

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 00-21(SUB)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 18.15.030 NOMINATIONS OF CANDIDATES: PROCEDURE, AMENDING WMC 18.15.035 DETERMINATION OF ELIGIBILITY OF CANDIDATE, AMENDING WMC 18.15.040 NOMINATIONS: NOTICE OF VACANCIES IN OFFICE, AMENDING WMC 18.20.020(B)(6) NOTICE OF ELECTION, AMENDING WMC 18.20.030(D) ELECTION OFFICIALS, AND AMENDING WMC 18.35.030 PUNCH-CARD BALLOT BOARD AND TERMS IN TITLE 18 OF THE ELECTIONS CODE.

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 section.** WMC 18.15.030 Nominations of Candidates: Procedure, is amended to read as follows:

(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., 78 [64] calendar days before a regular election and no later than 5 p.m., 67 [53] calendar days before a regular election; and no earlier than 8 a.m., 64 [50] calendar days before a special election and no later than 5 p.m., 53 [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 All nominating petitions in proper form which are not withdrawn by the candidate, shall be preserved by the clerk and eventually destroyed as provided by the records retention policies promulgated by the clerk.

\* **Section 3. Amendment of section.** WMC 18.15.035 Determination Of Eligibility Of Candidate, is amended to read as follows:

**(A)** 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.

**(B)** Any person, including the clerk, may question the eligibility of a candidate who has filed a nominating petition with the clerk by filing a complaint with the clerk. The complaint must be received by the clerk no later than 5 p.m., three calendar days after the filing period closes.

**(C)** The complaint must be in writing and include the name, mailing address, contact phone number, signature of the person making the complaint, and a statement describing the grounds on which the candidate's eligibility is being questioned.

**(D)** The clerk will review only those issues in the complaint related to candidate qualifications.

**(E)** Upon receipt of a complaint, or if the clerk questions the eligibility of the candidate, the clerk will send notification in writing to the candidate.

**(F)** The clerk will review any evidence relevant to the candidate's qualifications, including the candidate's registration, nominating petition, and any other document of public record on file with the state. Based on the review of the public documents, the clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate.

(G) If the clerk determines the preponderance of evidence supports the eligibility of the candidate, the clerk will issue a final determination supporting the candidate's eligibility.

(H) If the clerk determines the preponderance of evidence does not support the candidate's eligibility, notice to the candidate will identify any additional information or evidence that must be provided by the candidate. The clerk must receive the requested information no later than three calendar days from the date of notice. The clerk will consider any additional information provided and issue a final determination as to the candidate's eligibility no later than three calendar days from receipt of the additional information.

(I) If the information requested by the clerk in subsection (H) is not received by the specified deadline, the clerk will issue a final determination regarding the candidate's eligibility based on the information initially reviewed.

(J) The clerk will send notice of final determination in writing to the person making the complaint, if applicable, and to the candidate. The determination of the clerk is final.

\* **Section 4. Amendment of section.** WMC 18.15.040 Nominations: Notice of Vacancies in Office, is amended to read as follows:

At least ten [THREE] calendar days before nominations are open for each regular or special election, the clerk shall publish twice 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.

\* **Section 5. Amendment of section.** WMC 18.20.020(B)(6) Notice of Election, is amended to read as follows:

(6) Instructions for absentee/early voting; and

\* **Section 6. Amendment of section.** WMC 18.20.030(D) Election Officials, is amended to read as follows:

(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.

\* **Section 7. Amendment of section.** WMC 18.35.030 Punch-Card Ballot Board And Terms, 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 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 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 the clerk for review by the canvass board.

(B) *[Repealed by Ordinance Serial No. 99-14(SUB)]*

(C) *Counting team.* The clerk shall appoint counting teams as necessary or use the same counting teams designated by the borough clerk. Each counting team shall consist of at least four members.

(D) *Review board.* The clerk shall appoint a review board or use the same review board designated by the borough clerk. The review board shall consist of at least three members. The review board shall ensure that all ballots are completely and accurately counted.

**(E) Canvass board. The clerk shall appoint a canvass board consisting of a minimum of three election officials. The canvass board shall tally absentee and questioned ballots and perform the duties as stated in WMC 18.35.110.**

(F)[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.

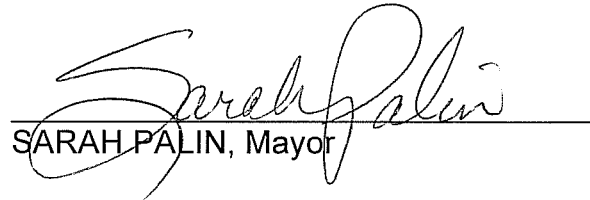
(G)[F] Failure to serve. A vacancy on a board or team shall be filled by the clerk or borough clerk.

\* **Section 8. Amendment of section.** WMC 18.35.110(A), Counting and Canvass of Returns, Certificate of Election, is amended to read 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:

**Section 9. 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, on March 13, 2000.

  
SARAH PALIN, Mayor

ATTEST:

  
KRISTIE L. VANGORDER, CMC/AAE  
City Clerk

[SEAL]



U.S. Department of Justice

Civil Rights Division

RE: Ordinance Serial No. 00-21 (Sub)

JDR:JBG:HEW:nj  
DJ 166-012-3  
2000-1358

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

May 19, 2000

**RECEIVED**

MAY 24 2000

CITY OF WASILLA  
CLERK'S OFFICE

Ms. Kristie L. VanGorder  
City Clerk  
290 East Herning Avenue  
Wasilla, Alaska 99687

Dear Ms. VanGorder:

This refers to the revised election code, which includes technical and grammatical changes, changes the nominating petition period for regular and special elections, establishes procedures for candidate disqualification, extends the time for notice of vacancies, and establishes a three-member canvass board appointed by the city clerk 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 March 27, 2000.

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,

  
Joseph D. Rich  
Acting Chief  
Voting Section

**SUBJECT: REVISION TO ELECTION CODE, TITLE 18**

REQUESTED/ PREPARED BY: K. VanGorder, City Clerk *KV* DATE: February 18, 2000

FOR AGENDA OF: February 28, 2000

**SUMMARY:**

As a result of our continued clerk's coalition meetings, the cities and the borough continues to work together to simplify our election processes. Title 18 is proposed for amendment to address technical changes and to expand procedures in determining candidate eligibility and the candidate's appeal process. Clarifications of the amendments are as follows:

18.15.030: Two weeks additional time allows the candidate to respond if the candidate's eligibility is challenged.

18.15.035: Additional subsections were added to provide a process for a candidate who has filed a declaration of candidacy and whose eligibility is questioned.

18.15.040: Section amended to provide additional time and notification to ensure the public is properly advised of vacancies in office.

18.20.020(B)(6): Language is added to maintain consistency when referencing absentee/early voting.

18.20.030(D): Removed reference to chairperson appointing election officials.

18.35.030: Incorporates the canvass board, which more appropriately belongs with ballot boards and teams.

18.35.110: Composition of the canvass board is stated in 18.35.030.

**FISCAL IMPACT:**  No  Yes, amount requested: \$ Fund:

**CLERK'S RECOMMENDED ACTION:**

Introduce ordinance and set for public hearing.

Administration Initial: *SV*

Presented with: *Ord 00-21 (Sub)*  
Date: *3/13/00* Verified by: *KV*