

Prepared and Requested By: Clerk
Introduced: April 13, 1998
Public Hearing: April 27, 1998
Amended and Adopted: April 27, 1998

CITY OF WASILLA
ORDINANCE SERIAL NO. 98-19(AM)

AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING TITLE 18,
ELECTIONS, AND REPEALING TITLE 4, ELECTIONS.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Adoption of section. Title 18, Elections, is hereby adopted to read as follows:

**TITLE 18
ELECTIONS**

Chapters:

- 18.05 General Provisions
- 18.10 Voter Qualification
- 18.15 Candidates
- 18.20 Election Organization
- 18.25 Absentee Voting
- 18.30 Voting Procedure
- 18.35 Ballot Counting
- 18.40 Contest of Election
- 18.45 Election Recount

CHAPTER 18.05: GENERAL PROVISIONS

Section:

- 18.05.010 Definitions
- 18.05.020 Incorporation of state and federal laws
- 18.05.030 Regular election
- 18.05.040 Special election
- 18.05.050 Run-off election
- 18.05.060 Initiative, referendum, and recall
- 18.05.070 Bonded indebtedness
- 18.05.080 Propositions and questions
- 18.05.090 Nonpartisan requirement
- 18.05.100 Sale of liquor on election day
- 18.05.110 Prohibition on use of public moneys to promote passage of ballot propositions
- 18.05.120 Simple majority; prohibition on run-off elections

18.05.010 DEFINITIONS.

(A) In this title, unless the context otherwise requires:

- (1) "Borough" means Matanuska-Susitna Borough.
- (2) "Business days" means the days the City of Wasilla's administrative offices are open to provide general services to the public.
- (3) "City" means City of Wasilla.
- (4) "Clerk" means city clerk or any properly authorized assistant to the city clerk; provided, the term clerk means borough clerk only when the word clerk is immediately preceded by the word borough.
- (5) "Calendar days" means consecutive days succeeding one another in regular order.
- (6) "Election" includes any regular, special, or run-off city election.
- (7) "Election official" includes election officials at the polls, the clerk, the clerk's office staff, absentee voting officials, canvass

board, data processing review board, control board, counting teams, and receiving teams.

(8) "Immediate family" means a candidate's grandparents, parents, children, grandchildren, siblings, spouse, spouse's children, spouses of children, or a regular member of the candidate's household.

(9) "Oath" means any form of attestation by which a person signifies the person is bound in conscience to perform and act faithfully and truthfully. Oath includes affirmation.

(10) "Precinct" means the territory within which resident voters may cast votes at one polling place.

(11) "Proposition" means an initiative, referendum, recall, or other issue submitted to the public at an election.

(12) "Qualified voter" means any voter who has the qualifications required by this chapter and is not disqualified under Article V of the Alaska State Constitution.

(13) "Questioned voter" means a voter:

(a) Whose name does not appear on the register in the precinct where the voter attempts to vote;

(b) Who has received an absentee ballot and does not turn it in when voting at the voter's precinct on election day;

(c) Who does not bear identification or is not personally known to an election official though the voter's name appears on the precinct register; or

(d) Who is questioned for good cause at the polls in writing pursuant to WMC 18.30.070.

(14) "Precinct register" means the register maintained by the director of the State Division of Elections.

(15) "Registration" or "registered" refers to the form of registration required by the state election code. For city elections, a

person is registered if registered to vote in state elections in the precinct, which that person seeks to vote 30 calendar days prior to the city election.

(16) "Regular ballot" means a ballot voted at the polls which is not a questioned or an absentee ballot.

(17) "Regular election" means the city election held on the first Tuesday of October annually.

(18) "Run-off" means any election held for the purpose of electing a candidate that received less than 40 percent of the votes for a seat up for election of a regular or special election.

(19) "Signature" or "subscription" includes a mark intended as a signature or subscription.

(20) "Special election" means any election held at a time other than when a regular election is held.

(21) "Swear" includes "affirm."

(22) "Voter" means any person who presents himself or herself for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

18.05.020 INCORPORATION OF STATE AND FEDERAL LAWS.

All provisions of the United States Constitution, the Alaska State Constitution, and the laws enacted pursuant to these constitutions affecting city elections are incorporated in this chapter as if fully set out in this chapter.

18.05.030 REGULAR ELECTION.

(A) The date of the regular election shall be annually on the first Tuesday of October.

(B) The council may provide for different dates for regular election by ordinance.

18.05.040 SPECIAL ELECTION.

The council may call a special election at any time at least 75 calendar days prior to the date of the election. Notice of the special election shall be made in accordance with WMC 18.20.020.

18.05.050 RUN-OFF ELECTION.

Run-off elections shall be held within four weeks after the date of certification. A run-off election shall not be considered a special election within the meaning of AS 29.71.800(21).

18.05.060 INITIATIVE, REFERENDUM, AND RECALL.

(A) The powers of initiative and referendum reserved by the state constitution to the people of the state are also reserved to the people of the city of Wasilla as provided by state law.

(B) Any elected official of the organized city may be recalled as provided by state law.

18.05.070 BONDED INDEBTEDNESS.

(A) Only qualified voters may vote on a question of incurring bonded indebtedness by the city.

(B) Notice of bonded indebtedness shall be given consistent with the provisions of WMC 18.20.020(C) and AS 29.47.190.

18.05.080 PROPOSITIONS AND QUESTIONS.

An ordinance placing propositions and questions before the voters must be adopted not later than 53 calendar days before a regular election, or 60 calendar days before a special election.

18.05.090 NONPARTISAN REQUIREMENT.

All city elections shall be nonpartisan.

18.05.100 SALE OF LIQUOR ON ELECTION DAY.

In accordance with A.S. 04.16.070(b), the provisions of A.S. 04.16.070(a) do not apply in the city, and intoxicating liquor may be given, sold, bartered, consumed or dispensed in a licensed premises on election day.

18.05.110 PROHIBITION ON USE OF PUBLIC MONEYS TO PROMOTE PASSAGE OF BALLOT PROPOSITIONS.

(A) The use of public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees in kind, to promote the passage of ballot propositions including public expenditures, appropriations or bond issues is prohibited.

(B) The term “promote” means an attempt to influence, whether affirmatively or negatively, the vote of the people upon ballot propositions or bond issues. The term “promote” does not encompass the following and similar activities:

(1) The publication, circulation or mailing of informational items or legal notices pertaining to proposed bond issues or ballot propositions, so long as any literature distributed to the public or to news media, fairly and fully presents information needed by the public to make an informed vote upon any ballot propositions or bond issue;

(2) The participation by city personnel in public discussions, or interviews with news media, relating to proposed ballot propositions or bond issues;

(3) The city administration may prepare and disseminate an informational brochure regarding propositions or bond issues placed on the ballot by the city council which accords reasonably equal presentation of facts supporting and opposing the proposition or bond issue.

(C) City-owned buildings, and other facilities may be utilized for public meetings, discussions, and other assemblies by private groups supporting or opposing any ballot proposition or bond issue. City employees may arrange for public meetings and assemblies where the advantages and disadvantages of a proposed ballot proposition or bond issue are fairly presented by opponents and proponents of the item.

(D) No posters, fliers, or other printed material advocating or opposing a ballot proposition or bond issue may be displayed in any city-owned or controlled building or facility except in a single area of general public access designated by the building supervisor. Both proponents and opponents of the ballot item shall be accorded reasonably equal access to the space.

(E) The constitutional rights of public employees to express their personal views on proposed bond issues and ballot propositions during public meetings or in interviews with news media shall not be abridged by this title. However, any employee expressing personal views shall clearly state that the statements reflect personal or professional beliefs only and do not represent the position of the city.

18.05.120 SIMPLE MAJORITY; PROHIBITION ON RUN-OFF ELECTIONS.

(A) All city offices shall be filled by the candidate receiving the greatest number of votes. There shall be no run-off elections except as provided in subsection (B).

(B) A run-off election shall be held if no candidate receives over 40 percent of the votes cast for the office of mayor. The run-off election shall be between the two candidates receiving the greatest number of votes for the office.

CHAPTER 18.10: VOTER QUALIFICATION

Section:

- 18.10.010 Voter qualification
- 18.10.020 Rules for determining residence of voter
- 18.10.030 Registration
- 18.10.040 Voter disqualification for felony conviction
- 18.10.050 Voter disqualification for unsound mind

18.10.010 VOTER QUALIFICATION.

(A) A person may vote at any election that meets all of the following requirements:

- (1) Is qualified to vote in state elections under AS 15.05;
- (2) Is a citizen of the United States;
- (3) Is 18 years of age or older;
- (4) Has been a resident of the city for 30 calendar days immediately preceding the election;
- (5) Is registered to vote in state elections at a residence address within the city in which that person seeks to vote in city elections 30 calendar days prior to the city election; and
- (6) Is not disqualified under Alaska Constitution, Art. V.

18.10.020 RULES FOR DETERMINING RESIDENCE OF VOTER.

(A) For the purpose of determining residence for voting, the place of residence is governed by the following rules:

(1) The residence of a person is that place in which habitation is fixed, and to which, whenever the person is absent, the person has the intention to return. If a person resides in one place but does business in another, the former is the person's place of residence. Temporary construction camps do not constitute a dwelling place.

(2) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.

(3) A person does not gain or lose residence solely by reason of a person's presence while employed in civil or military service of the United States or of this state, or while a student of an institution of learning, or while kept in an institution or asylum at public expense, or while confined in a public prison, or while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers Home.

(4) No member, or spouse or dependent of a member, of the armed forces of the United States is a resident of this state solely by reason of being stationed in the state.

(5) A person does not lose residence if the person leaves home and goes to another country, state, or place within this state for temporary purposes only and with the intention of returning.

(6) A person does not gain a residence in a place to which the person comes without a present intent to establish a permanent dwelling there.

(7) A person loses residence in this state if the person votes in an election held in another state, and has not upon the person's return regained residence in this state under the provisions of this chapter and state law.

(8) The term of residence is computed by including the day on which the person's residence commences and by excluding the day of election.

18.10.030 REGISTRATION.

(A) A person may vote in an election only if the person is a qualified voter under the Alaska State Constitution, the laws of Alaska and this chapter and the person has registered as required by the state election code and WMC 18.10.010.

(B) The precinct election officials at any election shall allow a person to vote whose name is on the official precinct registration list for that precinct and who is qualified under this chapter and A.S. 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot.

18.10.040 VOTER DISQUALIFICATION FOR FELONY CONVICTION.

(A) A person whose qualifications to vote have been questioned on the basis of a felony conviction shall vote a questioned ballot. A person's vote shall not count where the voter has been convicted either by

state courts of Alaska, by the courts of another state or by the federal courts of a felony involving moral turpitude under Alaska law unless the person's civil rights have been restored by law or by proper authority in the jurisdiction in which the person was convicted.

(B) Felonies involving moral turpitude include, but are not limited to, the crimes of murder, rape, robbery, kidnapping, burglary, incest, and other crimes, which are punishable by imprisonment in the penitentiary under Alaska law and which involve conduct contrary to justice, honesty, modesty, or good morals.

18.10.050 VOTER DISQUALIFICATION FOR UNSOUND MIND.

A person whose qualifications to vote have been questioned on the basis of being of unsound mind shall vote a questioned ballot. A person's vote shall not count if the person has been judicially determined to be of unsound mind unless the disability has been removed.

CHAPTER 18.15: CANDIDATES

Section:

- 18.15.010 Candidate qualifications.
- 18.15.020 Nominations of candidates; mayor, council.
- 18.15.030 Nominations of candidates; procedure.
- 18.15.040 Nominations; notice of vacancies in office.
- 18.15.050 Nominations; conflict of interest statement and campaign disclosure.
- 18.15.060 Corrections, amendments, and withdrawal of declarations of candidacy.

18.15.010 CANDIDATE QUALIFICATIONS.

(A) Any person is eligible for city office if the person is a qualified voter of the city and meets state and city requirements for the office.

(1) Candidates for council seats shall reside in the city and meet the requirements of WMC 2.04.

(2) Candidates shall provide proof that they are eligible, or shall be eligible by the date of the election, to be recognized as a candidate for any election.

18.15.020 NOMINATIONS OF CANDIDATES; MAYOR, COUNCIL.

(A) *Nominations by petition.* Nominations for elective office shall be made by petition of ten registered voters qualified to vote in city elections. Each sponsor signing a petition shall state on the petition the sponsor's residence address.

