

**CITY OF WASILLA
ORDINANCE SERIAL NO. 04-24(SUB)**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC TITLE 4,
ELECTIONS.**

* **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 4.12.030.A, Nominations of candidates – Procedure, is amended to read as follows:

A. Packets containing nominating petitions shall be available from the clerk's office **beginning** on the day the filing period opens. [;] **I**[t]he packets shall remain available throughout the filing period. Nominating petitions shall be completed and filed with the clerk no earlier than eight a.m., seventy-eight (78) calendar days before a regular election and no later than five p.m., sixty-seven (67) calendar days before a regular election; and no earlier than eight a.m., sixty-four (64) calendar days before a special election and no later than five p.m., fifty-three (53) 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 All nominating petitions in proper form which are not withdrawn by the candidate shall be preserved by the clerk and eventually destroyed as provided by the records retention policies promulgated by the clerk.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

* **Section 3. Amendment of section title.** WMC 4.16.030 is amended to read as follows:

4.16.030 Precinct e[E]lection officials.

* **Section 4. Amendment of section.** WMC 4.16.030.C, Oath, is amended to read as follows:

C. Oath. Before commencing to serve, [THE] each election official [DESIGNATED AS CHAIRPERSON SHALL APPEAR BEFORE] shall subscribe to [THE CLERK AND TAKE] the oath required of all public officers by the Alaska State Constitution, in the manner prescribed by the clerk [, 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].

* **Section 5. Amendment of section.** WMC 4.16.070, Reporting voting information to the state, is amended to read as follows:

Within sixty (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, early voter registers, and absentee and special needs [PERSONAL REPRESENTATIVE] voting lists containing the names, residence addresses, and the voter identification of all persons who voted in that election.

* **Section 6. Amendment of section.** WMC 4.20.020.E, Absentee voting – By mail, is amended to read as follows:

E. After the witnessing of the absentee voter's signature, [THE OFFICIAL OR WITNESS SHALL RETURN THE VOTED BALLOT TO] the voter [WHO] shall mail

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

or otherwise deliver the ballot to the clerk. The voted absentee ballot shall be received by mail as defined in Section 4.28.080(A) or returned to an election official no later than eight p.m. on election day. The precinct election official shall deliver the voted absentee ballots to the clerk. The clerk shall deliver the voted absentee ballots to the canvass board for canvassing.

* **Section 7. Amendment of section.** WMC 4.24.080, Ballots damaged by voter, is amended to read as follows:

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 **replacement ballot** number **on the ballot accountability form** [OF THE IMPROPERLY MARKED OR DAMAGED BALLOT WITHOUT EXAMINING [IT] and **return the spoiled ballot unexamined** [GIVE THE DAMAGED BALLOT BACK] to the voter who shall destroy and discard it immediately in the presence of an election official. **A voter may obtain a maximum of three replacements for each ballot under this procedure.**

* **Section 8. Amendment of section.** WMC 4.24.120.A, Opening ballot box, is amended to read as follows:

A. After destroying the unvoted ballots, an election official shall, in full view of all persons assembled at the polling place, open the secured ballot box[ES] and segregate the questioned ballots, the absentee ballots, and the **special needs** [PERSONAL REPRESENTATIVE] ballots from the regular ballots voted at the election.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

* **Section 9. Amendment of section.** WMC 4.24.130, 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 UNLESS OTHERWISE DIRECTED BY THE] clerk unless otherwise directed. [IF THE PRECINCT IS A HAND-COUNTED PRECINCT, THE ELECTION BOARD SHALL TALLY THE VOTES, PURSUANT TO SECTION 4.28.010, SHALL SEAL THE BALLOTS IN BALLOT CONTAINERS, AND SHALL, WITHIN TWENTY-FOUR (24) HOURS OF CLOSING THE POLLS, DELIVER THE BALLOT CONTAINERS TO THE CLERK.]

* **Section 10. Amendment of section.** WMC 4.28.010.C.2, Counting ballots, general, is amended to read as follows:

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 or propositions 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.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

[5. IMPROPER MARKS ON THE BALLOT SHALL NOT BE COUNTED AND SHALL NOT INVALIDATE MARKS FOR CANDIDATES OR PROPOSITIONS PROPERLY MADE.]

5 [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 11. Amendment of section.** WMC 4.28.030, Ballot boards and teams, is amended to read as follows:

4.28.030 **Other election** [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.]

