u> ✓
Assembly Dist 3	B	3 yr.	J. Brown	<u>J. Brown</u> ✓ <u>B. Waters</u> ✓
Assembly Dist 3	C	3 yr.	M. Hodgins	<u>M. Hodgins</u> ✓ <u>N. Roden</u> ✓ <u>Don McCloud</u>
Assembly Dist 4	A	3 yr.	J. Crawford	<u>J. Crawford</u> ✓ <u>B. ANDERSON</u> ✓
Anchor Pt. FSA	E	3 yr.	M. Shannon	
Anchor Pt. FSA	C	1 yr.	J. Tracy	<u>Joe Tracy</u>
Bear Creek FSA	E	3 yr.	E. Traber	<u>R. Elhard</u>
Bear Creek FSA	C	1 yr.	M. Fackler	<u>Carol Henderlong</u>

<u>Body</u>	<u>Seat Vacant</u>	<u>Term</u>	<u>Incumbent</u>	<u>Candidate</u>
Central Emerg MSA	A	3 yr.	K. Hepner	<u>Ty Clerk</u>
Central Emerg MSA	B	3 yr.	FitzGerald	<u>A. Bishop</u>
Central Emerg MSA	D	2 yr.	A. Bishop	<u>L. Hoeger</u>
<i>K-Beach</i>	<i>C</i>	<i>1 year</i>		<u>David Silva</u>
Kalifornsky FSA	D	3 yr.	D. Donald	<u>TV CLARK</u>
"	<i>A</i>	<i>1 yr.</i>		<u>Maeta K. Hall</u>
Nikiski FSA	F	3 yr.	G. Browning	<u>B. Smith</u>
Nikiski FSA	G	3 yr.	S Traxinger	<u>S. Traxinger</u>
Nikiski FSA	E	1 yr.	F. Newton	<u>F. Newton</u>
N P Recreation SA	E	3 yr.	A. O'Connell	<u>A. O'Connell</u>
R/S Fire SA	C	3 yr.	G. Schrader	<u>Walt Ward</u>
R/S Fire SA	D	3 yr.	(Ridgeway) H. Chumley	<u>Chumley</u>
R/S Fire SA	E	1 yr.	(Sterling) Christiansen	<u>M. Facey, Hodel</u>
S P Hospital SA	D	3 yr.	(at large) M. McNelly	<u>F. Christensen</u>
S P Hospital SA	E	3 yr.	L. Gannaway	<u>R. Nelson</u>
S P Hospital SA	F	3 yr.	T. Zitzmann	<u>M. McNelly</u>
<i>S P " "</i>	<i>A</i>	<i>1 yr.</i>	<i>E. Jones</i>	<u>T. Zitzmann</u>
C P Road Maint SA	A	3 yr.	R. Posey	<u>C. Davis</u>
C P Road Maint SA	B	3 yr.	B. Pope	<u>R. Posey</u>
C P Road Maint SA	E	1 yr.	A. White	<u>A. White</u>
E P Road Maint SA	A	3 yr.	K Baysinger	<u>K. Baysinger</u>
E P Road Maint SA	B	3 yr.	M McDonald	
E P Road Maint SA	D	2 yr.	C. Miller	
N P Road Maint SA	A	3 yr.	J. Goff	
N P Road Maint SA	B	3 yr.	W. McGahan	
N P Road Maint SA	D	2 yr.	E. Vickery	<u>A. J. BATE</u>
S P Road Maint SA	A	3 yr.	M. Butze	
S P Road Maint SA	B	3 yr.	M. Dimmick	
S P Road Maint SA	E	1 yr.	(vacant)	