(B) *Requirements for petition.* The nominating petition shall state in substance:

- (1) The full name of the candidate;
- (2) The full residence and mailing address of the candidate;
- (3) The day and evening telephone numbers of the candidate;
- (4) The office for which the candidate is nominated;
- (5) That the candidate is a qualified voter;
- (6) That the candidate is a resident of the city of Wasilla;
- (7) That the sponsors are qualified voters of the city;
- (8) That the sponsors request that the candidate's name be placed on the ballot;
- (9) The name of the candidate as the candidate wishes it to appear on the ballot;
- (10) That the candidate meets, or shall meet, as required by law, the specific requirements of the office the candidate is seeking;
- (11) The date of the election at which the candidate seeks election;
- (12) A notarized statement signed by the proposed candidate accepting the nomination and a statement that the proposed candidate shall serve if elected;

(13) A certification by the candidate that the information in the nominating petition is true and accurate.

18.15.030 NOMINATIONS OF CANDIDATES; PROCEDURE.

(A) Packets containing nominating petitions shall be available from the clerk's office on the day the filing period opens; the packets shall remain available throughout the filing period. Nominating petitions shall be completed and filed with the clerk no earlier than 8 a.m., 64 calendar days before a regular election and no later than 5 p.m., 53 calendar days before a regular election; and no earlier than 8 a.m., 50 calendar days before a special election and no later than 5 p.m., 39 calendar days before a special election. Nominating petitions shall be submitted in original form and shall not be submitted by facsimile. All 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 nominating petition from the clerk for the specific seat, which they are seeking. If the person chooses to run for a different seat, a nominating petition for that seat shall be filed with the clerk's office. A nominating petition for a particular seat may not be substituted for another office or seat.

(C) Within four business days after filing a nominating petition the clerk shall notify the candidate named in the nominating petition as to whether it is in proper form. If not, the clerk shall immediately return the nominating petition to the candidate, with a statement certifying how the nominating petition is deficient.

18.15.040 NOMINATIONS; NOTICE OF VACANCIES IN OFFICE.

At least three calendar days before nominations are open for each regular or special election, the clerk shall publish in one or more newspapers of general circulation in the city a notice of offices to be filled at the election and the manner of making nominations.

18.15.050 NOMINATIONS; CONFLICT OF INTEREST STATEMENT AND CAMPAIGN DISCLOSURE.

(A) Candidates for elective city office shall file an Alaska Public Offices Commission Conflict of Interest Statement with the clerk in accordance with A.S. 39.50 at the time of:

(1) Filing a nominating petition. The clerk shall place the name of the candidate on the ballot only after the candidate has complied with this requirement.

(2) Declaring their candidacy as a write-in candidate.

(B) Each candidate for an elective office shall file the name and address of the candidate's campaign treasurer with the Alaska Public Offices Commission no later than seven calendar days after the date of filing a nominating petition or declaring their candidacy.

18.15.060 CORRECTIONS, AMENDMENTS, AND WITHDRAWAL OF DECLARATIONS OF CANDIDACY.

(A) A candidate may withdraw from nomination at any time during the period of filing a nominating petition by written notice to the clerk. After the filing period has closed, no nominating petition may be corrected, amended, or withdrawn.

(B) If a candidate desires to run for a different office or seat, the candidate shall request a new nominating petition form from the clerk and meet the requirements of WMC 18.15.030.

CHAPTER 18.20: ELECTION ORGANIZATION

Section:

- 18.20.010 Time of election
- 18.20.020 Notice of election
- 18.20.030 Election officials
- 18.20.040 Ballots; form
- 18.20.050 Ballots; distribution
- 18.20.060 Election materials

18.20.070 Reporting voting information to the state

18.20.080 Expenses

18.20.010 TIME OF ELECTION.

(A) Regular elections shall be held at the times specified by the laws of the state of Alaska or by the council. The council by ordinance or resolution may call special elections at any time in accordance with the notice provisions of this title.

(B) The polls in each voting precinct shall be open from 7 a.m. until 8 p.m. on all election days for the purpose of voting.

18.20.020 NOTICE OF ELECTION.

(A) *Notice of voter registration.* The clerk shall publish a notice of voter registration prior to the publication of the notice of election. The notice of voter registration shall include the qualifications required of voters, and the manner, time and place of registration.

(B) *Notice, publication, and posting.* The clerk shall publish a notice of each election at least twice in one or more newspapers of general circulation in the city. The clerk shall also post the notice in city hall. The first such publication, and the posting shall be accomplished at least 30 calendar days before a regular election, 20 calendar days before a special election, and ten calendar days before a run-off election. Each notice of election, shall include:

- (1) The type of election: regular, special, or run-off;
- (2) The date of election;
- (3) The hours the polling places shall be open;
- (4) The offices to which candidates are to be elected and the subjects of propositions and questions to be voted upon;
- (5) The locations of the polling places;
- (6) Instructions for absentee voting; and
- (7) Notification that anyone needing special assistance in casting their vote due to a disability or bilingual need, shall contact the

clerk for assistance at least 24 hours before the time of casting their ballot.

(C) *Notice of bonded indebtedness.* Before a general obligation bond issue election, the clerk shall publish notice of the city's total existing bonded indebtedness at least once a week for three weeks. The notice of the city's total existing bonded indebtedness shall state:

(1) The current total general obligation bonded indebtedness, including authorized but unsold bonds, of the city;

(2) The cost of the debt service on the current indebtedness; and

(3) The total assessed valuation within the city.

18.20.030 ELECTION OFFICIALS.

(A) *Appointment, number.* Before each election, the clerk shall recommend to the council for approval at least three election officials in each precinct to constitute the election board for that precinct. One election official in each precinct shall be designated chairperson and shall be primarily responsible for administering the election in that precinct. If no chairperson is appointed for the precinct or the chairperson is unable to fulfill the chairperson's duties, the other election officials shall perform the chairperson's duties. After council approval, the clerk may make necessary adjustments to the election boards as required to conduct a properly held election.

(B) *Qualifications.* Each election official shall be a registered qualified voter of the precinct for which the election official is appointed, unless no voter is willing to serve. There shall be no inquiry into an election official's political party as a prerequisite to service. Candidates or members of the candidate's immediate family may not serve as election officials for an election in which the candidate has filed a nominating petition. Unless excused by the clerk, all election officials shall attend training sessions offered by the clerk or borough clerk.

(C) *Oath.* The election official designated as chairperson shall appear before the clerk and take the oath required of all public officers by the Alaska State Constitution, then shall administer the same oath to the other election officials in the precinct. The borough clerk is authorized to administer the oath to election officials shared by the city and borough, on behalf of the city.

(D) *Failure to serve.* If any election official fails or refuses to attend and serve, the election chairperson of the precinct, clerk or borough clerk shall appoint a person eligible under this section to serve in place of the absent election official.

18.20.040 BALLOTS; FORM.

(A) The 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.

(B) The clerk shall determine the size of the ballot, the type of print, necessary additional instruction notes to voters, and other similar matters of form not provided by law. The ballots shall be numbered in series to ensure simplicity and secrecy and to prevent fraud.

(C) The names of the candidates shall be printed as they appear upon the nominating petition filed with the clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of the proper name of the candidate. The names of candidates shall be arranged alphabetically.

(D) Below the printed names of candidates appearing on the ballot, shall be blank lines equal in number to the seats to be filled for the office, upon which the voter may write the names of persons not listed on the ballot.

18.20.050 BALLOTS; DISTRIBUTION.

(A) The clerk shall have ballots printed for each election and in the clerk's possession at least seven calendar days before the election, however, sample and absentee ballots shall be in the clerk's possession 16 calendar days before a regular or special election and nine days before a run-off election. At that time any candidate or the candidate's authorized agent may inspect the ballots, and any mistake discovered shall be immediately corrected.

(B) Sufficient ballots shall be delivered to each election board prior to or on the date of the election before the opening of the polls. The ballots shall be delivered in separate containers, with the number and type of ballots enclosed in each container clearly marked on the outside. A receipt for each container, including the number and type of ballots delivered and the date of delivery shall be taken from the election board to which it is delivered, and preserved by the clerk.

(C) No ballots shall be taken from the polling place before the closing of the polls, unless the clerk for good cause directs that the ballots be removed. A record shall be kept by the election officials of the ballots removed from a polling place.

18.20.060 ELECTION MATERIALS.

(A) The clerk shall equip each precinct polling place with sufficient materials and supplies needed for the election.

(B) The clerk shall prepare 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.

(C) The clerk shall have sample ballots identical in form to the ballots to be used in the election, printed on colored paper and marked "sample."

(D) The clerk shall provide booths and ballot boxes at each polling place, with appropriate supplies and conveniences to enable each voter to mark the ballot screened from observation. At least three 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.

(E) The clerk may make arrangements with the borough clerk or the state of Alaska for the use of voting machines and other equipment and supplies relating to voting.

18.20.070 REPORTING VOTING INFORMATION TO THE STATE.

Within 60 calendar days after each election held in the city, the clerk shall send to the Alaska State Division of Elections the official precinct registers, questioned voter registers, and absentee and personal representative voting lists containing the names, residence addresses, and voter identification of all persons who voted in that election.

18.20.080 EXPENSES.

The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, and any wages due election officials; however, all expenses of making a recount shall be apportioned pursuant to WMC 18.45.060.

CHAPTER 18.25: ABSENTEE VOTING

Section:

- 18.25.010 Absentee voting; eligible persons; liberal construction
- 18.25.020 Absentee voting; by mail
- 18.25.030 Absentee voting; in-person voting
- 18.25.040 Absentee voting; by personal representative

18.25.010 ABSENTEE VOTING; ELIGIBLE PERSONS; LIBERAL CONSTRUCTION.

(A) Any registered and qualified voter may cast an absentee ballot if the voter expects to be absent from the voter's election precinct, whether inside the city or not, or shall be unable to vote in the precinct by reason of physical disability on the day of any election.

(B) The provisions of this chapter effectuating the constitutional guarantee to absentee voting shall be liberally construed.

18.25.020 ABSENTEE VOTING; BY MAIL.

(A) A registered voter may apply to the clerk for an absentee ballot to be mailed to them not earlier than the first of the year in which the election is to be held, nor less than five calendar days before an election. A request may be accepted by facsimile.

(B) All applications for an absentee ballot by mail shall be in writing either on a form provided by the clerk's office or in a letter containing the following information:

- (1) The applicant's place of residence;
- (2) The address the applicant desires the absentee ballot to be mailed;
- (3) The applicant's signature;
- (4) A voter identifier such as voter number, a social security number, or date of birth; and
- (5) A statement by the voter requesting an absentee ballot for that election.

(C) Upon timely receipt of an application for absentee ballot by mail, the clerk shall deliver to the applicant, at the mailing address given in the application, an official ballot for the election.

(D) At any time on or before the day of the election, any voter receiving an absentee ballot by mail may vote the ballot. The voted ballot shall then be placed in a return envelope and the voter shall sign the

certification on the return envelope and have it witnessed in the presence of an authorized official such as:

(1) A notary public; U.S. postmaster or authorized postal clerk; commissioned military officer; judge; justice; magistrate; clerk of the court; a duly appointed voter registrar, or election official as defined in WMC 18.05.010(A); or

(2) If an authorized official is not reasonably accessible, two witnesses who are at least 18 years of age may witness the voter's signature.

(E) After witnessing the absentee voter's signature, the official or witness shall return the voted ballot to the voter who shall mail or otherwise deliver the ballot to the clerk. The voted absentee ballot shall be received by mail as defined in WMC 18.35.090(A) or returned to an election official no later than 8 p.m. on election day. Upon receipt of the voted absentee ballots, the clerk shall retain the voted ballots and deliver them to the canvass board for canvassing.

(F) Prior to the election, the clerk shall give to the election board in each precinct a list of voters from the precinct that have been issued absentee ballots. If a voter who was issued an absentee ballot by mail returns to the voter's precinct on election day, the voter may not vote a regular ballot at the polling place unless the voter first surrenders to the election board the absentee ballot issued to the voter. An absentee voter may vote a questioned ballot if they do not have the absentee ballot to surrender. Surrendered absentee ballots collected by the election board shall be returned to the clerk.

