

**CITY OF WASILLA
ORDINANCE SERIAL NO. 99-14(SUB)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING AND ADOPTING PORTIONS OF WMC TITLE 18, ELECTIONS.

BE IT ENACTED:

* Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

* Section 2. Amendment of sections. WMC 18.05.010(A)(7), (17), (18), and (22) Definitions, are amended to read as follows:

(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.

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(17) "Regular election" means the city election held on the first Tuesday of October annually, unless a different date or interval of years is provided by ordinance.

(18) "Run-off" means any election held if no candidate receives over 40 percent of the votes cast for the office of mayor. [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.]

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(22) "Voter" means a [ANY] person who is qualified to vote under WMC 18.10.010. [PRESENTS HIMSELF OR HERSELF FOR THE PURPOSE OF REGISTERING TO VOTE OR VOTING, EITHER IN PERSON OR BY ABSENTEE APPLICATION OR BALLOT.]

* Section 3. Adoption of section. WMC 18.05.025 Powers/Duties of the Clerk, is adopted to read as follows:

18.05.025 POWERS/DUTIES OF THE CLERK.

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

* Section 4. Amendment of section. WMC 18.10.010(A) Voter Qualification, is amended to read as follows:

(A) A person who [MAY VOTE AT ANY ELECTION THAT] meets all of the following requirements **may vote at any election:**

(1) Is qualified to vote in state elections under A.S. 15.05.**010**;

(2) [IS A CITIZEN OF THE UNITED STATES;]

(3) [IS 18 YEARS OF AGE OR OLDER;]

(4) Has been a resident of the city **and the precinct in which the person seeks to vote for at least** [FOR] 30 calendar days immediately preceding the election;

(5) Is registered to vote in state elections at a residence address within the city **at least 30 calendar days before the city election at** [IN] which **the** [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, **Section 2.**

* Section 5. Amendment of section. WMC 18.10.040(B) Voter Disqualification for Felony Conviction, is amended to read as follows:

(B) Felonies involving moral turpitude include **crimes that are immoral or wrong in themselves such as** [, BUT ARE NOT LIMITED TO, THE CRIMES OF] murder, **sexual assault** [RAPE], robbery, kidnapping, burglary, incest, **arson, theft, and forgery** [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.]

* Section 6. Amendment of section. WMC 18.15.020(B) Nominations of Candidates; Mayor, Council, is amended to read as follows:

(B) *Requirements for petition.* The nominating petition shall **include** [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) **A statement t**[T]hat the sponsors are qualified voters of the city;
- (8) **A statement t**[T]hat 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.]

(14) A certification by the candidate which shall include

statements:

(a) That the candidate is a qualified voter;

(b) That the candidate is a resident of the city;

(c) That the candidate meets or shall meet, as required by law, the specific requirements of the office the candidate is seeking;

(d) That the candidate accepts the nomination and a statement that the candidate shall serve if elected;

(e) That if the candidate chooses to withdraw, the withdrawal will be submitted to the city clerk in writing and signed by the candidate by the last day of the filing period;

(f) That the information in the nominating petition is true and accurate; and

(g) The date and notarized signature of the candidate.

* Section 7. Adoption of section. WMC 18.15.035, Determination of Eligibility of Candidate, is adopted to read as follows:

18.15.035 DETERMINATION OF ELIGIBILITY OF CANDIDATE.

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

* Section 8. Repeal of subsection. WMC 18.15.050(B) Nominations; Conflict of Interest Statement and Campaign Disclosure, is repealed as follows:

(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.]

* Section 9. Amendment of section. WMC 18.15.060(A) Corrections, Amendments, and Withdrawal of Declarations of Candidacy, is amended to read as follows:

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

* Section 10. Amendment of subsection. WMC 18.20.010(A) Time of Election, amended to read as follows:

(A) Regular elections shall be held at the times specified by **WMC 18.05.030.** **Special elections may be held in accordance with WMC 18.05.040** [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.]

* Section 11. Amendment of section. WMC 18.20.020(A) and (C) Notice of Election, is amended to read as follows:

(A) *Notice of voter registration.* The clerk shall publish a notice of voter registration **60-calendar days** 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.

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(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 first notice shall be published at least 20 calendar days before the date of the election.** 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.

