

SUBJECT: TITLE 18, ELECTION CODE REVISIONS *HY*

REQUESTED AND PREPARED BY: Kristie VanGorder, City Clerk DATE: April 7, 1999

FOR AGENDA OF: April 12, 1999

SUMMARY:

Over the past several months, the clerk's election committee consisting of the clerk's from the city of Houston, city of Palmer, Matanuska-Susitna Borough and myself have met. With the new election equipment being used by the state, we have found a need to update the election code. Also included are some grammatical and technical revisions to make some sections read easier and to clarify the current procedure in the code. We have come to a unanimous consensus on the revisions presented to you in Ordinance Serial No. 99-14. They too will be presenting these revisions to their municipalities.

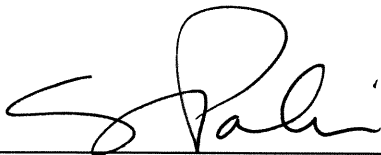
As you know, the Department of Justice must preclear all ordinances effecting voting. Since our elections season begins in July, and it takes approximately 70 days or more to preclear items for elections, this ordinance should be adopted no later than the first week of May.

Attached is an outline, a sectional analysis, of the changes presented in the ordinance. This should assist you in understanding the revisions.

FISCAL IMPACT: X No ___Yes, amount requested: \$ Fund:

RECOMMENDED ACTION: Introduce ordinance and set for public hearing.

MAYOR REVIEW/COMMENT:



Reviewed by: SARAH PALIN, Mayor

Presented with: Ord 99-14
Date: 4-26-99 Verified by: K. VanGorder

Sectional Analysis of Ordinance Serial No. 99-14

18.05.010(A)(7)

As a result of the new ballot tabulation equipment, we now use only a review board not a data processing review board as referenced. There is also no need for a control board at this time. The counting team is referenced if a hand count is required.

18.05.010(A)(18)

Language changed to be consistent Title 29. Also makes language consistent with 18.05.120.

18.05.010(A)(22)

Language inconsistent with Title 29 and reference to WMC 18.10.010 is made.

18.05.025

Add new section "Powers and duties of the clerk"

The clerk shall supervise all municipal elections and shall determine whether candidates for municipal office are qualified in accordance with this chapter.

18.10.010(A)

The reference to a united states citizen and being 18 years of age is deleted since it is required under AS 15.05.010. Item 4 has been combined in item 5 to read "is registered to vote in state elections at a residence address within the city at least 30 days before the city election at which the person seeks to vote."

18.10.040(B)

Used the definition of moral turpitude from state law (15.60.010(8)).

18.15.020(B)

Repeal 5, 6,10,12,13 and incorporate 14 to read "A certification by the candidate shall include:

- (a) That the candidate is a qualified voter;
- (b) That the candidate is a resident of the city of Wasilla;
- (c) That the candidate meets or shall meet, as required by law, the specific requirements of the office the candidate is seeking;
- (d) That the candidate accepts the nomination and a statement that the proposed candidate shall serve if elected;
- (e) That is the candidate chooses to withdraw, the withdrawal will be submitted to the city clerk in writing by the last day of the filing period;
- (f) That the information in the nominating petition is true and accurate; and
- (g) The date and notarized signature of the candidate.

18.15.035 Add a new section

Eligibility of candidate

The clerk shall determine whether each candidate for municipal office is qualified as provided by law. At any time before the election the clerk may disqualify any candidate whom the clerk finds is not qualified.

18.15.050(B)

Delete section B. It is under the authority of APOC and not mandated by the city.

18.15.060(A)

Amend to include the written notice must be signed by the candidate.

18.20.010(A)

Change in sentence structure to provide clarity.

18.20.020(A)

Corrected the language to be more specific to ensure the public has more notice of the thirty-day time frame prior to cut off date for registration.

18.20.020(C)

Pursuant to state law the first notice must be published at least 20 days prior to election, which we included in the code

18.20.050(B)

Delete excessive wording and change to conform with current practices. The ballots are not delivered, but are distributed to election officials following their training.

18.20.060(B)

Delete excessive wording and change to current practices. It is unnecessary to explain how instructions are printed.

18.20.060(C)

Add wording to explain who receives the sample ballots.

18.20.080

Need to refer to all sections of WMC 18.45 referring to election recount expenses rather than limit to one section.

18.25.010(A)

Change wording to be consistent with state statute (15.20.010).