18.25.030 ABSENTEE VOTING; IN-PERSON VOTING.

(A) Absentee voting in person before an absentee voting official, including the clerk, shall not begin prior to 15 calendar days before a regular or special election or eight calendar days before a run-off election. The absentee voter may appear before the absentee voting official and

there cast the voter's ballot. The voter shall mark the ballot in secret and place the ballot in a ballot envelope. The voted ballot shall then be placed in a return envelope and the voter shall sign the certification on the return envelope and have it witnessed by the absentee voting official. The voted absentee ballot shall remain in the clerk's custody and shall be delivered to the clerk. Upon receipt of the voted absentee ballots, the clerk shall retain the voted ballots and deliver them to the canvass board for canvassing.

(B) Prior to the election, the clerk shall give to the election board in each precinct a list of voters from the precinct who have been issued absentee ballots. If a voter who voted an absentee ballot in person returns to the voter's precinct on election day, the voter may not vote a regular ballot but may vote a questioned ballot.

18.25.040 ABSENTEE VOTING; BY PERSONAL REPRESENTATIVE.

(A) A registered voter may apply for an absentee ballot by personal representative, through any person other than a candidate for office at that election, an immediate family member of the candidate for office in that election, the voter's employer, agent of the employer, or officer or agent of the voter's union, to:

(1) The clerk's office on or after the 15th calendar day before a regular or special election or on or after the eighth calendar day before a run-off election up to and including the day before the election; or

(2) An election board member on election day in the precinct in which the voter is entitled to vote.

(B) A request for an absentee ballot by personal representative shall be on a form provided by the election official or by a written statement stating that the applicant is unable to go to the polling place because of a physical disability. The request shall be signed by:

(1) A licensed physician; or

(2) Two registered qualified voters.

(C) Upon timely receipt of an application for absentee ballot by personal representative, the election official shall deliver to the personal representative an absentee ballot for the election.

(D) 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 prepare the ballot by following the instructions provided. The voter shall sign the certification on the return envelope in the presence of the personal representative who shall sign as witness and then date the signature. The personal representative shall deliver the absentee ballot by personal representative to the election official who provided the ballot no later than 8 p.m. on election day. An absentee ballot by personal representative that is not returned to an election official by the close of business on election day may not be counted.

(E) If the personal representative does not request an absentee ballot until the day of the election, an election official shall issue both the written application form for voting by personal representative and the absentee ballot at the same time and shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested.

(F) Upon return of the completed absentee ballot and the written application for voting by personal representative, an election official shall immediately check the material to ensure all requirements have been met, and if not, shall immediately contact the personal representative or voter to inform the person of the deficiencies so the requirements may be met.

(G) The absentee ballots by personal representative shall remain in the election official's custody and shall be delivered to the clerk. Upon receipt of the voted personal representative ballots, the clerk shall retain the voted ballots and deliver them to the canvass board for canvassing.

CHAPTER 18.30: VOTING PROCEDURE

Section:

- 18.30.010 Prohibition of political discussion by election official
- 18.30.020 Prohibition of political persuasion near polls
- 18.30.030 Poll watchers
- 18.30.040 Ballot box security
- 18.30.050 Keeping of register
- 18.30.060 Voting ballots
- 18.30.070 Questioned ballots; issuance
- 18.30.080 Ballots damaged by voters
- 18.30.090 Assistance to voters by election official
- 18.30.100 Closing of polls
- 18.30.110 Forms completion; unused ballots
- 18.30.120 Opening ballot box
- 18.30.130 Ballot container delivery

18.30.010 PROHIBITION OF POLITICAL DISCUSSION BY ELECTION OFFICIAL.

During the hours that the polls are open, no election official may discuss any political party, candidate or issue while on duty.

18.30.020 PROHIBITION OF POLITICAL PERSUASION NEAR POLLS.

(A) During the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance of the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question, nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. For the purposes of this section, the entrance to a polling place is the entrance to the building. The election board shall post warning notices in the form and manner prescribed by the clerk.

(B) Any literature that a candidate, group or person intends to distribute at a polling place or within 200 feet of any entrance of a polling

place shall have the literature reviewed and approved for distribution by the clerk 30 calendar days prior to a regular or special election.

18.30.030 POLL WATCHERS.

(A) Each candidate, or organized group that sponsors or opposes an issue, may designate one person at a time to be a poll watcher in the each precinct.

(B) A person wishing to serve as a poll watcher shall request authorization from the clerk. The authorization must include:

- (1) The name of the person to act as a poll watcher;
- (2) The name of the candidate, group, or organization the poll watcher is representing;
- (3) The date of the election; and
- (4) The precinct the poll watcher wishes to observe.

(C) The poll watcher must present authorization as defined in subsection (B) above to the election official upon request. The poll watcher will be provided an area to view all actions of the election board. Without the proper authorization, the election official is empowered to ask a poll watcher to leave the polling place.

(D) Persons observing may:

- (1) Observe the conduct of the election; and
- (2) Check the polling booths after each voter to make sure campaign materials have not been left in the booth.

(E) Persons observing may not:

- (1) Have any duties in the conduct of the election;
- (2) Be allowed to touch any of the election materials; or
- (3) Interfere or disturb the orderly conduct of the election.

18.30.040 BALLOT BOX SECURITY.

Before receiving any ballots, the election board shall, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box shall be

sealed with a security device. The box shall not be opened again, and shall not be removed from the polling place, nor from the presence of persons assembled at the polling place, until after the polls have finally closed.

18.30.050 KEEPING OF REGISTER.

The election board shall keep a register in which each voter's signature, residence and mailing address shall be entered before the voter receives a ballot. The signing of the register shall constitute an oath that the voter is qualified to vote.

18.30.060 VOTING BALLOTS.

The voter shall be given one ballot for candidates and propositions, that the voter qualifies for, and shall retire alone to a voting booth. There, the voter without undue delay shall prepare the ballot by following the instructions provided at the polling place. After voting, the voter shall deliver the ballot to one of the election officials, who shall determine if the ballot bears the same number as the ballot given to the voter.

18.30.070 QUESTIONED BALLOTS; ISSUANCE.

(A) If a voter's polling place is in question, the voter shall vote a questioned ballot after complying with subsection (C).

(B) Every election official shall question a person attempting to vote if the election official has good reason to suspect that the questioned person is not qualified to vote in the election. Any voter registered in the state of Alaska may also question a person attempting to vote if the registered voter has good reason to suspect that the questioned person is not qualified to vote in the election. All questions regarding a person's qualification to vote shall be made in writing, setting out the reason that the person has been questioned. The questions shall be delivered, as ballots are delivered, to the election chairperson. The written questions shall be delivered to the clerk's office for review by the canvass board.

(C) The questioned person, before voting, shall subscribe to an oath or affirmation on a form provided by the election official attesting to the fact the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. After the questioned person has executed the oath of affirmation, the person may vote. If the questioned person refuses to execute the oath or affirmation, the person may not vote.

(D) A voter who casts a questioned ballot shall vote the ballot in the same manner as prescribed for poll voters. After voting, the questioned voter shall deliver the ballot to the election official. The ballot shall be placed in a questioned ballot envelope, sealed, and deposited in the ballot box.

18.30.080 BALLOTS DAMAGED BY VOTER.

If a voter mutilates, improperly marks, spoils or otherwise damages the voter's ballot, the voter may request and the election official shall provide another ballot upon the voter returning the damaged ballot to the election official, with a maximum of three ballots of each type. The election official shall record the number of the improperly marked or damaged ballot without examining it and give the damaged ballot back to the voter who shall destroy and discard it immediately in the presence of an election official.

18.30.090 ASSISTANCE TO VOTERS BY ELECTION OFFICIAL.

Non-English speaking voters, voters who are blind, physically impaired, or otherwise incapable of marking a ballot, may bring a person, or if necessary two persons, of their choice with them to the poll, or before an absentee voting official, to assist the voters in casting their ballots. The persons assisting the voter may not be a candidate for office in that election, an immediate family member of the candidate for office in that election, the voter's employer, agent of the employer, or officer or agent of the voter's union. If a person, other than an election board member or

absentee voting official is to provide assistance, the person must take an oath before an election board member not to divulge how the voter cast the ballot.

18.30.100 CLOSING OF POLLS.

Fifteen minutes before the closing of the polls, an election official shall proclaim to any persons present the time remaining before the polls close. When the polls are closed, that fact shall be similarly proclaimed. No ballots shall be received after the polls are closed except those of qualified voters already present at the polls and waiting to vote when the polls are closed.

18.30.110 FORMS COMPLETION; UNUSED BALLOTS.

(A) The serial numbers of the ballots not voted, the total number of the ballots not voted, and all ballots mutilated or spoiled by voters shall be recorded by an election official. The top portions of all unvoted ballots, including the ballot stubs and one half of the ballot, shall be returned to the clerk. The record of ballots not voted, and the ballots mutilated or spoiled by voters, shall be delivered by an election official to the clerk.

(B) All supplies, completed forms, and other papers shall be delivered to the clerk.

18.30.120 OPENING BALLOT BOX.

(A) After destroying the unvoted ballots, an election official shall, in full view of any person assembled at the polling place, break the security device and open the ballot box and shall segregate the questioned ballots, the absentee ballots, and the personal representative ballots from the regular ballots voted at the election.

(B) Each segregated group of ballots shall be compared with the register or form appropriate to that group to ensure that the correct number of ballots is in each group.

(C) Each segregated group of ballots shall be placed in a ballot container and sealed. The container shall bear the date of the election, the type of ballots and the precinct name and number.

18.30.130 BALLOT CONTAINER DELIVERY.

Two election officials from the precinct shall act as a delivery team and shall deliver the sealed ballot containers to the counting center unless otherwise directed by the clerk. If the precinct is a hand-counted precinct, the election board shall tally the votes, pursuant to WMC 18.35.010, shall seal the ballots in ballot containers, and shall, within 24 hours, deliver the ballot containers to the clerk.

CHAPTER 18.35: BALLOT COUNTING

Section:

- 18.35.010 Counting ballots; general
- 18.35.020 Write-in votes.
- 18.35.030 Punch-card ballot boards and teams
- 18.35.040 Counting; use of computers
- 18.35.050 Punch-card Counting; tests and security
- 18.35.060 Punch-card Ballot counting
- 18.35.070 Preserving and destroying ballots
- 18.35.080 Certificate of election
- 18.35.090 Counting absentee ballots
- 18.35.100 Counting questioned ballots; uncounted ballots
- 18.35.110 Counting and canvass of returns, certificate of election
- 18.35.120 Determination of tie votes

18.35.010 COUNTING BALLOTS; GENERAL.

(A) The election board shall count the votes according to A.S. Title 15.

(B) If a voter marks more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from

the ballot the voter's preference regarding a ballot question or office to be filled, that portion of the ballot shall not be counted. No ballot shall be rejected if the official counting the ballot can determine from an inspection of the ballot the voter's position on a ballot question or which candidate on the ballot for whom the voter intended to vote.

(C) At no time during the tallying of votes may anyone but an election official handle the ballots. The ballots shall not be marked in any way by anyone during the tallying, except that the candidates, propositions, and questions that are unclear as to the voter's intent shall be marked "no count" by the election board or the data processing review board and those votes not included in the total number of votes.

(D) Ballots not counted due to error or objection shall be marked "no count" on the ballot envelope. An explanation of the defect or objection shall be written on the ballot envelope and signed by the election official. All uncanceled ballots shall be enclosed in a container and marked on the outside with a description of its contents.

18.35.020 WRITE-IN VOTES.

(A) In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and, in addition, mark the square opposite the candidate's name. Stickers may not be used on ballots.

(B) Write-in votes shall be tallied only if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.

18.35.030 PUNCH-CARD BALLOT BOARDS AND TEAMS.

(A) *Receiving team.* The clerk shall appoint as many receiving teams as needed or use the same receiving teams designated by the borough clerk. Each receiving team shall consist of at least three members. Receiving teams shall receive the ballot containers from the precinct delivery teams, log information regarding the receipt in a

receiving team log, inspect the seal on the ballot containers, complete a delivery receipt and copy the delivery team with the receipt, and deliver the ballot containers to a control board.

(B) *Control board.* The clerk shall appoint as many control boards as needed or use the same control boards designated by the borough clerk. Each control board shall consist of at least three members. The control boards shall deliver the questioned, absentee and personal representative ballot containers to the clerk. The control board shall break the seal on the ballot container with the regular ballots. The board shall review the ballots for damage, write-in votes, loose debris, or other irregularities and deliver the reviewed ballots to the data processing review board.

