

## SPECIAL ELECTION SAMPLE BALLOT

### BALLOT INSTRUCTIONS

Mark your votes by making an "X" mark in the box next to either "YES" or "NO" for each ballot question. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the election worker or clerk. You will be given another ballot.

**DO NOT** vote for more than one choice for each ballot question. If you do so, none of your votes for that office, question, or proposition can be counted.

**DO NOT** separate the pages in this ballot.

If you have any questions about how a ballot must be marked, ask the election worker from whom you got this ballot.

**Place your ballot into the ballot box.**

### BALLOT QUESTION NO. 1

**Grounds for recall stated on the recall petition:** Thorne Bay City Councilman Rosalyn Hert has misused her elected position, violated the public's trust and has demonstrated misconduct in office and incompetence. She was involved in at least one illegal meeting in violation of the Open Meetings Act when it was decided to suspend City Administrator Benner in violation of AS Sec. 44.62.310 and successive sections and subdivisions. That act violated the municipal code section 2.04.040. Her misconduct has jeopardized the city by leaving it susceptible to a lawsuit because of her malfeasance.

**Statement by Councilmember Rosalyn Hert:** I was elected to the City Council by a vote of the citizens of Thorne Bay, not a select few, but all the people. I promised to be your voice and to make sure you are heard. Your faith and trust in me is not something I take lightly. No one has come forth with any evidence to substantiate the charges against me. This is nothing but malicious, vicious slander. A single-minded group of people who made these accusations have no basis or proof. Although their sole intent is to drive a barrier between North & South Thorne Bay, according to the State of Alaska no proof is necessary. It is up to you, the voters, to determine my guilt or innocence by your vote. If you believe in me and vote in my favor, I will continue to listen to you and be your voice. I will work to get answers to your questions – whatever you decide. My conscience is clear. I know I have done nothing to violate your trust.

#### QUESTION 1:

Shall Rosalyn Hert be recalled from the office of Thorne Bay City Council?

Yes

No

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### BALLOT QUESTION NO. 2

**Grounds for recall stated on the recall petition:** Thorne Bay City Councilman Roger Longbotham has misused his elected position, violated the public's trust and has demonstrated misconduct in office and incompetence. On February 24, 2020, while acting as a city councilman he assisted Eric Rhodes serving the city administrator Wayne Benner with a suspension order and escorted him from City Hall. That act violated the municipal code sections 2.04.040 and 2.14.030. His misconduct has jeopardized the city by leaving it susceptible to a lawsuit because of his malfeasance. He was also involved in at least one illegal meeting in violation of the Open Meetings Act when it was decided to suspend City Administrator Benner in violation of AS Sec. 44.62.310 and successive sections and subdivisions.

**Statement by Councilmember Roger Longbotham:** Recently, I was accused of violating Alaska's Open Meeting Act (OMA). I was accused of being involved in attending an illegal meeting in violation of the OMA. First off there was no meeting of which I am being accused of. All discussions were done in a one on one canvassing which is not in violation of the OMA. Using the word illegal was intended to lead individuals that a criminal intent was done.

As with the suspension of the city administrator, it was under the direction of Mr. Rhodes, mayor protem, with the guidance of our local government specialist. The suspension was conducted with proper protocol and respect of the city administrator. The city administrator was given the opportunity to respond to the issues of his suspension in an executive session. The reason for suspension was merited, for reason that cannot be discussed here.

Finally, I have no problem being judged by man. I will be judge by people of the world while here on earth. Nothing is in secret from my God, as He knows everything. My final judgment is by my God and I hope I find favor from Him.

#### QUESTION 2:

Shall Roger Longbotham be recalled from the office of Thorne Bay City Council?

Yes

No

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**BALLOT QUESTION NO. 3**

**Grounds for recall stated on the recall petition:** Thorne Bay City Councilman Eric Rhodes has misused his elected position, violated the public's trust and has demonstrated misconduct in office and incompetence. On February 24, 2020, while acting as mayor pro tempore he served the city administrator, Wayne Benner, with a suspension order and escorted him from City Hall. That act violated the municipal code sections 2.04.040 and 2.14.030. His misconduct has jeopardized the city by leaving it susceptible to a lawsuit because of his malfeasance. He was also involved in at least one illegal meeting in violation of the Open Meetings Act when it was decided to suspend City Administrator Benner in violation of AS Sec. 44.62.310 and successive sections and subdivisions.

**Statement by Councilmember Eric Rhodes:** As a city councilman I take the volunteer position very seriously. I live every word of the oath I swore with a pure heart.

1. I participated in no meeting outside of Alaska's Open Meetings Act.
2. My actions were legal and within state law and within the municipal code. This was relayed by the state as compliant per TBMC 2.08.10 (B) (2) per the duties of TBMC 2.08.10 (B) (10).

As Mayor ProTem I was very busy and worked hard to perform the duties of the office. Among many other tasks I did take 4 employee actions, only one was deemed negative.

I listened to anyone with concerns, I did the work others only promised.

I did take action to suspend an employee with pay. I gave the individual notice of being discussed in executive session so the whole council could discuss termination for the reported millions of dollars in loss and/or liability created by an employee. This was after gathering verifiable information and/or reports from multiple city departments.

I would have suspended my brother, sister or best friend the same as I did the employee in question. The city and my integrity are more important than favoritism.

**QUESTION 3:**

Shall Eric Rhodes be recalled from the office of Thorne Bay City Council?

Yes

No