



CITY OF WASILLA

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CODE ORDINANCE

REQUESTED BY: CITY CLERK
PREPARED BY: CITY CLERK

ORDINANCE SERIAL NO. 96-14

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA AMENDING TITLE 4, ELECTIONS, OF THE WASILLA MUNICIPAL CODE.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This ordinance is of a permanent nature and shall become part of the Wasilla Municipal Code.

SECTION II. Purpose. To amend sections of the election code Title 4 to bring them into compliance with new regulations and to align certain function with Matanuska-Susitna Borough requirements.

SECTION III. Amendment. Title 4, Elections, of the Wasilla Municipal Code is hereby amended as follows:

4.04.010 Definitions. In this title, unless the context otherwise requires:

~~A. The masculine includes the feminine.~~

Renumber subsections.

Q R. "Voter" means any person who presents himself/herself for the purpose of registering to vote or voting, either in person or by absentee application ~~or ballot~~.

R S. "Questioned Voter" means a voter whose name does not appear on the register in the precinct where he/she attempts to vote, a voter who has received an absentee ballot and does not turn it in when voting at his/her precinct on Election day, a voter who does not bear identification or is not personally known to an election official though his/her name appears on the precinct register, or a voter who is questioned for good cause at the polls ~~in writing~~ pursuant to WMC 4.12.020(B).

4.04.050 Special Election - Time. If the City Council requires a special election, the special election shall be called at least ~~sixty (60)~~ ninety (90) days preceding the election order. The special election shall seek the elector's vote on questions required by the City Council.

~~4.06.050 Voter Disqualification - Purged. No person may vote whose name has been eliminated by the State of Alaska from registration lists under the authority of AS 15.07.130 and who has not re-registered under AS 15.07.070. The Canvass Board shall cite this section and reject questioned ballots which are questioned because the voters name did not appear on a registration list and further research indicated the State has purged the voters name.~~

4.08.010 Time of Election.

B. If the City Council requires a special election, the special election shall be called at least ~~sixty (60)~~ ninety (90) days preceding the election order. The special election shall seek the elector's vote on questions required by the City Council.

4.08.030 Precinct Election Officials.

A. Appointment - The City Council shall appoint at least three (3) judges for each precinct who shall comprise the election board for that precinct. One judge will be designated Precinct Chairman ~~person~~. The judges shall be paid for their services in accordance with ~~Section~~ A.S. 15.15.380 of the Alaska Statutes. The judges shall not be elected City Officials or candidates for any City office. The Clerk may appoint up to three (3) additional election clerks at any polling place where they are needed to conduct an orderly election or to relieve the election officials serving of undue hardship.

B. Qualifications - Each election official must be a registered qualified voter of the City of Wasilla and a resident of the precinct for which he/she is appointed unless no voter is willing to serve.

E. Certain familial relationships may not exist between a candidate and a precinct election judge, election clerk or canvass board member in all city elections. If the City Clerk knows or learns that any of these relationships exist, he/she shall have the responsibility and authority to replace the election official involved. Those familial relationships are:

1. mother, mother-in-law, stepmother;
2. father, father-in-law, stepfather;
3. sister, sister-in-law, stepsister;
4. brother, brother-in-law, stepbrother;
5. spouse; or
6. person sharing the same living quarters.

4.08.040 Ballots - Form. The City Clerk shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of elections. The following directives shall be followed when applicable:

~~4. Election ballots may, in the discretion of the City Clerk, be designed with the position of names of the candidates changed in each section as many times as there are candidates in the section in which there are the most names. As nearly as possible, an equal number of ballots shall be printed after each change. In making the changes of position, the name of the candidates at the head of each section shall be taken and placed at the bottom of the section and the column moved up so that the name that before was second is first after the change. Failure to abide by this section will not invalidate an election, or serve as the basis for contest of an election.~~