(C) *Counting team.* The clerk shall appoint as many counting teams as needed or use the same counting teams designated by the borough clerk. Each counting team shall consist of at least four members. The counting team shall count punch-card ballots which are non-processable or have write-in candidates, with one member reading, one checking and two counting. The counting teams shall also hand tally sample races as a test of the accuracy of the computer ballots.

(D) *Data processing review board.* The clerk shall appoint a data processing review board or use the same counting teams designated by the borough clerk. The data processing review board shall consist of at least three members. The data processing review board shall ensure that all punch-card ballots are completely and accurately counted.

18.35.040 COUNTING; USE OF COMPUTERS.

The clerk shall designate the computers to be used in the counting of the ballots or use the same computers designated by the borough clerk. The clerk may negotiate and contract with the state or a private computer service for the needed computer services or use the same contract as designated by the borough clerk.

18.35.050 PUNCH-CARD COUNTING; TESTS AND SECURITY.

No later than one week before the election, the computer vote-counting program shall be tested in the presence of, and to the satisfaction of, the data processing review board. A test of the computer vote counting program shall be tested approximately one hour before the polls close on election day.

18.35.060 PUNCH-CARD BALLOT COUNTING.

(A) Upon receipt of the ballots, the data processing review board shall begin immediately to tally and process the ballots. Once tallied, the ballots for each precinct shall be placed in sealed containers with the initials of the data processing review board across the seal. The container shall be marked with the date of the election, the precinct, and a statement that "official ballots" are enclosed. The containers containing all precinct ballots shall then be delivered by the data processing review board to the clerk.

(B) Counting teams shall, pursuant to WMC 18.35.030(C), count ballots which cannot be counted by the data processing review board.

18.35.070 PRESERVING AND DESTROYING BALLOTS.

The clerk shall deliver all ballot containers to a secure storage area. The clerk shall keep the ballot containers unopened for one year from the date of the election, unless a contest is filed. Upon the expiration of the year, the clerk shall shred, recycle, or otherwise completely destroy the ballots upon direction by the council, and make and keep a written affidavit that the ballots have been destroyed. In cases where the election is contested, the ballot containers shall be retained unopened, unless needed as evidence in the contest, until one year after the final resolution of the contest at which time the clerk shall destroy the ballots as provided by this section upon direction by the council.

18.35.080 CERTIFICATE OF ELECTION.

When all the votes have been counted, the election board shall draw a certificate of election, stating the number of votes each candidate received for each office. Each election official shall sign the certificate. The certificate and counting material shall be delivered to the clerk.

18.35.090 COUNTING ABSENTEE BALLOTS.

(A) To be counted in the election, an absentee ballot shall be postmarked on or before election day and be received by the clerk no later than the third calendar day following the election. The clerk shall give the canvass board a list of voters who have been issued absentee ballots. Absentee ballot envelopes received after the canvass board has completed absentee ballot counting shall not be opened, but shall be marked "invalid" with the date of receipt noted on the ballot envelope. The envelopes shall be retained with the other election records and destroyed with them as provided by WMC 18.35.070.

(B) The canvass board who shall determine whether the absentee voter is qualified to vote at the election and whether the ballot has been properly cast shall examine absentee ballot envelopes. If the voter is qualified and the ballot has been properly cast, the return envelope shall be opened and the ballot envelope shall be mixed with the other ballot envelopes. The ballots shall be counted according to the rules for determining properly marked ballots.

(C) If the voter is not qualified or the ballot has not been properly cast, the clerk shall notify the absentee voter, in writing, of the reason the ballot was not counted. The rejected ballot shall be placed in a container which shall be labeled "rejected ballots" and shall be preserved with other voted ballots.

18.35.100 COUNTING QUESTIONED BALLOTS; UNCOUNTED BALLOTS.

(A) A canvass board by majority vote may refuse to accept the question and count the ballot of a person properly questioned.

(B) If the question is refused and the ballot is accepted, the large envelope shall be opened and the ballot envelope shall be mixed with other ballot envelopes for counting. The mixed ballot envelopes shall be counted according to the rules for determining properly marked ballots.

(C) If the question is accepted and the ballot is refused, the clerk shall notify the questioned voter, in writing, of the reason the ballot was not counted. The rejected ballots shall be placed in a container which shall be labeled "rejected ballots" and shall be preserved with other voted ballots.

18.35.110 COUNTING AND CANVASS OF RETURNS, CERTIFICATE OF ELECTION.

(A) Not later than the Monday following each election, a canvass board consisting of at least three election officials shall meet and tally absentee and questioned ballots and shall sign a certification of the results of the count. The canvass board shall:

(1) In full view of those present, judge the validity of absentee and questioned ballots, open and tally accepted ballots, and compile the total votes cast in the election;

(2) Review the tallies of the ballot vote counted by the precinct election boards to check for mathematical error by comparing totals with the precinct's certificate of results;

(3) Correct all obvious errors found by the election canvass in the transfer of totals from the precinct tally sheets to the precinct certificate of results;

(4) Recommend a recount of the results of the precinct for that portion of the returns where a mistake has been made which can not be corrected under paragraph (3); and

(5) Report any irregularities in the election or discrepancies in the count of the ballots in its report to the council.

(B) After receiving the canvass board report and as soon as practicable after the counting of the ballots, but not later than the second Monday after the election, the council shall meet in public session and examine all election returns. The examination may be postponed for cause from day to day, but there shall be no more than three postponements.

(C) If the canvass board reports irregularities in the election, the council shall determine whether the irregularities are so serious as to deny a meaningful vote of the citizens of the city. If the canvass board reports a discrepancy in the count of the ballots, the council may order a recount of the votes in the affected precincts. The council may order an investigation of any irregularities or discrepancies. The council may exclude votes cast or declare the entire election invalid if necessary to assure a fair election. If the council concludes that the election is not valid, it shall order another election. The election shall be conducted promptly as a special election and according to procedures established by the council.

(D) Unless the council orders an investigation or unless a contest has been previously filed pursuant to WMC 18.40.020, the council shall declare the election valid and certify the election results. The council shall certify results not in question immediately and shall complete investigation or contest procedures as soon as practicable to assure prompt certification.

(E) To certify the election results the council shall enter the determination in the minutes along with the following information:

(1) The total number of poll, absentee, questioned, and personal representative ballots cast in the election;

(2) The offices, names, and number of votes counted for each candidate at the election;

(3) The propositions voted upon at the election; and

(4) The number of votes counted for each proposition voted upon.

(F) Upon certification of the election by the council, the clerk shall deliver to each person elected to office a copy of the council's certificate of election.

18.35.110 DETERMINATION OF TIE VOTES.

(A) If two or more candidates tie in having the highest number of votes for the same office for which there is to be elected only one candidate, the clerk shall notify the candidates who are tied. The clerk shall immediately proceed with the recount of votes in the manner provided by WMC 18.45.

(B) If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the clerk shall notify the candidates who are tied. The clerk shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by coin toss if two are tied, and by lot if more than two are tied. After coin toss or lot has made the determination, the clerk shall certify the election winner.

CHAPTER 18.40: CONTEST OF ELECTION

Section:

18.40.010 Grounds for election contest

18.40.020 Contest procedure

18.40.030 Appeal or judicial review

18.40.010 GROUNDS FOR ELECTION CONTEST.

(A) A candidate or ten qualified voters may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

(1) Malconduct, fraud or corruption by an election official sufficient to change the result of the election;

(2) The person elected is not qualified under law or ordinance; or

(3) Existence of a corrupt election practice as defined by the laws of the state of Alaska sufficient to change the result of the election.

18.40.020 CONTEST PROCEDURE.

(A) Notice of contest of an election shall be submitted in writing to the clerk before 5 p.m. on the day of the certification of the election or to the council at its meeting to certify the election returns. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

The undersigned contest the regular (or special or run-off) election of the City of Wasilla held on the ___ day of _____.

The grounds for the contest are as follows:

Signature and date

(Notarization)

(B) Upon receiving a notice of contest, the council shall order an investigation be conducted by the clerk and city attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.

(C) If the contest involves the eligibility of voters, the council shall direct the clerk to recheck the most current state registration lists. After considering the reports of the investigating officials and any other proof, the council shall determine whether any illegally cast votes could

have affected the election results. If they could not have, the council may declare the election valid and certify the results.

(D) If the contest involves other prohibited election practices which are shown to have taken place, the council in certifying the election returns shall exclude the vote of the precincts where the practices occurred. If it is determined that the exclusion could not affect the election results, the council shall declare the election valid and certify the results.

(E) The contestants shall pay all costs and expenses incurred in a recount of an election as provided by WMC 18.45.060.

18.40.030 APPEAL OR JUDICIAL REVIEW.

A person qualified to file an election contest pursuant to WMC 18.40.010 may not appeal or seek judicial review of an election for any cause or reason unless the person is qualified to vote in the city; has exhausted all administrative remedies before the council; and has commenced within ten calendar days after the council has finally certified the election results, an action in the superior court, Third Judicial District. If an action under this section is not commenced within the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

CHAPTER 18.45: ELECTION RECOUNT

Section:

- 18.45.010 Recount application.
- 18.45.020 Form of application.
- 18.45.030 Date of recount--notice.
- 18.45.040 Procedure for recount.
- 18.45.050 Certification of recount result.
- 18.45.060 Return of deposit and apportionment of expenses upon recount.
- 18.45.070 Appeal.

18.45.010 RECOUNT APPLICATION.

(A) A defeated candidate or ten qualified voters may file an application with the clerk for a recount of the votes from any particular precinct, or for any particular office, proposition or question by filing the application with the clerk before 5 p.m. on the day of the certification of the election results or by delivering the application for recount to the council at its meeting to certify the election returns. The date on which the clerk receives an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under this subsection.

(B) If two or more candidates tie in having the highest number of votes for the same office, to which only one candidate is to be elected, the clerk shall initiate a recount.

18.45.020 FORM OF APPLICATION.

(A) A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular precinct, office, proposition or question for which the recount is to be held, and shall state that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two persons who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by ten qualified voters shall also include the designation of one of the number as contact person. The candidate or persons making the application shall sign the application and shall print their full name and mailing address.

(B) The application shall include a deposit in cash, or by certified check. The amount of the deposit shall be \$100 for each precinct.

18.45.030 DATE OF RECOUNT -- NOTICE.

(A) If the clerk determines that the application is substantially in the required form, the clerk shall fix the date of the recount to be held within seven calendar days after the receipt of an application requesting a recount of the votes in the election after it has been initiated.

(B) The clerk shall give the recount applicant and other directly interested parties notice of the time and place of the recount by certified mail, telegraph, facsimile, or by telephone.

18.45.040 PROCEDURE FOR RECOUNT.

(A) If a recount of ballots is demanded, the clerk shall have the canvass board perform the recount.

(B) In conducting the recount, the canvass board shall review all ballots to determine which ballots, or parts of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate, and the review. The canvass board shall check the number of ballots and questioned ballots cast in a precinct against the registers and shall check absentee ballots voted against absentee ballots distributed. For administrative purposes, the clerk may join and include two or more applications in a single review and count of votes. The rules in WMC 18.35 governing the counting of hand-marked ballots shall be followed in the recount.

(C) The ballots and other election materials shall remain in the custody of the clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within ten calendar days. The clerk may employ additional personnel necessary to assist in the recount.

18.45.050 CERTIFICATION OF RECOUNT RESULT.

Upon completing the recount, the canvass board shall meet and adopt a report of the results of the recount for submission to the council. The council shall issue a certificate of the election.

18.45.060 RETURN OF DEPOSIT AND APPORTIONMENT OF EXPENSES UPON RECOUNT.

(A) If, upon recount, a different candidate or position on a proposition is certified, or if the difference between the winning and losing vote on the result contested is two percent or less, the entire deposit shall be refunded to the recount applicant.

(B) If none of the requirements of this section are met, the clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If the deposit posted is insufficient to cover the costs of the recount, the city may recover the excess costs from the contestant. If voters obtain the recount, each of them shall be individually liable for the whole amount of the expenses.