A [B]. Counting team. The clerk **may** [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 **and shall count ballots as needed.**

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

B [C]. Review board. When using computers to count the ballots t[T]he 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 programmed and counted [COMPLETELY AND] accurately [COUNTED].

C [D]. Canvass board. The clerk shall appoint a canvass board consisting of a minimum of three election officials. The canvass board may [SHALL] tally all ballots [ABSENTEE AND QUESTIONED BALLOTS] and shall perform the duties as stated in section 4.28.100.

D [E]. Oath. The clerk shall administer an oath to all election officials serving on boards or teams for [IN] the election. The borough clerk is authorized to administer the oath to all [THE BALLOT] boards and teams shared by the city and borough, on behalf of the city.

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

* **Section 12. Amendment of section.** WMC 4.28.060, Preserving and destroying ballots, is amended to read as follows:

The clerk shall preserve all official ballots in a secure manner, unopened and unaltered, for not less than thirty (30) calendar days from the date of the election certification or in cases where the election is contested, until thirty (30) calendar days after the final resolution of the contest. The clerk may permit the inspection of the ballots upon order of a court of competent jurisdiction. Upon the expiration of the preservation

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

period, the clerk shall completely destroy the ballots upon direction of the council, and make and keep a written certificate that the ballots have been destroyed.

* **Section 13. Amendment of section.** WMC 4.28.080.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. If no readable postmark appears on the absentee ballot envelope, the enclosed absentee ballot shall be counted only if the voter's signature is dated on or before election day. The clerk shall give the canvass board a list of voters who have been issued absentee ballots. Absentee ballot envelopes received after the third calendar day following the election [THE CANVASS BOARD HAS COMPLETED ABSENTEE BALLOT COUNTING]shall not be opened, but shall be marked no count ["INVALID"] with the date of receipt noted on the ballot envelope. The envelopes shall be retained with the other election records and destroyed as set out in Section 4.28.060.

* **Section 14. Amendment of section.** WMC 4.28.100.E.1, Counting and canvass of returns—Certificate of election, is amended to read as follows:

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, early, questioned, and special needs [PERSONAL REPRESENTATIVE] ballots cast in the election;
2. The offices, names and number of votes counted for each candidate at the election;

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

3. The propositions voted upon at the election; and
4. The number of votes counted for each proposition voted upon.

* **Section 15. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on April 26, 2004.



DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE L. SMITHERS, CMC
City Clerk

[SEAL]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

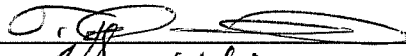



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

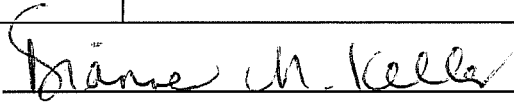
RE: ORDINANCE SERIAL NO. 04-24; AMENDING WMC TITLE 4, ELECTIONS.

Agenda of: April 12, 2004
Originator: Jamie Newman, Deputy Clerk

Date: April 1, 2004

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
	Public Works Planning	
X	Finance *signature required	
X	Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER:



FISCAL IMPACT: yes no
Account name/number:
Attachments:

Funds Available yes no

SUMMARY STATEMENT:

This ordinance proposes changes to Title 4, Elections. The proposed amendments clarify procedures and address grammatical issues.

Section 2: This is proposed to clarify that nominating petitions are available on the day the filing period opens and not before.

Section 3: This is proposed for clarity.

Section 4: This is proposed to clarify the manner in which election officials are administered their oath of office.

Sections 5, 8 and 14: This is proposed for a grammatical purpose - "Personal Representative" voting is now referred to as "Special Needs" voting per State Statute.

Section 6: This amendment is proposed for grammatical purposes and addresses the sentence structure.

Section 7: This is proposed to reflect the current procedure being followed.

Section 9: This is proposed to reflect the current procedure being followed and deletes the reference to hand-count precincts.

Section 10: This is proposed to consolidate language into one paragraph within the section.

Section 11: This is proposed to delete the reference to a "Receiving Team" as the ballots are delivered to the clerk on election night and it clarifies the duties of the boards and teams.

Section 12: This is proposed to clarify that ballots are destroyed in thirty "calendar" days.

Section 13: This address absentee ballots that are received by the clerk without an official postmark by the post office. In some cases the postmark is illegible and in other cases it has been inadvertently left off of the absentee ballot envelope.