4.08.060 Election Materials.

B. The Clerk shall publish instructions explaining to voters how to obtain ballots, how to mark them, how to obtain information from Election Officials, and how to obtain new ballots to replace those

destroyed or spoiled. These instructions shall be printed on cards in large clear type. The Clerk shall have sample ballots, identical in form to the ballots to be used in the election, printed on colored paper. The Clerk shall provide booths at each polling place, with appropriate supplies and conveniences to enable each voter to mark his/her ballot screened from observation. At least three (3) sides of each booth shall be enclosed. Ballot boxes shall be placed outside of the voting booths within plain view of the Election officials, voters, and other persons at the polling places.

4.10.010 Declaration of Candidacy Nominating Petition - Form & Filing.

A. Candidates seeking office shall file with the City Clerk in a form required by the City. The candidate shall have ten (10) resident voters to nominate him to the office he seeks. The seat that the candidate seeks shall be stated on the form. ~~Nominations for elective office shall be made by a qualified person filing a declaration of candidacy in the Clerk's Office.~~

~~B.~~ Requirements for declaration of candidacy. The declaration of candidacy shall state in substance:

- ~~1.~~ the full name of the candidate;
- ~~2.~~ the full residence address of the candidate;
- ~~3.~~ the full mailing address of the candidate;
- ~~4.~~ the day and evening telephone numbers of the candidate;
- ~~5.~~ the office for which the candidate is declaring;
- ~~6.~~ that the candidate is a qualified voter of the City of Wasilla;
- ~~7.~~ that the candidate is a resident of the City of Wasilla;
- ~~8.~~ the name of the candidate as the candidate wishes it to appear on the ballot;
- ~~9.~~ that the candidate meets, or shall meet, as required by law, the specific requirements of the office the candidate is seeking;
- ~~10.~~ the date of the election at which the candidate seeks election;
- ~~11.~~ the date and notarized signature of the candidate;
- ~~12.~~ a statement that the proposed candidate shall serve if elected; and
- ~~13.~~ a certification by the candidate that the information in the declaration of candidacy is true and accurate.

4.10.020 Nominating Petition Declaration of Candidacy - Time for Filing.

A. ~~Packets containing declarations of candidacy shall be available from the Clerk's Office on the day the filing period opens; the packets shall remain available throughout the filing period. A declaration of candidacy shall~~ Nominating petitions must be completed and filed with the Clerk not earlier

~~On 8:00 a.m., sixty-four (64) calendar days before a regular election and not later than 5:00 p.m., fifty-three (53) calendar days before a regular election; and not earlier than 8:00 a.m., forty-five (45) fifty (50) calendar days before a special election and not later than 5:00 p.m., thirty-nine (39) calendar days before a special election. Declarations of candidacy Nominating Petitions shall be submitted in original form and shall not be submitted by facsimile. All declarations of candidacy nominating petitions in proper form which are not withdrawn by the candidate, shall be preserved by the Clerk and eventually destroyed as provided by the records retention policies promulgated by the Clerk.~~

~~B. Persons seeking elective office shall request a declaration of candidacy nominating petition from the City Clerk for the specific seat which they are seeking. If the person chooses to run for a different seat, a declaration of candidacy council seat change authorization form for that seat shall be filed with the Clerk's Office. A declaration of candidacy for a particular seat may not be substituted for another office or seat.~~

~~C. a non-refundable \$25.00 fee shall accompany each declaration of candidacy for the office of mayor, and council seats to help defray administrative costs of holding the election. If a candidate withdraws from nomination for one seat or office to file for another seat or office, in accordance WMC 4.10.040, an additional non-refundable \$25.00 filing fee shall be collected by the Clerk's Office. An application showing proof of indigence may be completed, and submitted to the Clerk for approval, by candidates requesting waiver of the filing fee.~~

~~BD. Special Mayoral Election. The City Council shall have the authority to set filing deadlines for special elections filling a vacancy in the Mayor's office of longer than six (6) months per WMC 2.16.040.~~