18.45.070 APPEAL.

A candidate or person requesting a recount who is aggrieved by the result of a recount or decision not to grant a recount may appeal the recount to the superior court, Third Judicial District. The appeal shall be filed within ten calendar days of council action certifying the election. Upon order of the court, the clerk shall furnish the record of the recount, including all ballots, registers, and other election material and papers pertaining to the recount. The court sitting without a jury shall hear the appeal. The issues on appeal shall include whether the clerk has properly determined what ballots, parts of ballots, or marks for candidates on ballots, are valid, and to which candidate or division on the proposition the vote should be attributed. If an action under this section is not commenced within the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

Section 4. Repeal of chapter. Title 4, Elections, is hereby repealed in its entirety:

[TITLE 4
ELECTIONS

CHAPTERS:

- 4.04 GENERAL PROVISIONS
- 4.06 VOTER QUALIFICATIONS
- 4.08 ELECTION ORGANIZATION
- 4.10 CANDIDATES
- 4.12 VOTING PROCEDURE
- 4.14 ABSENTEE VOTING
- 4.16 BALLOT COUNTING & CANVASSING

CHAPTER 4.04
GENERAL PROVISIONS

SECTION:

- 4.04.010 DEFINITIONS
- 4.04.020 INCORPORATION OF STATE AND FEDERAL LAWS
- 4.04.030 ADMINISTRATION OF ELECTION
- 4.04.040 REGULAR ELECTION
- 4.04.050 SPECIAL ELECTION
- 4.04.060 RUNOFF ELECTION - MAYOR'S OFFICE
- 4.04.065 SIMPLE MAJORITY - COUNCIL SEATS
- 4.04.070 INITIATIVE, REFERENDUM AND RECALL
- 4.04.080 SALE OF LIQUOR - ELECTION DAY
- 4.04.010 DEFINITIONS. IN THIS TITLE, UNLESS THE CONTEXT

OTHERWISE REQUIRES:

- A. "CITY" MEANS THE CITY OF WASILLA.
- B. "CLERK" MEANS THE CITY CLERK OR ANY PROPERLY AUTHORIZED ASSISTANT TO THE CITY CLERK.
- C. "DAYS" INCLUDE SUNDAYS AND HOLIDAYS.

D. "ELECTION" INCLUDES ANY REGULAR OR SPECIAL CITY ELECTION.

E. "ELECTION OFFICIAL" MEANS THE CITY CLERK, ELECTION JUDGES, AND ELECTION CLERKS.

F. "MAJORITY VOTE" MEANS MORE THAN HALF OF THE VOTES CAST.

G. "OATH" INCLUDES AFFIRMATION.

1. "PRECINCT" MEANS THE TERRITORY WITHIN WHICH RESIDENT VOTERS MAY CAST VOTES AT ONE POLLING PLACE.

H. "PROPOSITION" MEANS ANY INITIATIVE, REFERENDUM OR CHARTER AMENDMENT SUBMITTED TO THE PUBLIC AT AN ELECTION.

I. "QUALIFIED VOTER" MEANS ANY VOTER WHO HAS THE QUALIFICATIONS REQUIRED BY THIS CHAPTER AND IS NOT DISQUALIFIED UNDER ARTICLE V OF THE CONSTITUTION OF THE STATE OF ALASKA.

J. "QUESTION" MEANS ANY ISSUE PLACED ON THE BALLOT TO DETERMINE WHETHER A CITY DEBT SHALL BE CONTRACTED OR WHETHER A CITY OFFICIAL SHALL BE RECALLED.

K. "REGULAR ELECTION" MEANS A GENERAL ELECTION TO FILL CITY OFFICES AS REQUIRED BY ALASKA STATUTES.

L. "REGISTRATION" OR "REGISTERED" REFERS TO THE FORM OF REGISTRATION REQUIRED BY THE STATE ELECTION CODE.

M. "SIGNATURE" OR "SUBSCRIPTION" INCLUDES A MARK INTENDED AS A SIGNATURE OR SUBSCRIPTION.

N. "SPECIAL ELECTION" MEANS ANY ELECTION HELD AT A TIME OTHER THAN WHEN A REGULAR ELECTION IS HELD.

O. "SWEAR" INCLUDES "AFFIRM".

P. "VOTER" MEANS ANY PERSON WHO PRESENTS HIMSELF/HERSELF FOR THE PURPOSE OF REGISTERING TO VOTE OR VOTING, EITHER IN PERSON OR BY ABSENTEE APPLICATION.

Q. "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). (ORD. 87-32 §3 1987; ORD. 89-19 §3 1989; ORD. 96-14 §3 1996)

4.04.020 INCORPORATION OF STATE AND FEDERAL LAWS. ALL PROVISIONS OF THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF ALASKA, AND THE LAWS ENACTED PURSUANT TO SAID CONSTITUTIONS AFFECTING CITY ELECTIONS ARE INCORPORATED IN THIS CHAPTER AS IF FULLY SET OUT HEREIN. (ORD. 87-32 §3 1987)

4.04.030 ADMINISTRATION OF ELECTION.

A. THE COUNCIL SHALL PRESCRIBE THE GENERAL RULES FOR CONDUCTING MUNICIPAL ELECTIONS AND APPOINT AT LEAST THREE (3) JUDGES FOR EACH POLLING PLACE. THE CITY CLERK OR HIS/HER DESIGNEE WILL PERFORM THE DUTIES NECESSARY FOR THE ADMINISTRATION OF MUNICIPAL ELECTIONS. THE ELECTION DUTIES OF THE CITY CLERK INCLUDE, BUT ARE NOT LIMITED TO, OBTAINING FROM THE STATE OF ALASKA PRECINCT LISTS OF VOTERS REGISTERED PURSUANT TO AS 15.07.040. THE CLERK MAY PUBLISH NOTICES URGING VOTER REGISTRATION AND

MAY COOPERATE WITH THE STATE OF ALASKA IN ENCOURAGING CITY RESIDENTS TO REGISTER.

B. ALL ELECTIONS FOR CITY OFFICES SHALL BE NONPARTISAN. THE COUNCIL SHALL PROVIDE BY ORDINANCE FOR:

1. THE FILING OF CANDIDATES FOR ELECTIVE CITY OFFICES;
2. THE PRINTING AND CUSTODY OF BALLOTS;
3. THE CONDUCT OF CITY ELECTIONS;
4. THE COUNTING AND CANVASSING OF BALLOTS CAST;
5. THE DECLARATIONS OF RESULTS OF ELECTIONS; AND,
6. ALL OTHER MATTERS NECESSARY FOR HOLDING OF CITY ELECTIONS. (ORD. 87-32 §3 1987)

4.04.040 REGULAR ELECTION.

A. THE DATE OF THE REGULAR ELECTION SHALL BE ANNUALLY ON THE FIRST TUESDAY OF OCTOBER.

B. THE COUNCIL MAY PROVIDE FOR DIFFERENT DATES OF ELECTION BY ORDINANCE. (ORD. 87-32 §3 1987)

4.04.050 SPECIAL ELECTION - TIME. IF THE CITY COUNCIL REQUIRES A SPECIAL ELECTION, THE SPECIAL ELECTION SHALL BE CALLED AT LEAST NINETY (90) DAYS PRECEDING THE ELECTION ORDER. THE SPECIAL ELECTION SHALL SEEK THE ELECTOR'S VOTE ON QUESTIONS REQUIRED BY THE CITY COUNCIL. (ORD. 87-32 §3 1987; ORD. 90-40 §5 1990; ORD. 96-14 §3 1996)

4.04.060 RUN-OFF ELECTIONS - MAYOR'S OFFICE.

A. THE CITY CLERK SHALL CALL A RUNOFF ELECTION IF NO CANDIDATE RECEIVES OVER 40 PERCENT (40%) OF THE VOTES CAST FOR THE OFFICE OF MAYOR.

B. THE RUNOFF ELECTION SHALL BE HELD WITHIN FOUR (4) WEEKS FROM THE DATE OF CERTIFICATION OF THE ELECTION. THIS ELECTION SHALL BE HELD BETWEEN THE TWO (2)

CANDIDATES WHO RECEIVED THE MAJORITY OF VOTES IN THE REGULAR ELECTION BUT DID NOT RECEIVE THE REQUIRED PERCENTAGE OF VOTES. THE CANDIDATE RECEIVING THE MAJORITY OF VOTES IN THE RUNOFF ELECTION SHALL BE DECLARED WINNER.

C. IN AN EVENT OF A TIE VOTE, THE COUNCIL SHALL IN ITS INITIAL MEETING CALL THE CANDIDATES RECEIVING TIE VOTES AND HAVE THE CANDIDATES DRAW LOTS TO DETERMINE THE WINNER OF THE MAYOR'S SEAT. THE COUNCIL MAY DETERMINE WHAT TYPE OF LOTS CAN BE USED TO BREAK A TIE.

D. NOTICE OF RUNOFF ELECTION DATES SHALL BE PUBLISHED AND POSTED IN THREE (3) PUBLIC PLACES NO LESS THAN FIVE (5) DAYS BEFORE THE DATE OF ELECTION. (ORD. 87-32 §3 1987; ORD. 90-40 §5 1990)

4.04.065 SIMPLE MAJORITY - COUNCIL SEATS; PROHIBITION ON RUN-OFF ELECTIONS.

A. ALL CITY COUNCIL SEATS WILL BE FILLED BY THE CANDIDATE RECEIVING THE GREATEST NUMBER OF VOTES. THERE WILL BE NO RUN-OFF ELECTIONS IF CANDIDATES FAIL TO OBTAIN FORTY PERCENT (40%) OF THE VOTE AS PROVIDED BY A.S. 29.26.060.

B. IN AN EVENT OF A TIE VOTE, THE COUNCIL SHALL IN ITS INITIAL MEETING CALL THE CANDIDATES RECEIVING TIE VOTES AND HAVE THE CANDIDATES DRAW LOTS TO DETERMINE THE WINNER OF THE COUNCIL SEAT. THE COUNCIL MAY DETERMINE WHAT TYPE OF LOTS CAN BE USED TO BREAK A TIE. (ORD. 90-40 §4 1990)

4.04.070 INITIATIVE, REFERENDUM AND RECALL.

A. THE POWERS OF INITIATIVE AND REFERENDUM RESERVED BY THE STATE CONSTITUTION TO THE PEOPLE OF THE

STATE ARE ALSO RESERVED TO THE PEOPLE OF THE CITY OF WASILLA AS PROVIDED BY LAW.

B. ANY ELECTED PUBLIC OFFICIAL OF THE CITY MAY BE RECALLED AS PROVIDED BY LAW.

C. THE VOTER RESIDENTS OF THE MUNICIPALITY MAY DIRECTLY ENACT, REPEAL OR AMEND ORDINANCES OR OTHER SUBJECT MATTER PERTAINING TO THE MUNICIPALITY. THIS MAY BE EXERCISED ONLY AS PRESCRIBED BY ALASKA STATUTES 29.26.100 - 29.26.190. (ORD. 87-32 §3 1987)

4.04.080 SALE OF LIQUOR - ELECTION DAY. IT IS LAWFUL FOR LICENSED PREMISES WITHIN THE CITY OF WASILLA TO GIVE, BARTER, SELL OR DISPOSE OF INTOXICATING LIQUOR ON ELECTION DAY. (ORD. 87-32 §3 1987)

CHAPTER 4.06

VOTER QUALIFICATIONS

SECTIONS:

4.06.010 VOTER QUALIFICATIONS

4.06.020 RULES FOR DETERMINING - RESIDENCE

4.06.030 VOTER DISQUALIFICATION FOR FELONY
CONVICTION

4.06.040 VOTER DISQUALIFICATION FOR UNSOUND MIND

4.06.010 VOTER QUALIFICATIONS.

A. A PERSON MAY VOTE IN A CITY ELECTION WHO:

1. IS QUALIFIED TO VOTE IN STATE ELECTIONS UNDER AS 15.05.010; AND
2. HAS BEEN A RESIDENT OF THE CITY OF WASILLA AT LEAST THIRTY (30) DAYS IMMEDIATELY PRECEDING THE CITY ELECTION; AND
3. MUST NOT BE DISQUALIFIED UNDER ARTICLE V OF THE STATE CONSTITUTION; AND

4. IS REGISTERED TO VOTE IN STATE ELECTIONS AT A RESIDENCE ADDRESS WITHIN THE CITY OF WASILLA AT LEAST THIRTY (30) DAYS BEFORE THE CITY ELECTION AT WHICH THE PERSON SEEKS TO VOTE. (ORD. 87-32 §3 1987; ORD. 89-19 §3 1989)

4.06.020 RULES FOR DETERMINING - RESIDENCE. FOR THE PURPOSE OF DETERMINING RESIDENCE FOR VOTING THE PLACE OF RESIDENCE IS GOVERNED BY THE RULES SET FORTH IN AS 15.05.020. (ORD. 87-32 §3 1987)