* Section 12. Amendment of section. WMC 18.20.050(B) Ballots; Distribution, is amended to read as follows:

(B) Sufficient ballots shall be **distributed** [DELIVERED] to each election board prior to or on the date of the election before the opening of the polls. The ballots shall be **distributed** [DELIVERED] in [SEPARATE] containers **marked**[,] with the number and type of ballots enclosed [IN EACH CONTAINER CLEARLY MARKED ON THE OUTSIDE]. A receipt for **the ballots** [EACH CONTAINER], including the number and type of ballots [DELIVERED AND THE DATE OF DELIVERY], shall be **signed and dated by an election official.** [TAKEN FROM THE ELECTION BOARD TO WHICH IT IS DELIVERED, AND PRESERVED BY THE CLERK.] **The clerk shall keep the receipt as part of the election record.**

* Section 13. Amendment of section. WMC 18.20.060(B) and (C) Election Materials, is amended to read as follows:

(B) The clerk shall **provide** [PREPARE] instructions [EXPLAINING] to voters **on** 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 **available to voters which are** identical in form to the ballots to be used in the election[,] **and which are** printed on colored paper and marked "sample."

* Section 14. Amendment of section. WMC 18.20.080 Expenses, is amended to read as follows:

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.]

* Section 15. Amendment of section. WMC 18.25.010(A) Absentee/**Early** Voting; Eligible Persons; Liberal Construction, is amended to read as follows:

(A) Any registered and qualified voter **may vote an absentee ballot at any election for any reason.** [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.]

* Section 16. Amendment of section. WMC 18.25.020 Absentee/**Early** Voting; By Mail, is amended to read as follows:

(A) A [REGISTERED] voter may apply to the clerk for an absentee ballot to be mailed to **the voter** [THEM] not earlier than the first of the year in which the election is to be held, nor less than **seven** [FIVE] calendar days before an election. A request may be **made** [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; **and**
- (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 **mail an official ballot and other absentee voting material** [DELIVER] to the applicant, at the mailing address given **on** [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] **Two** witnesses who are at least 18 years of age may witness the voter's signature **if an authorized official is not reasonably accessible.**

(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 precinct election official shall deliver the voted absentee ballots to the clerk.** T[T]he clerk shall [RETAIN THE VOTED BALLOTS AND] deliver [THEM] **the voted absentee ballots** 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 **who** [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] **If the absentee voter does** not have the absentee ballot to surrender, **the absentee voter may vote a questioned ballot.** Surrendered absentee ballots collected by the election board shall be returned to the clerk.

* Section 17. Amendment of section. WMC 18.25.030(A) Absentee Voting; In-Person Voting, is amended to read as follows:

18.25.030 ABSENTEE/EARLY VOTING; IN-PERSON VOTING.

(A) Absentee/Early voting in person **at the city or borough clerk's office** [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 an [THE] absentee voting official **provide their name, residence address and voter identifier such as a voter number, social security number, or date of birth**, 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 an [THE] absentee voting official. The **absentee voting official shall deliver the** voted absentee ballots [SHALL REMAIN IN THE CLERK'S CUSTODY AND SHALL BE DELIVERED] to the clerk. [UPON RECEIPT OF THE VOTED ABSENTEE BALLOTS, THE] **The** clerk shall [RETAIN THE VOTED BALLOTS AND] deliver **the voted absentee ballots** [THEM] to the canvass board for canvassing.

* Section 18. Amendment of section. WMC 18.25.040 Absentee Voting; By Personal Representative, is amended to read as follows:

(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 the office in that election, the voter's employer, agent of the employer, or an officer or agent of the voter's union, to:

(1) The **city or borough** 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 an election official or by written statement stating that the applicant is unable to go to the polling place because of **age, illness, or** [A] physical disability. **The voter's application must include the following** [THE REQUEST SHALL BE SIGNED BY]:

(1) [A LICENSED PHYSICIAN; OR]

(2) [TWO QUALIFIED VOTERS.]

(3) The name and full residence address of the voter;

(4) A voter identifier such as a voter number, social security number, or date of birth.

(5) The full name of the personal representative; and

(6) The voter's signature or mark.

(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,] **The** voter shall **proceed to mark the ballot in secret, and** 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] **ballot** to the **location where the ballot was obtained** [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 **the** [AN] election official by **8 p.m.** [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 election official shall deliver the voted personal representative ballots to the clerk.** T[t]he clerk shall [RETAIN THE VOTED BALLOTS AND] deliver **the voted personal representative ballots** [THEM] to the canvass board for canvassing.