18.25.020(A)

Five-day limit did not allow enough time to guarantee mailing ballots to all destinations. Seven days is consistent with state statute requirements (15.20.081).

18.25.020(B)(5)

Deleted statement, the request form serves as a statement.

18.25.020(C)

Changing sentence structure for clarification and differentiating between delivery and mail service.

18.25.020(D)

Change in sentence structure.

18.25.020(E)

Restructured one sentence to conform to format.

18.25.020(F)

Deleted redundant verbiage.

18.25.030(A)

Restructured section to provide clarity and conform with current practice. Also will now allow for the Matanuska-Susitna Borough to be an absentee voting official for the city. We currently serve as an absentee voting official for their elections. This will allow them to do the same. Deleted redundant verbiage.

18.25.040(A)

Change word to be consistent with state language, "registered" prohibits qualified voter who may vote questioned. Also allows borough to issue personal representative information.

18.25.040(B)

State does not require written application witnessed by licensed physician or two qualified voters. Insert language of qualifications to application.

18.25.040(C)

Removed word timely.

18.25.040(D)

Restructured the sentence for clarity.

18.25.040(E)

Delete alternative process to be consistent with state statute and avoid confusion with public and election officials. Allow only one process for early voting and election day.

18.25.040(F)

Procedure guideline to be inserted in procedure manual and not election code.

18.25.040(G)

Restructure the sentence for clarity.

18.30.050

Amended to be consistent with state statute 15.15.180. It addresses voters who sign register without completing the vote. Change oath to declaration.

18.30.060

New voting system eliminates need to distinguish between voting ballots and voting paper ballots.

18.30.055

A new section to read: "When the voter has qualified to vote, the election judge shall give the voter an official ballot. The voter shall retire to a booth or private place to mark the ballot." This is consistent with A.S. 15.15.230.

18.030.070(A)

Strike "shall" and replace with "may" which allows voter choice.

18.030.070(B)

Restructured sentence for clarity. Amended to be consistent with state statute

18.030.070(C)

Change reference from oath or affirmation to voter certification to be consistent with state requirement

18.030.070(D)

Restructured for clarity and will be consistent with new voting procedure.

18.30.090

Referenced election official as an option to assist the voter.

18.30.100

Restructured sentences for clarity.

18.30.110(A)

New voting systems no longer have ballot stubs.

18.30.120(A)

Refer to boxes to allow separate ballot box for questioned ballots.

18.30.130

Corrected to allow for return of ballots to the receiving team. Added "of closing the polls" to allow for clarity in the process.

18.35.010(A)

Reference to vote tabulation system to count ballots.

18.35.010(B)

Removed section, is now included in 18.35.010(E).

18.35.010(C) & D

Data Processing Review Board has been changed with new voting system. Sentence restructured to provide clarity.

18.35.010(E)

New section to provide for counting instructions for hand counted ballots consistent with state statute.

18.35.020(A)

New voting system provides an oval for marking ballot.

18.35.030(A)

New voting system eliminates need for control board. Receiving team delivers ballots directly to clerk. Deletes reference to punch-card ballots.

18.35.030(B)

New voting tabulation system does not require a control board.

18.35.030(C)

Although new voting system does not require a counting team, it is advisable to allow for a counting team in the event of a close race, write-ins or any other.

18.35.030(D)

Clarify the review board duties to comply with new voting system

18.35.030(E)

Addition to an oath being required to all boards to meet state constitution requirement

18.35.030(F)

Clarity of election procedure consistent with current practice.

18.35.050

This was changed to conform to the new voting system.

18.35.060

Counting of ballots is handled at the precincts and this section is no longer needed.

18.35.070

Change sentence structure for clarity.

18.35.080

Reference to voting tabulation system practice at the closing of the polls referenced.

18.35.090(A) and 18.35.100(C)

Being consistent with other provisions of the code concerning records retention. In an effort to bring city and cities codes to consistency, we refer to code section rather than city retention schedule.

18.35.120(A) and (D)

Change in sentence structure to provide clarity and current practice.

18.40.020 (C)

Change in sentence structure to follow current practice.

18.40.020(D)

This gives the council authorization to decide how to certify the election or to hold a new election in the case of a contest.

18.40.030

Clarity in language.

18.45.030(A)

Deleted "after it has been initiated."

18.45.040(B)

Change in sentence structure to provide clarity.

18.45.050

Change in sentence structure to provide clarity.