4.06.030 VOTER DISQUALIFICATION FOR FELONY CONVICTION. NO PERSON MAY VOTE WHO HAS BEEN CONVICTED EITHER BY STATE COURTS OF ALASKA, BY THE COURTS OF ANOTHER STATE OR BY THE FEDERAL COURTS OF A FELONY UNDER ALASKA, OTHER STATE OR FEDERAL LAW INVOLVING MORAL TURPITUDE UNDER ALASKA LAW UNLESS HIS CIVIL RIGHTS HAVE BEEN RESTORED BY LAW OR BY PROPER AUTHORITY IN THE JURISDICTION IN WHICH THE PERSON WAS CONVICTED. FELONIES INVOLVING MORAL TURPITUDE INCLUDE, BUT ARE NOT LIMITED TO, THE CRIMES OF MURDER, RAPE, ROBBERY, KIDNAPPING, BURGLARY OR INCEST. (ORD. 87-32 §3 1987)

4.06.040 VOTER DISQUALIFICATION FOR UNSOUND MIND. NO PERSON MAY VOTE WHO HAS BEEN JUDICIALLY DETERMINED TO BE OF UNSOUND MIND UNLESS THE DISABILITY HAS BEEN REMOVED. (ORD. 87-32 §3 1987)

CHAPTER 4.08

ELECTION ORGANIZATION

SECTIONS:

4.08.010 TIME OF ELECTION

4.08.020 NOTICE OF ELECTION

4.08.030 PRECINCT ELECTION OFFICIALS

4.08.040 BALLOTS - FORMS

4.08.050 BALLOTS - DISTRIBUTION

4.08.060 ELECTION MATERIALS

4.08.070 PRESERVATION OF BALLOTS, ELECTION MATERIALS

4.08.010 TIME OF ELECTION.

A. THERE SHALL BE HELD ON THE FIRST TUESDAY OF OCTOBER EACH YEAR IN THE CITY OF WASILLA, ALASKA, A REGULAR ELECTION FOR THE PURPOSE OF ELECTING COUNCIL MEMBERS AND TO DECIDE ON SUCH OTHER QUESTIONS OR PROPOSITIONS AS MAY REQUIRE A VOTE OF THE PEOPLE AND ARE PLACED UPON THE BALLOT FOR THE REGULAR ELECTION.

B. IF THE CITY COUNCIL REQUIRES A SPECIAL ELECTION, THE SPECIAL ELECTION SHALL BE CALLED AT LEAST NINETY (90) DAYS PRECEDING THE ELECTION ORDER. THE SPECIAL ELECTION SHALL SEEK THE ELECTOR'S VOTE ON QUESTIONS REQUIRED BY THE CITY COUNCIL. (ORD. 87-32 §3 1987; ORD. 90-40 §5 1990; ORD. 96-14 §3 1996)

4.08.020 NOTICE OF ELECTION.

A. THE CLERK SHALL PUBLISH A NOTICE OF EACH ELECTION AT LEAST TWICE IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN THE CITY OF WASILLA. THE CLERK ALSO SHALL POST SUCH A NOTICE IN TWO OR MORE CONSPICUOUS PLACES IN EACH PRECINCT. THE FIRST SUCH PUBLICATION, AND THE POSTING IN EACH PRECINCT, SHALL BE ACCOMPLISHED AT LEAST THIRTY (30) DAYS BEFORE THE ELECTION OR TWENTY (20) DAYS PRIOR TO A SPECIAL ELECTION OR FIVE (5) DAYS PRIOR TO A RUNOFF ELECTION.

B. EACH NOTICE OF ELECTION SHALL INCLUDE:

1. THE TYPE OF ELECTION, REGULAR, SPECIAL OR RUNOFF;
2. THE DATE OF ELECTION;
3. THE HOURS THE POLLING PLACES WILL BE OPEN;

4. THE OFFICES TO WHICH CANDIDATES ARE TO BE ELECTED;
5. THE SUBJECTS OR PROPOSITIONS AND QUESTIONS TO BE VOTED UPON;
6. THE QUALIFICATIONS REQUIRED OF VOTERS, AND THE MANNER, TIME AND PLACE OF REGISTRATION; AND
7. THE PRECINCTS, BY NUMBER, ILLUSTRATED BY A MAP, AND THE LOCATION OF PRECINCT POLLING PLACES. (ORD. 87-32 §3 1987)

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 CHAIRPERSON. THE JUDGES SHALL BE PAID FOR THEIR SERVICES IN ACCORDANCE WITH A.S. 15.15.380. 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.

C. FILLING VACANCIES IN PRECINCT ELECTION BOARDS - IF AN APPOINTED JUDGE OR CLERK FAILS TO APPEAR AND SUBSCRIBE TO THE OATH ON ELECTION DAY OR BECOMES INCAPACITATED DURING THE TIME OF THE ELECTION OR CANVASS, THE ELECTION BOARD MEMBERS PRESENT SHALL ELECT, BY A

MAJORITY VOICE VOTE, A QUALIFIED VOTER TO FILL THE VACANCY.

D. ELECTION OFFICIALS, OATH - THE CITY CLERK WILL CHOOSE AN ELECTION JUDGE FROM EACH PRECINCT TO APPEAR BEFORE THE CITY CLERK AND TAKE THE OATH SET FORTH IN THIS SECTION. THIS ELECTION OFFICIAL WILL, IN TURN, ADMINISTER THE SAME OATH TO ALL OTHER ELECTION JUDGES AND CLERKS IN HIS PRECINCT. THE OATH ADMINISTERED WILL BE AS FOLLOWS: "I DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL HONESTLY AND FAITHFULLY PERFORM THE DUTIES OF ELECTION JUDGE (OR CLERK) ACCORDING TO LAW. WILL ENDEAVOR TO PREVENT FRAUD, DECEIT OR ABUSE IN CONDUCTING THE ELECTION. ALL OF THIS I WILL PERFORM TO THE BEST OF MY ABILITY. SO HELP ME GOD."

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. (ORD. 87-32 §3 1987; ORD. 93-01 §3 1993; ORD. 96-14 §3 1996)

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:

1. THE CITY CLERK SHALL DETERMINE THE SIZE OF THE BALLOT, THE TYPE OF PRINT, NECESSARY ADDITIONAL INSTRUCTION NOTES TO VOTERS, AND OTHER SIMILAR MATTERS OF FORM NOT PROVIDED BY LAW.
2. THE CITY CLERK SHALL NUMBER BALLOTS IN SERIES TO ASSURE SIMPLICITY AND SECRECY AND TO PREVENT FRAUD.
3. THE CITY CLERK MAY NOT INCLUDE ON THE BALLOT AS A PART OF A CANDIDATE'S NAME, ANY HONORARY OR ASSUMED TITLE OR PREFIX BUT MAY INCLUDE IN THE CANDIDATE'S NAME ANY NICKNAME OR FAMILIAR FORM OF A PROPER NAME OF THE CANDIDATE. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

4.08.050 BALLOTS - DISTRIBUTION. AFTER PRINTING, THE BALLOTS MAY BE INSPECTED BY ANY CANDIDATE OR HIS AUTHORIZED AGENT, AND ANY MISTAKE DISCOVERED SHALL BE IMMEDIATELY CORRECTED. SUFFICIENT BALLOTS SHALL BE DELIVERED TO EACH ELECTION BOARD PRIOR TO OR ON THE DATE OF THE ELECTION BEFORE THE OPENING OF THE POLLS. THE BALLOTS SHALL BE DELIVERED IN SEPARATE, SEALED PACKAGES, WITH THE NUMBER OF BALLOTS ENCLOSED IN EACH PACKAGE CLEARLY MARKED ON THE OUTSIDE OF IT. A RECEIPT FOR EACH PACKAGE SHALL BE TAKEN FROM THE ELECTION BOARD TO WHICH IT IS DELIVERED, AND PRESERVED BY THE CLERK. NO BALLOTS SHALL BE TAKEN FROM THE POLLING PLACE BEFORE THE CLOSING OF THE POLLS. (ORD. 87-32 §3 1987)

4.08.060 ELECTION MATERIALS.

A. THE CLERK SHALL EQUIP EACH PRECINCT POLLING PLACE WITH SUFFICIENT MATERIALS AND SUPPLIES NEEDED FOR THE ELECTION, INCLUDING ALL NECESSARY REGISTRATION MATERIALS BEFORE THE OPENING OF THE POLLS.

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. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

4.08.070 PRESERVATION OF BALLOTS, ELECTION MATERIALS. THE CLERK SHALL PRESERVE ALL PRECINCT CERTIFICATE OF RETURNS, TALLY CERTIFICATES AND REGISTERS, ALL VOTED BALLOTS AND DECLARATIONS OF CANDIDACY FILED FOR ONE YEAR AFTER THE ELECTION. THESE MATERIALS MAY BE DESTROYED AFTER THEIR RETENTION PERIOD HAS LAPSED UNLESS AN APPLICATION FOR A RECOUNT HAS BEEN FILED AND NOT COMPLETED OR UNLESS THEIR DESTRUCTION IS STAYED BY AN ORDER OF THE COURT. CANVASS BOARD CERTIFICATES OF

ELECTION RETURNS ARE TO BE PRESERVED AS PERMANENT RECORDS. (ORD. 87-32 §3 1987)

CHAPTER 4.10

CANDIDATES

SECTIONS:

4.10.010 NOMINATING PETITIONS - FORM & FILING

4.10.020 NOMINATING PETITIONS - TIME FOR FILING

4.10.030 NOMINATING PETITIONS - CONFLICT OF INTEREST

4.10.040 NOMINATING PETITIONS - CORRECTIONS,
AMENDMENTS AND WITHDRAWAL

4.10.050 DUAL OFFICE PROHIBITION

4.10.010 NOMINATING PETITION - FORM & FILING.
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. (ORD. 87-32 §3 1987)

4.10.020 NOMINATING PETITION - TIME FOR FILING.

A. NOMINATING PETITIONS MUST BE COMPLETED AND FILED WITH THE CLERK NOT EARLIER THAN 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. 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. NOMINATING PETITIONS SHALL BE SUBMITTED IN ORIGINAL FORM AND SHALL NOT BE SUBMITTED BY FACSIMILE. ALL 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 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 COUNCIL SEAT CHANGE AUTHORIZATION FORM FOR THAT SEAT SHALL BE FILED WITH THE CLERK'S OFFICE.

C. 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. (ORD. 87-32 §3 1987; ORD. 90-40 §5 1990; ORD. 96-14 §3 1996)

4.10.030 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 FOR ANY OFFICE. (ORD. 96-14 §3 1996)

4.10.040 NOMINATING PETITIONS - CORRECTIONS, AMENDMENTS AND WITHDRAWAL. A CANDIDATE MAY WITHDRAW HIS/HER NOMINATING PETITION AT ANY TIME DURING THE PERIOD OF FILING BY WRITTEN NOTICE TO THE CLERK. AFTER THE FILING PERIOD HAS CLOSED, NO NOMINATING PETITION MAY BE CORRECTED, OR AMENDED. (ORD. 96-14 §3 1996)

4.10.050 DUAL OFFICE PROHIBITION. PER A.S. 29.26.020 A PERSON MAY BE NOMINATED FOR 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. (ORD. 90-31 §3 1990; ORD. 96-14 §3 1996)

CHAPTER 4.12
VOTING PROCEDURES

SECTIONS:

4.12.010 TIME FOR OPENING AND CLOSING POLLS

4.12.020 VOTING PROCEDURE

4.12.030 PUNCH CARD VOTING - AUTHORIZED

4.12.040 POLL WATCHERS

4.12.010 TIME FOR OPENING AND CLOSING POLLS. THE HOURS OF VOTING SHALL COMMENCE AT 7:00 A.M. AND CONTINUE UNTIL 8:00 P.M. ON THE SAME DAY. THE RESULTS OF THE ELECTION SHALL BE MADE KNOWN TO THE PUBLIC BY MEANS OF NOTICES POSTED IN AT LEAST THREE (3) PUBLIC PLACES. THE NOTICE SHALL BE CERTIFIED BY THE CLERK AS A TRUE COPY. (ORD. 87-32 §3 1987)

4.12.020 VOTING PROCEDURE.

A. BEFORE RECEIVING ANY BALLOTS, THE ELECTION BOARD MUST, IN THE PRESENCE OF ANY PERSONS ASSEMBLED AT THE POLLING PLACE, EXHIBIT THE BALLOT BOX TO BE USED AT THE POLLING PLACE. THEREAFTER THE BOX SHALL NOT BE OPENED AGAIN UNTIL THE POLLS FINALLY CLOSE, AND SHALL NOT BE REMOVED FROM THE POLLING PLACE, NOR FROM THE PRESENCE OF PERSONS ASSEMBLED AT THE POLLING PLACE, UNTIL ALL BALLOTS HAVE BEEN COUNTED OR READIED BY THE JUDGES FOR TRANSPORT TO A COUNTING CENTER.

