



*In the Matter of the 2016 State House District 40 Primary Election*  
Supreme Court Nos. S-16462/16492/16494  
Order of 10/12/16  
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A written opinion explaining this court's Order will be forthcoming.

Entered at the direction of the court.

Clerk of the Appellate Courts

  
Marilyn May

WINFREE, Justice, concurring in part and dissenting in part.

I agree with the court that — as Mr. Nageak's counsel conceded during oral argument — the superior court's order directing the Division of Elections to certify Mr. Nageak as the winner of the Alaska Democratic Party primary election in House District 40 was legal error and must be reversed. But in my view the superior court correctly determined that — as to the primary election in the Shungnak precinct — the Division of Elections committed malconduct that could have affected the election result between Mr. Nageak and Mr. Westlake. Accordingly I would declare the election void and direct the Division of Elections to hold a new election.

cc: Supreme Court Justices  
Judge Guidi

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