~~4.10.030 Declaration of Candidacy Nominating Petitions - Conflict of Interest. Candidates for elective city office and declared write-in candidates shall file an Alaska Public Offices Commission Conflict of Interest Statement with the Clerk in accordance with A.S. 30.50 at the time of filing a declaration of candidacy for any office.~~

~~4.10.040 Declaration of Candidacy Nominating Petitions - Corrections, Amendments and Withdrawal. A candidate may withdraw his/her declaration of candidacy nominating petition at any time during the period of filing by written notice to the Clerk. After the filing period has closed, no declaration of candidacy nominating petition may be corrected, or amended.~~

~~4.10.0350 Dual Office Prohibition. Per A.S. 29.26.020(b) a person may be nominated for and occupy more than one office, but may not but may not simultaneously occupy more than one elected City office, nor may a person serve simultaneously as Mayor and as a member of the Council. To assure that a person is not elected to serve in two elected positions simultaneously, each candidate shall declare, per WMC 4.10.020(B), the particular office for which the candidate seeks to be elected.~~

4.12.020 Voting Procedure.

~~B. A voter shall give the election officials his/her name, residence address and sign his/her name in such manner as may be prescribed by the Clerk. If any election official present believes that the voter is not identifiable or qualified to vote from the information supplied he/she immediately shall refer the voter to the judge handling questioned voters. A voter issued a questioned ballot shall seal the ballot in a~~

Ballot envelope and then insert the ballot envelope into a questioned ballot envelope which shall be signed by the voter and attested by an election official.

C. If the voter is not questioned, he/she shall be given one ballot for candidates and/or propositions, and shall retire alone to a voting booth. There, the voter without undue delay shall prepare his/her ballot by marking the appropriate boxes opposite the names of candidates of his/her choice, whether printed on the ballot or written in by him/her on the blank lines provided for that purpose, and the appropriate boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his/her ballot in a manner displaying the number thereon and deliver it to one of the election officials, who shall tear the number off and deposit the ballot in the ballot box.

D. A voter who by accident or mistake mutilates or spoils his/her ballot shall, upon returning the same to the election official, be given another up to a maximum of three (3) . Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. Bilingual assistance shall be provided as needed as requested of election officials.

4.12.030 Punch Card Voting - Authorized.

B. In regular elections where the Matanuska-Susitna Borough Counting Center is to be used, the precinct chairmanperson shall follow the same security and counting procedures for City ballots as are used for Borough ballots.

C. In special elections the City Clerk shall appoint a counting board who shall perform the tasks necessary to receive and tally ballots from ~~the two~~ all City precincts. The Clerk shall administer the oath prescribed for election judges to each of the counting board members.

4.12.040 Poll Watchers. Each candidate may appoint one (1) watcher at a time in each precinct or counting center. Any organization or organized group that sponsors or opposes an initiative, referendum or recall may designate one (1) person at a time to be a watcher in each precinct or counting center. Each watcher, after checking in with the precinct chairmanperson, may be present at a position inside the place of voting or counting which affords a full view of all action of the election board and other counters taken from the time the polls are opened until the ballots are finally counted. The election or data processing review board may require each watcher to present identification and written proof showing that he/she is the watcher appointed by the candidate, organization or organized group he/she is purporting to represent. Poll watchers are observers and are not to interfere or disturb the election or counting process in any manner. The precinct chairmanperson is empowered to ask any poll watcher not following these rules to leave.

4.14.010 Eligible Persons - Liberal Construction. Any registered qualified voter, who expects to be absent from his/her election precinct or who will be unable to vote in such precinct by reason of disability on the day of any election, may cast an absentee ballot. The provisions of this chapter effectuating the constitutional guarantee to absentee voting shall be liberally construed.