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.

E. FIFTEEN (15) MINUTES BEFORE THE CLOSING OF THE POLLS, AN ELECTION JUDGE SHALL PROCLAIM TO ANY PERSONS PRESENT THE TIME REMAINING BEFORE THE POLLS CLOSE. WHEN THE POLLS ARE CLOSED, THAT FACT SHALL BE SIMILARLY PROCLAIMED, AND THEREAFTER NO BALLOTS SHALL BE RECEIVED EXCEPT THOSE OF QUALIFIED VOTERS ALREADY PRESENT AT THE POLLS AND WAITING TO VOTE WHEN POLLS ARE CLOSED. (ORD. 87-32 §3 1987; ORD. 93-01 §3 1993; ORD. 96-14 §3 1996)

4.12.030 PUNCH CARD VOTING - AUTHORIZED.

A. PUNCH CARD VOTING MAY BE USED IN ADDITION TO OR INSTEAD OF PAPER BALLOTS IN ANY ELECTION. THE LAWS OF THE STATE OF ALASKA CONCERNING VOTING MACHINES IN LOCAL ELECTIONS ARE INCORPORATED IN THIS CHAPTER AS IF FULLY SET OUT HEREIN. ALL NECESSARY SUPPLIES FOR THE ASSISTANCE OF VOTERS SUCH AS SAMPLE BALLOTS SHALL BE PROVIDED IN THE SAME MANNER AS WHERE PAPER BALLOTS ARE USED.

B. IN REGULAR ELECTIONS WHERE THE MATANUSKA-SUSITNA BOROUGH COUNTING CENTER IS TO BE USED, THE PRECINCT CHAIRPERSONS 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 ALL CITY PRECINCTS. THE CLERK SHALL ADMINISTER THE OATH PRESCRIBED FOR ELECTION JUDGES TO EACH OF THE COUNTING

BOARD MEMBERS. (ORD. 87-32 §3 1987; ORD. 89-19 §3 1989; ORD. 96-14 §3 1996)

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 CHAIRPERSON, 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 CHAIRPERSON IS EMPOWERED TO ASK ANY POLL WATCHER NOT FOLLOWING THESE RULES TO LEAVE. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

CHAPTER 4.14 ABSENTEE VOTING

SECTIONS:

- 4.14.010 ELIGIBLE PERSONS - LIBERAL CONSTRUCTION
- 4.14.020 APPLICATION PROCEDURE
- 4.14.030 DELIVERY PROCEDURE
- 4.14.040 FORM, COMPLETION AND RETURN

4.14.050 CASTING BALLOT

4.14.060 QUESTIONED ABSENTEE BALLOT

4.14.070 ABSENTEE VOTING BY PERSONAL REPRESENTATIVE

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. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

4.14.020 APPLICATION PROCEDURE.

A. A REGISTERED VOTER MAY APPLY FOR AN ABSENTEE BALLOT IN ONE OF FOUR WAYS:

1. BY MAIL OR FACSIMILE DURING ANY CALENDAR YEAR BEFORE AN ELECTION NOT LESS THAN FOUR CALENDAR DAYS BEFORE THE ELECTION;

2. IN PERSON ON OR AFTER THE 15TH CALENDAR DAY BEFORE A REGULAR OR SPECIAL ELECTION UP TO AND INCLUDING THE DAY BEFORE THE ELECTION;

3. BY PERSONAL REPRESENTATIVE, THROUGH ANY PERSON OTHER THAN A CANDIDATE FOR OFFICE AT THAT ELECTION, TO:

A. THE CLERK'S OFFICE ON OR AFTER THE 15TH CALENDAR DAY BEFORE A REGULAR OR SPECIAL ELECTION UP TO AND INCLUDING THE DAY BEFORE THE ELECTION; OR

B. AN ELECTION OFFICIAL ON ELECTION DAY IN THE PRECINCT IN WHICH THE VOTER IS ENTITLED TO VOTE;

4. BY HAVING THE APPLICATION DELIVERED BY ANOTHER REGISTERED VOTER.

B. THE APPLICATION SHALL SHOW THE APPLICANT'S PLACE OF RESIDENCE, CLEARLY INDICATE THE APPLICANT'S RIGHT TO AN ABSENTEE BALLOT, AND BE SIGNED BY THE APPLICANT. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

4.14.030 DELIVERY PROCEDURE.

A. WHEN THE CLERK RECEIVES AN APPLICATION FOR AN ABSENTEE BALLOT WITHIN THE TIMES GIVEN ABOVE, HE/SHE SHALL FILE IT. AFTER BALLOTS ARE PRINTED THE CLERK SHALL ASCERTAIN THAT THE APPLICANT IS A QUALIFIED VOTER AND EITHER PERSONALLY DELIVER THE OFFICIAL BALLOT, BALLOT ENVELOPE AND RETURN ENVELOPE OR MAIL BY CERTIFIED MAIL TO THE MAILING ADDRESS GIVEN IN THE APPLICATION. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

4.14.040 FORM, COMPLETION & RETURN.

A. THE BALLOT ENVELOPE AND RETURN ENVELOPE SHALL BE OF HEAVY PAPER THAT CANNOT BE SEEN THROUGH. THE BALLOT ENVELOPE SHALL BE MARKED BALLOT ENVELOPE. THE RETURN ENVELOPE SHALL HAVE THE FOLLOWING PRINTED UPON IT:

CITY OF WASILLA

STATE OF ALASKA

UNITED STATES OF AMERICA

I, _____ DEPOSES AND SAYS: I AM A RESIDENT OF AND A VOTER IN PRECINCT NO. _____ IN THE CITY OF WASILLA, IN THE STATE OF ALASKA, AND I HEREBY ENCLOSE MY BALLOT IN COMPLIANCE WITH THE ELECTION CODE OF SAID CITY.

(SIGNATURE OF VOTER)

(RESIDENT ADDRESS)

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. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

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. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

4.14.060 QUESTIONED ABSENTEE BALLOTS. IN THE CASE OF A QUESTIONED ABSENTEE BALLOT, REJECTED BY THE CANVASS BOARD, THE ABSENTEE BALLOT REJECTED BY THE CANVASS BOARD SHALL BE RETURNED TO THE VOTER BY THE CITY CLERK WITH THE REASONS FOR ITS NOT BEING USED. ALL VOTES ARE FINAL WHETHER THEY ARE QUESTIONED OR VALID. (ORD. 87-32 §3 1987)

4.14.070 ABSENTEE VOTING BY PERSONAL REPRESENTATIVE.

A. A QUALIFIED VOTER WHO IS PHYSICALLY DISABLED MAY APPLY FOR AN ABSENTEE BALLOT THROUGH A PERSONAL REPRESENTATIVE TO THE CITY CLERK ON OR AFTER THE FIFTEENTH (15) DAY BEFORE AN ELECTION UP TO AND INCLUDING THE DAY OF THE ELECTION.

B. UPON RECEIPT OF A WRITTEN APPLICATION BY PERSONAL REPRESENTATIVE, THE ELECTION OFFICIAL AUTHORIZED TO ISSUE THE ABSENTEE BALLOT SHALL PROVIDE THE BALLOT AND OTHER ABSENTEE VOTING MATERIAL TO THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF PHYSICAL DISABILITY.

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 TO 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 THAN 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.

D. THE CLERK SHALL KEEP RECORD OF THE NAME AND SIGNED SIGNATURE OF EACH PERSONAL REPRESENTATIVE REQUESTING AN ABSENTEE BALLOT AND THE NAME OF THE PERSON ON WHOSE BEHALF THE BALLOT IS REQUESTED. THE CLERK SHALL RECORD THE DATE AND TIME THE ABSENTEE BALLOT IS PROVIDED AND THE TIME THE BALLOT IS RETURNED TO THE CLERK'S OFFICE.

E. A CANDIDATE FOR OFFICE AT THAT ELECTION MAY NOT ACT AS A PERSONAL REPRESENTATIVE. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

CHAPTER 4.16

BALLOT COUNTING AND CANVASS

SECTIONS:

4.16.010 BALLOT COUNTING

4.16.020 CANVASS BOARD APPOINTMENT

4.16.030 CANVASS BOARD MEETING

4.16.040 TALLY TO BE MADE PUBLIC

4.16.050 TALLY OF ABSENTEE & QUESTIONED BALLOTS

4.16.060 CANVASS BOARD REPORT

4.16.070 ELECTION RESULTS CERTIFICATION

4.16.080 ELECTION RECOUNTS

4.16.090 CONTEST OF ELECTION

4.16.010 BALLOT COUNTING. THE ELECTION BOARD SHALL COUNT THE VOTES ACCORDING TO THE RULES SET FORTH IN ALASKA STATUTES TITLE 15. (ORD. 87-32 §3 1987)

4.16.020 CANVASS BOARD APPOINTMENT. THE COUNCIL SHALL APPOINT A CANVASS BOARD CONSISTING OF A MINIMUM OF

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. (ORD. 87-32 §3 1987; ORD. 96-14 §3 1996)

4.16.030 CANVASS BOARD MEETING. THE CANVASS BOARD WILL MEET ON THE FIRST FRIDAY AFTER THE ELECTION FOR WHICH THEY ARE APPOINTED AND TALLY ALL ABSENTEE AND QUESTIONED BALLOTS EXECUTED IN THE ELECTION. THE CANVASS MAY BE POSTPONED FROM DAY TO DAY FOR CAUSE NOT EXCEEDING THREE (3) DAYS IN TOTAL. BETWEEN THE ELECTION AND THE CANVASS BOARD MEETING AT LEAST TWO (2) MEMBERS OR THE ENTIRE BOARD MAY MEET IN WORK SESSION TO GATHER INFORMATION ON QUESTIONED VOTERS. SUCH WORK SESSIONS MUST BE OPEN TO THE PUBLIC. (ORD. 87-32 §3 1987)

4.16.040 TALLY TO BE MADE PUBLIC. THE TALLY OF ALL ABSENTEE AND QUESTIONED BALLOTS WILL BE MADE PUBLIC BY OPENING THE RETURNS, AND ANNOUNCING THE RESULTS THEREOF IN FRONT OF WHOMEVER MAY BE PRESENT. (ORD. 87-32 §3 1987)

4.16.050 TALLY OF ABSENTEE AND QUESTIONS BALLOTS. NOT LATER THAN THE FRIDAY FOLLOWING EACH ELECTION THE CANVASSING BOARD SHALL MEET AND TALLY AS PROVIDED IN SECTION 4.16.010, ABSENTEE AND QUESTION BALLOTS AND SHALL SIGN A CERTIFICATION OF THE RESULTS OF THE COUNT. THE CANVASS BOARD MAY REQUEST THE ASSISTANCE OF THE CITY CLERK, CITY ATTORNEY OR THE MAYOR TO INVESTIGATE THE QUESTIONED BALLOTS. ANY CITY ELECTOR MAY APPEAR TO GIVE TESTIMONY CONCERNING THE QUESTIONED BALLOTS. THE

CANVASS BOARD MAY, BY A MAJORITY VOTE OF THOSE PRESENT, VALIDATE OR INVALIDATE A QUESTIONED OR ABSENTEE BALLOT. IF A QUESTIONED OR QUESTIONED ABSENTEE BALLOT IS ULTIMATELY VALIDATED, THE BALLOT WILL BE COUNTED. THE CITY CLERK WILL NOTIFY A VOTER WHOSE BALLOT IS INVALIDATED THAT THE BALLOT WAS NOT COUNTED. (ORD. 87-32 §3 1987)