* Section 19. Amendment of section. WMC 18.30.050 Keeping of Register, is amended to read as follows:

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. **A record shall be kept in the register in the space provided of the names of persons who offered to vote but who actually do not vote, and a brief statement of explanation.** The signing of the register shall constitute **a declaration** [AN OATH] that the voter is qualified to vote.

* Section 20. Repeal of section. WMC 18.30.060 Voting Ballots, is repealed as follows:

[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.]

* Section 21. Adoption of section. WMC 18.30.055 Providing Ballot to Voter, is adopted to read as follows:

18.30.055 PROVIDING BALLOT TO VOTER.

When the voter has qualified to vote, the election official shall give the voter an official ballot. The voter shall retire to a booth or private place to mark the ballot.

* Section 22. Amendment of section. WMC 18.30.070 Questioned Ballots; Issuance, is amended to read as follows:

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

(B) Every election official **and any other person qualified to vote may** [SHALL] question a person attempting to vote if the **questioner** [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 **questioned ballots and statements shall remain in the election official's custody and** [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]. **The clerk shall deliver the questioned ballots and statements to the canvass board for canvassing.**

(C) The questioned person, before voting, shall **execute a certification** [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 **certification** [OATH OF AFFIRMATION], the person may vote. If the questioned person refuses to execute the **certification** [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.]

* Section 23. Amendment of section. WMC 18.30.090 Assistance to Voters by Election Official, is amended to read as follows:

Non-English speaking voters, **and** 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 an election official is requested, the election official shall assist the voter.** 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 **official** [BOARD MEMBER] not to divulge how the voter cast the ballot.

* Section 24. Amendment of section. WMC 18.30.100 Closing of Polls, is amended to read as follows:

Fifteen minutes before **and at the time of** [THE] closing of the polls, an election official shall **announce** [PROCLAIM TO ANY PERSONS PRESENT] the time **and the**

time of closing the [REMAINING BEFORE THE] polls [CLOSE]. Every qualified voter present and in line at the time prescribed for closing the polls may vote. [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.]

* Section 25. Amendment of section. WMC 18.30.110(A) Forms Completion; Unused Ballots, is amended to read as follows:

(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 the 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 **the** [an] election official to the clerk.

* Section 26. Amendment of section. WMC 18.30.120(A) Opening Ballot Box, is amended to read as follows:

(A) After destroying the unvoted ballots, **an** [THE] election officials shall, in full view of **all** [ANY] persons assembled at the polling place, [BREAK THE SECURITY DEVICE AND] open the **secured** ballot boxes and [SHALL] segregate the questioned ballots, the absentee ballots, and the personal representative ballots from the regular ballots voted at the election.

* Section 27. Amendment of section. WMC 18.30.130 Ballot Container Delivery, is amended to read as follows:

Two election officials from the precinct shall act as a delivery team and shall deliver the sealed ballot containers to the **receiving team** [COUNTING CENTER] unless otherwise directed by the clerk. If the precinct is a hand-count 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 of closing the polls, deliver the ballot containers to the clerk.

* Section 28. Repeal of section. WMC 18.35.010 Counting Ballots; General, is repealed as follows:

[(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 UNCOUNTED BALLOTS SHALL BE ENCLOSED IN A CONTAINER AND MARKED ON THE OUTSIDE WITH A DESCRIPTION OF ITS CONTENTS.]

* Section 29. Adoption of section. WMC 18.35.015 Counting Ballots; General, is adopted as follows:

18.35.015 COUNTING BALLOTS, GENERAL.

(A) The ballots shall be counted by the vote tabulation system selected by the clerk.

(B) At no time during the tallying of votes may anyone but the election officials handle the ballots. The ballots shall not be marked in any way by anyone during the tallying.

(C) The following rules apply to hand-counted ballots:

(1) A voter may mark a ballot only by the use of cross marks, "X" marks, diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the oval opposite the name of the candidate or proposition the voter desires to designate.

(2) Failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

(3) If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

(4) If a voter marks more names than there are persons to be elected to the office, the votes for that office shall not be counted.

(5) Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates or propositions properly made.

(6) An erasure or correction invalidates only that section of the ballot in which it appears, unless the intent of the voter is clear.

* Section 30. Amendment of section. WMC 18.35.020(A) Write-In Votes, is hereby repealed in its entirety:

(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 **oval** [SQUARE] opposite the candidate's name. Stickers may not be used on ballots.

