

# New election ordered

From Our Anchorage Bureau

Juneau Superior Court Judge Allen Compton ruled last Friday that a new election be held in District 16 (Dillingham) between incumbent State Representative Nels Anderson and challenger Joe McGill.

McGill filed two lawsuits in December against Lt. Governor Lowell Thomas, the state's highest election official, complaining that balloting and election procedures used in District 16 in November general election were illegal.

In a telephone interview from his chambers, Judge Compton said in his decision "in effect voided the election in District 16 and directed a new election be held at the earliest possible time."

Anderson said he was "very disappointed in the decision and added, "I'm thinking very seriously of filing an appeal as soon as possible."

The judge's ruling essentially leaves the people in the Dillingham area without a representative until the new election has been held, unless the legislature decides to seat Anderson temporarily.

Anderson lost the August primary election to McGill, a fellow Democrat, but ran a write-in campaign in the general election defeating McGill by 32 votes.

In his Superior court suit, McGill charged that election officials in several precincts made Anderson campaign material available to voters at the polling place, a violation of state law.

In addition, he alleged that an official in the New Styuahok precinct had written Anderson's name on 67 ballots before voters arrived at the polling place. The official did not mark the ballot in Anderson's favor, but used the write-in space to indicate that Anderson was qualified to appear on the ballot.

According to a spokesman for the Attorney General's office, Anderson was not qualified to appear on the ballot as a Democrat because he had lost the primary and could not appear as an independent be-

cause he had not petitioned to have his name on the ballot.

In order for a write-in vote to be counted, the voter must write in the name of the candidate himself.

Anderson asserted that the election official put his name on the ballot because he misunderstood the proper procedure. "I think the Lt. Governor ought to be quite ashamed of himself for allowing inadequately trained people to be monitoring elections in the State of Alaska," Anderson said. He insisted that village election officials were "completely and totally innocent" of wrong-doing because it is the state's responsibility to make sure they are properly trained.

McGill, in an interview from Dillingham before the judge made his decision, said he had been reluctant to file the lawsuits, but had been urged to do so by supporters. He said that the Attorney General's office, state police and the state Division of Elections all took part in an investigation of the irregularities and that several precinct workers had admitted placing Anderson campaign material in the polling place.

"I was told it was going to happen ahead of time. I was remiss in not asking for poll watchers," McGill said.

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Judge Compton apparently based his decision only on the improperly marked ballots from New Stuyahok, which cast doubt on the outcome of the election.

A source close to the Attorney General's investigation suggested that the placing of campaign material resulted from a misunderstanding of a relatively new state law. He added that at

no time have either of the candidates or their workers been accused of acting illegally.

Although disappointed, Anderson commented that the judge's decision may have been the fairest solution to the problem. He said he would base his decision on whether to appeal on "the best interests of District 16" and indicated he would consult this week with

people in the Dillingham area.

If he decides to take the Compton decision to the Supreme Court Anderson's appeal would probably be combined with McGill's Supreme Court suit, which charges that some of the write-in votes counted for Anderson should not have been allowed because they were improperly marked by voters.

Both Anderson and McGill expressed confidence that they could win the new election.

Anderson resigned his position as chairman of the Bush Caucus, an informal group of rural legislators formed to protect bush interests in the state legislature, but predicted that the election controversy would not prevent bush leaders from obtaining key positions in the legislative organization. He commented that the caucus was "still as strong as ever. I see the caucus having a lot to say about the organization of the House."

Democratic Representative Alvin Osterback, of Sand Point, was selected to replace Anderson as caucus chairman.