4.16.060 CANVASS BOARD REPORT.

A. THE CANVASS BOARD WILL DELIVER A REPORT OF THEIR FINDINGS TO THE CITY COUNCIL.

B. IF THE CANVASSING BOARD REPORTS IRREGULARITIES IN THE ELECTION, THE CITY COUNCIL SHALL DETERMINE WHETHER THE IRREGULARITIES ARE SO SERIOUS AS TO DENY A MEANINGFUL VOTE OF THE CITIZENS OF THE CITY OF WASILLA. IF THE CANVASSING BOARD REPORTS A DISCREPANCY IN THE COUNT OF THE BALLOTS, THE CITY COUNCIL MAY ORDER A RECOUNT OF THE VOTES IN THE AFFECTED PRECINCTS. THE CITY COUNCIL MAY ORDER AN INVESTIGATION OF ANY IRREGULARITIES OR DISCREPANCIES. THE CITY COUNCIL MAY EXCLUDE VOTES CAST OR DECLARE THE ENTIRE ELECTION INVALID IF NECESSARY TO ASSURE A FAIR ELECTION. (ORD. 87-32 §3 1987)

4.16.070 ELECTION RESULTS CERTIFICATION. UNLESS THE CITY COUNCIL ORDERS AN INVESTIGATION OR UNLESS A CONTEST HAS BEEN PREVIOUSLY FILED PURSUANT TO SECTION 4.16.090, THE CITY COUNCIL SHALL DECLARE THE ELECTION VALID AND CERTIFY THE ELECTION RESULTS ON THE FIRST MONDAY FOLLOWING THE ELECTION. THE CITY COUNCIL SHALL CERTIFY RESULTS NOT IN QUESTION IMMEDIATELY AND SHALL COMPLETE INVESTIGATION OR CONTEST PROCEDURES AS SOON AS POSSIBLE TO ASSURE PROMPT CERTIFICATION. A CERTIFICATE OF ELECTION SIGNED AND SEALED BY THE CITY CLERK SHALL BE

DELIVERED TO EACH PERSON ELECTED TO OFFICE. (ORD. 87-32 §3 1987)

4.16.080 ELECTION RECOUNTS.

A. A DEFEATED CANDIDATE OR TEN QUALIFIED VOTERS WHO BELIEVE THERE HAS BEEN A MISTAKE MADE BY AN ELECTION OFFICIAL OR BY THE CANVASSING BOARD IN COUNTING THE VOTES IN AN ELECTION MAY FILE AN APPLICATION REQUESTING A RECOUNT WITH THE CLERK NO LATER THAN 5:00 P.M. ON THE MONDAY FOLLOWING THE ELECTION.

B. THE APPLICATION SHALL SPECIFY IN SUBSTANCE THE BASIS OF THE BELIEF THAT A MISTAKE HAS BEEN MADE, THE PARTICULAR ELECTION PRECINCT OR PRECINCTS FOR WHICH THE RECOUNT IS TO BE HELD, THE PARTICULAR OFFICE, PROPOSITION OR QUESTION FOR WHICH THE RECOUNT IS TO BE HELD, AND THAT THE PERSON MAKING THE APPLICATION IS A CANDIDATE OR THAT THE TEN (10) PERSON'S MAKING THE APPLICATION ARE QUALIFIED VOTERS. THE APPLICATION FOR A RECOUNT SHALL BEAR THE NOTARIZED SIGNATURE OF THE CANDIDATE OR THE TEN (10) QUALIFIED VOTERS SEEKING THE RECOUNT.

C. UPON RECEIVING AN APPLICATION IN SUBSTANTIALLY REQUIRED FORM, THE CITY COUNCIL SHALL APPOINT A RECOUNT BOARD OF THREE (3) OR MORE ELECTION JUDGES TO, AS SOON AS POSSIBLE, CONDUCT THE RECOUNT OF BALLOTS OF THOSE PRECINCTS CITED IN THE APPLICATION FOR RECOUNT. THE RULE GOVERNING THE COUNTING OF MARKED BALLOTS BY THE ELECTION BOARD SHALL BE FOLLOWED. THOSE REQUESTING THE RECOUNT, THOSE WHOSE ELECTION IS RECOUNTED AND THE PUBLIC SHALL BE ALLOWED TO ATTEND THE RECOUNT PROCEEDING.

D. UPON COMPLETION OF THE RECOUNT, THE RECOUNT BOARD SHALL CERTIFY THE RESULTS OF THE RECOUNT TO THE CITY COUNCIL. THE COUNCIL SHALL DECLARE THE FINAL ELECTION RESULTS AND DIRECT THE CITY CLERK TO DELIVER TO EACH PERSON ELECTED TO OFFICE A CERTIFICATE OF ELECTION SIGNED BY THE CLERK AND THE MAYOR AND AUTHENTICATED BY THE SEAL OF THE CITY.

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 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.

F. A CANDIDATE OR ANY PERSON WHO REQUESTED A RECOUNT WHO HAS REASON TO BELIEVE AN ERROR HAS BEEN MADE IN THE RECOUNT INVOLVING A QUESTION, PROPOSITION, CANDIDATE OR VALIDITY OF ANY BALLOT MAY APPEAL TO THE SUPERIOR COURT WITHIN TEN (10) DAYS AFTER THE CITY COUNCIL HAS DECLARED THE ELECTION RESULTS. IF NO SUCH ACTION IS COMMENCED WITHIN THE TEN (10) DAY PERIOD, THE ELECTION AND THE ELECTION RESULTS SHALL BE CONCLUSIVE, FINAL AND VALID IN ALL RESPECTS. (ORD. 87-32 §3 1987)

4.16.090 CONTEST OF ELECTION.

A. A DEFEATED CANDIDATE OR ANY TEN (10) QUALIFIED VOTERS MAY CONTEST THE ELECTION OF ANY PERSON OR THE APPROVAL OR REJECTION OF ANY PROPOSITION UPON ONE (1) OR MORE OF THE FOLLOWING GROUNDS:

1. MALCONDUCT, FRAUD, OR CORRUPTION OF AN OFFICIAL SUFFICIENT TO CHANGE THE RESULT OF THE ELECTION;
2. DISQUALIFICATION OF THE WINNING CANDIDATE UNDER PROVISIONS OF LAW, ORDINANCE; OR
3. EXISTENCE OF A CORRUPT ELECTION PRACTICE AS DEFINED BY THE LAWS OF THE STATE SUFFICIENT TO CHANGE THE RESULTS OF THE ELECTION.

B. THE DEFEATED CANDIDATE OR ONE (1) OR MORE OF THE VOTERS INITIATING A CONTEST SHALL APPEAR BEFORE THE CANVASS BOARD AND THERE SHALL DELIVER A WRITTEN NOTICE OF CONTEST, OR SUCH WRITTEN NOTICE SHALL BE FILED WITH THE CLERK NO LATER THAN 5:00 P.M. ON THE MONDAY FOLLOWING THE ELECTION. THE NOTICE OF CONTEST SHALL SPECIFY THE ELECTION BEING CONTESTED, SHALL STATE THE GROUNDS OF THE CONTEST IN DETAIL AND SHALL BEAR THE NOTARIZED SIGNATURE OF THE CANDIDATE OR THE QUALIFIED VOTERS BRINGING THE CONTEST.

C. UPON RECEIVING A VALID NOTICE OF CONTEST, THE CITY COUNCIL SHALL ORDER SUCH INVESTIGATING ACTION AS IT DEEMS APPROPRIATE. IF THE CONTEST INVOLVES VOTER ELIGIBILITY, THE CLERK AND THE CITY ATTORNEY SHALL BE ORDERED TO INVESTIGATE THE ALLEGATIONS AND REPORT THEIR FINDINGS TO THE CITY COUNCIL. IF OTHER ILLEGAL OR IRREGULAR ELECTION PRACTICES ARE ALLEGED TO HAVE OCCURRED, THE CITY COUNCIL SHALL ORDER AN INVESTIGATION. IF THE CLERK AND THE CITY ATTORNEY ARE BOTH NAMED IN THE

CONTEST, THE COUNCIL SHALL APPOINT AN INVESTIGATING BOARD TO CONDUCT THE REQUIRED INVESTIGATION. ANY PERSON SHALL BE ALLOWED TO ATTEND ALL INVESTIGATION PROCEEDINGS.

D. AFTER CONSIDERING THE REPORTS OF THE INVESTIGATING OFFICIALS AND ANY OTHER EVIDENCE PRESENTED, THE CITY COUNCIL SHALL DETERMINE WHETHER THE GROUNDS FOR CONTEST WERE VALID AND WHETHER ANY ILLEGALLY CAST VOTES COULD HAVE AFFECTED THE ELECTION RESULTS. IF THEY COULD NOT, THE CITY COUNCIL MAY SO DECLARE AND UPHOLD THEIR PREVIOUS ACTION IN DECLARING THE ELECTION VALIDLY HELD. IF THE CONTEST INVOLVES OTHER PROHIBITED PRACTICES WHICH ARE SHOWN TO HAVE TAKEN PLACE, THE CITY COUNCIL SHALL EXCLUDE THE VOTES OF THE PRECINCTS WHERE SUCH EXCLUSION COULD NOT AFFECT THE ELECTION RESULTS, THE CITY COUNCIL SHALL DECLARE THE ELECTION VALIDLY HELD.

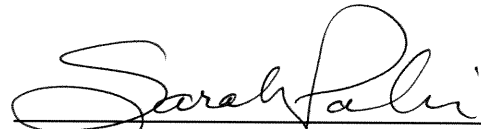
E. UNLESS THE GROUNDS FOR WHICH THE CONTEST WAS BROUGHT ARE DETERMINED TO BE VALID, THE CANDIDATE OR CONTESTANTS SHALL BE INDIVIDUALLY LIABLE FOR THE WHOLE AMOUNT OF THE EXPENSES INCURRED BY THE CITY IN IT'S INVESTIGATION AND DELIBERATION OF THE ELECTION CONTEST. ANY PERSON CONTESTING AN ELECTION AS PROVIDED HEREIN SHALL POST A CASH BOND IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) GUARANTEEING PAYMENT OF THE COST OF CONTEST AS SURETY FOR SUCH COSTS. IF THE CONTEST IS SHOWN TO BE VALID, THIS BOND SHALL BE REFUNDED IN FULL.

F. A DEFEATED CANDIDATE OR ANY TEN (10) QUALIFIED VOTERS WHO CONTESTED AN ELECTION MAY BRING AN ACTION IN THE SUPERIOR COURT WITHIN TEN (10) DAYS AFTER THE CITY

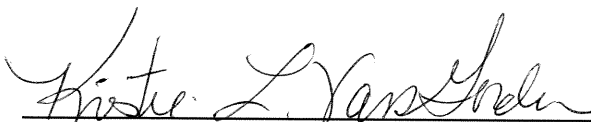
COUNCIL HAS CONCLUDED THAT SAID ELECTION WAS VALIDLY HELD AND THE RESULTS ENTERED UPON THE MINUTES. SUCH LEGAL ACTION SHALL BE UPON THE GROUNDS SET FORTH IN AS 15.20.540 FOR CONTESTING STATE ELECTIONS. THE JUDGE SHALL RENDER A DECISION AS REQUIRED BY AS 15.20.560 FOR STATE ELECTIONS. IF NO SUCH ACTION IS COMMENCED WITHIN A TEN (10) DAY PERIOD, THE ELECTION AND RESULTS SHALL BE CONCLUSIVE, FINAL AND VALID IN ALL RESPECTS. (ORD. 87-32 §3 1987)]

Section 5. Effective date. This ordinance shall take effect on the date the United States Department of Justice issues its non-objection, or the date by which the United States Department of Justice must object if no objection is issued within the objection period.

ADOPTED by the Wasilla City Council, Alaska, this 27th day of April, 1998.


SARAH PALIN, Mayor

ATTEST:



KRISTIE L. VANGORDER, CMC/AE
City Clerk

(SEAL)



U.S. Department of Justice

Civil Rights Division

EJ:GS:KIF:par
DJ 166-012-3
98-1730

Voting Section
P.O. Box 66128
Washington, DC 20035-6128

July 6, 1998

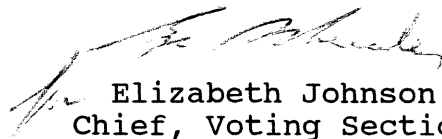
Ms. Kristie L. VanGorder
City Clerk
290 East Herning Avenue
Wasilla, Alaska 99654-7091

Dear Ms. VanGorder:

This refers to the revised election code, which amends provisions regarding definitions, voter residency guidelines, candidate qualification procedures, absentee voting, poll watchers, and special elections for the City of Wasilla in the Matanuska-Susitna Borough, Alaska, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on May 5, 1998.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,


Elizabeth Johnson
Chief, Voting Section