4.14.020 Application Procedure.

A. A registered voter may apply for an absentee ballot in one of four ways:

Written and sworn to before me this _____ day of _____, 19____, I, (We) now certify that this voter in my/our presence enclosed said ballot in ballot envelope, placed that envelope in this return envelope, handed me this return envelope sealed, and signed the above affidavit.

(Witness)

(Official Signature)

(SEAL)

(Witness)

(Official Title)

B. Absentee Ballots - Receipt. Absentee Ballots must be voted and postmarked no later than the day of the election and, in order to be counted they must be received by the City Clerk by 2:00 p.m. on the third day following the election before the election ballots are canvassed by the Canvass Board.

4.14.050 Casting Ballots.

A. Any voter issued an absentee ballot may at any time prior to the election for which it is issued appear at the office of the Clerk, and there cast his/her ballot in the following manner: The voter first shall show the Clerk that his/her ballot has not been marked, then shall mark the ballot with pen and ink or indelible pencil in the presence of the Clerk, in such a manner that the Clerk cannot see how it is marked. The voter shall fold the ballot and place it in the ballot envelope. Then the voter shall complete and swear to the affidavit printed on the face of the return envelope, and deliver it, properly sealed, to the Clerk. The Clerk shall certify to the affidavit printed on the return envelope, write or stamp his/her name across its seal, and retain the envelope in his/her custody to be delivered to the Canvass Board.

B. At any time on or before the day of the election, any voter issued an absentee ballot may appear before any person authorized by law to administer oaths, and in the presence of such officer cast his/her ballot in the same manner he/she would cast it in the office of the Clerk under this section. After writing or stamping his/her name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the Clerk.

C. If a voter issued an absentee ballot returns to his/her precinct on the election day, he/she shall not vote at the polling place unless he/she first surrenders to the election board the absentee ballot, ballot envelope and return envelope issued to him/her. Unused absentee ballots' ballot envelopes and return envelopes shall be returned to the Clerk by the election board with other ballots not used in the precinct.

4.14.070 Absentee Voting by Personal Representative.

C. The Personal Representative shall deliver the absentee ballot to the voter as soon as practicable. Upon receipt of an absentee ballot through a personal representative, the voter shall proceed to mark the ballot in secret, then place the ballot in the small envelope, place the small envelope in the larger envelope and sign the voter's certificate on the back of the envelope in the presence of the personal representative who shall sign as attesting witness and date his/her signature. The voter shall then return the absentee ballot to his/her personal representative who shall deliver the ballot to the Clerk. The absentee ballot must be returned to the Clerk within three (3) days from the date it is obtained but not later

in 8:00 p.m. on election day. An election ballot that is not returned to the clerk by the close of business on the third (3rd) day from the day it is obtained may not be counted but the voter may vote in the election.

4.16.020 Canvass Board Appointment. The Council shall appoint a canvass board consisting of a minimum of ~~three (3)~~ four (4) election judges from different election precincts within the City which will canvass all votes after the election judges have completed their tally of votes. The members of the Canvass Board shall be qualified electors of the City.

4.16.080 Election Recounts.

E. The applicant or applicants for the recount shall pay all costs and expenses incurred in a recount of an election demanded by the applicant or applicants if the recount fails to reverse any results of the election or if the difference between the winning and losing vote on the result requested for recount is ~~no~~ more than two percent (2%). Any person or group of persons demanding a recount of ballots as provided herein shall deposit with the City Clerk a cash bond in the amount of five hundred dollars (\$500.00) guaranteeing payment of the cost of recount as surety for such costs. If the final recount shows an error creating an erroneous result, the bond shall be refunded in full.

SECTION IV. Effective Date. This ordinance becomes effective upon adoption.

Introduction: 03/27/96

Public Hearing: 04/08/96

ADOPTED by the Council of the City of Wasilla on this 13th day of May, 1996.



JOHN C. STEIN, Mayor

ATTEST:



MARJORIE D. HARRIS, CMC
City Clerk