* Section 31. Amendment of section. WMC 18.35.030 Punch-Card Ballot Boards and Teams, is amended to read as follows:

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 as designated by the borough clerk. Each receiving team shall consist of at least three members **per team**. Receiving teams shall receive the ballot containers from 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 **the clerk** [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 **necessary** [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 **review board** [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.

(E) Oath. The clerk shall administer an oath to all election officials serving in the election. The borough clerk is authorized to administer the oath to the ballot boards and teams shared by the city and borough, on behalf of the city.

(F) Failure to serve. A vacancy on a board or team shall be filled by the clerk or borough clerk.

* Section 32. Amendment of section. WMC 18.35.050 Ballot Counting; Tests and Security, is amended to read as follows:

No later than one week before the election, the **vote tabulation system** [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.] **Upon completion of the testing, a security seal shall be placed on the tabulation system for delivery to the precincts.**

* Section 33. Repeal of section. WMC 18.35.060 Punch-Card Ballot Counting, is repealed as follows:

[(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 18.35.020(C) COUNT BALLOTS WHICH CANNOT BE COUNTED BY THE DATA PROCESSING REVIEW BOARD.]

* Section 34. Amendment of section. WMC 18.35.070 Preserving and Destroying Ballots, is amended as follows:

The clerk shall preserve [DELIVER] all official ballots [CONTAINERS TO] in a secure manner [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 of [BY] the council, and make and keep a written affidavit that the ballots have been destroyed. In cases where the election is contested, the ballots shall be kept in a secure manner [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 of [BY] the council.

* Section 35. Amendment of section. WMC 18.35.080 Certificate of Election, is amended to read as follows:

Upon closing the polls [WHEN ALL THE VOTES HAVE BEEN COUNTED], the election officials [BOARD] shall print result tapes, sign the tapes, and return the tapes and memory card to the clerk as set out in the election procedures. The result tapes serve as the precinct [DRAW A] certificate of election. If the precinct is a hand-counted precinct, when all votes have been counted, the election officials shall prepare a precinct 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.

* Section 36. Amendment of subsection. WMC 18.35.090(A) Counting Absentee Ballots, is amended to read as follows:

(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] **as set out in WMC 18.35.070.**

* Section 37. Amendment of subsection. WMC 18.35.100(C) Counting Questioned Ballots; Uncounted Ballots, is amended as follows:

(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 **as set out in WMC 18.35.060** [WITH OTHER VOTED BALLOTS].

* Section 38. Amendment of sections. WMC 18.35.110(A) and (D) Counting and Canvass of Election Returns, Certificate of Election, is amended as follows:

(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 **precinct certificates of results for accuracy** [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 cannot 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.

* Section 39. Amendment of sections. WMC 18.40.020(C) and (D) Contest Procedure, is amended as follows:

(C) If the contest involves the eligibility of voters, the council shall direct the clerk to recheck the **voter qualifications set forth in WMC 18.10.010** [MOST CURRENT STATE REGISTRATION LISTS]. After considering the **report provided by the clerk** [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.

* Section 40. Amendment of sections. WMC 18.40.030 Appeal or Judicial Review, is amended as follows:

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 the [ALL] administrative remedies before the council; and has commenced an action in the superior court 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.

* Section 41. Amendment of sections. WMC 18.45.030(A) Date of Recount--Notice, is amended as follows:

(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].

* Section 42. Amendment of sections. WMC 18.45.040 (B) Procedure for Recount, is amended as follows:


(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 and all documentation provided by the election officials[, 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.

* Section 43. Amendment of sections. WMC 18.45.050 Certification of Recount Result, is amended as follows:

Upon completing the recount, the canvass board shall **provide** [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.

* Section 44. Effective date. This ordinance shall take effect on the date the United States Department of Justice issues its non-objection to its provisions.

ADOPTED by the Wasilla City Council, Alaska, on April 26, 1999.


SARAH PALIN, Mayor

ATTEST:


KRISTIE L. VANGORDER, CMC/AE
City Clerk

[SEAL]



U.S. Department of Justice

Civil Rights Division

EJ:GS:ALP:emr
DJ 166-012-3
99-1316

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

CLERKS OFFICE

JUL 16 1999
RECEIVED

July 12, 1999


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

Dear Ms. VanGorder:

This refers to the change in the durational residency requirement for mayor and council candidates, the designation of the clerk as supervisor of elections with the authority to determine the qualifications of candidates, and the vote tabulation system for municipal 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 11, 1999.

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