

Introduced by: Mayor Johnson  
 Date: January 25, 2011  
 Public Hearing: February 15, 2011  
 Action: Adopted  
 Vote: Unanimous

Yes:	No:
Best Erbey DeVries Johnson	

CITY OF PALMER, ALASKA

ORDINANCE NO. 11-002

AN ORDINANCE OF THE PALMER CITY COUNCIL AMENDING PALMER MUNICIPAL CODE TITLE 18, ELECTIONS, CLARIFYING CANDIDATE QUALIFICATIONS, CLARIFYING THE NOMINATING PETITION PROCESS AND LENGTHENING THE TIMEFRAME TO WITHDRAW A NOMINATING PETITION FROM AN ELECTION, AND ENACTING LANGUAGE PROVIDING FOR ABSENTEE VOTING BY ELECTRONIC MEANS

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

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

Section 3. Palmer Municipal Code Section 18.15.010 is amended to read as follows (new language is underlined and deleted language is stricken):

**18.15.010 Candidate qualifications.**

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.

- A. ~~To qualify as a~~ Candidates for the office of mayor or council member, shall reside in the city and meet the requirements of 2.04.031 or 2.05.020. ~~a person must meet the following requirements:~~
- ~~1. Be a qualified voter of the city and state of Alaska; and~~
  - ~~2. Must have been a resident of the city or of territory annexed to the city, or must have had a combination of residence in the city and in the annexed territory, for a continuous period of not less than one year immediately preceding the date of the election, or if filling a vacancy, one year immediately prior to the appointment date.~~
- B. ~~A candidate must~~ Candidates shall provide sufficient proof that they are ~~the candidate is~~ eligible, or shall be eligible by the date of the election, to be recognized as a candidate for any election.

Section 4. Palmer Municipal Code Section 18.15.020 is amended to read as follows (new language is underlined and deleted language is stricken):

**18.15.020 Nominations of candidates.**

- A. Nominations by Petition. Nominations for elective office shall be made ~~only~~ by petition of 20 or more registered voters qualified to vote in city elections. Each sponsor signing a petition shall state on the petition the sponsor's place of residence, by street and number or lot and block, or other manner which clearly identifies the place of residence.
- 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 and other contact information of the candidate;
  4. The office, including term of office, for which the candidate is nominated;
  5. The date of the election at which the candidate seeks election;
  6. A statement that the sponsors are qualified voters of the city;
  7. A statement that the sponsors request that the candidate's name be placed on the ballot;
  8. The name of the candidate as the candidate wishes it to appear on the ballot;
  9. A certification by the candidate which shall include statements:
    - a. That the candidate is a qualified city voter;
    - b. That by the date of the election, the candidate will have resided in the city or in territory annexed to the city for the period required to city qualify for office ~~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 4:00 pm on the seventh day of following the closing date 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 5. Palmer Municipal Code Section 18.15.026 is amended to read as follows (new language is underlined and deleted language is stricken):

**18.15.026 Nominations of candidates – Procedures.**

- A. Packets containing nominating petitions shall be available from the clerk's office on the day the filing period opens and the packets shall remain available throughout the filing period.
1. Nominating petitions shall be completed and filed with the clerk no earlier than 8:00 a.m., 78 calendar days before a regular election and no later than 5:00 p.m., 67 calendar days before a regular election; and no earlier than 8:00 a.m.
  2. Nominating petitions shall be completed and filed with the clerk no earlier than 8:00 am, 64 calendar days before a special election and no later than 5:00 p.m., 53 calendar days before a special election.

3. Nominating petitions shall be submitted in original form and shall not be submitted by electronic means ~~facsimile~~.
  4. 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 schedule adopted by the city.
- B. Persons seeking elective office shall request a nominating petition from the clerk for the specific seat which they are seeking.
1. Requests for a nominating petition shall be made by the candidate either:
    - a. In person; or
    - b. By electronic means; or
    - c. By mail.
  2. If the person chooses to run for a different seat, a nominating petition for that seat shall be filed with the clerk's office.
  3. 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.

Section 6. Palmer Municipal Code Section 18.15.030 is amended to read as follows (new language is underlined and deleted language is stricken):

**18.15.030 Corrections, amendments and withdrawal of nominating petitions.**

- A. A candidate may correct, amend or withdraw his or her nomination petition at any time during the period for filing a nominating petition by appropriate written notice, signed by the candidate, to the clerk. However, after the ~~filing~~ timeframe listed in PMC 18.15.020 has closed, no nominating petition may be corrected, amended or withdrawn.
- B. If a candidate desires to file for a different office or seat, the candidate shall request a new form from the clerk and ~~abide by~~ comply with PMC 18.15.020.

Section 7. Palmer Municipal Code Section 18.25.023 is hereby adopted to read as follows:

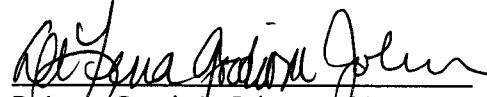
**18.25.023 Absentee voting--By electronic transmission.**


- A. Ballot Application. A qualified voter may apply for an absentee ballot to be sent by electronic transmission. The request must be made not less than the day immediately preceding the election. Absentee ballots will be electronically transmitted to the location designated in the application. If no location is designated, and if the request is received no later than seven days prior to the election, the ballot will be mailed in the manner provided in Section 18.25.020 for absentee ballots by mail. The clerk will provide reasonable conditions for electronically transmitting absentee ballots.
- B. Electronic transmission. A ballot electronically transmitted shall contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the polling places is acceptable.

- C. Confidentiality statement. An absentee ballot that is completed and returned by the voter by electronic transmission must:
1. Contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature; and
  2. Be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by one United States citizen who is 18 years of age or older.
- D. Ballot return. The voter shall mark the ballot on or before the date of the election and shall return the ballot by:
1. Mail service. An absentee ballot shall be mailed to the clerk not later than election day. The ballot shall not be counted unless it is received by the close of business on the third calendar day following the election; or
  2. Electronic transmission. A voter who returns the absentee ballot by electronic transmission must comply with the same deadlines for voting in person on or before the closing hour of the polls.
    - a. When a completed absentee ballot is received by electronic transmission, the clerk will note the date of receipt on the absentee ballot application log and, if the ballot is received on election day, the time of receipt. The clerk will then
      1. Remove the ballot portion of the transmission from the portion that identifies the voter;
      2. Place the ballot portion in a secrecy sleeve;
      3. Seal the secrecy sleeve in an outer envelope of the type used for absentee ballots returned by mail, and seal that envelope;
      4. Attach the voter identification portion to the outer envelope; and
      5. Forward the outer sealed envelope to the canvas board for review.
- E. Counting an electronically transmitted ballot. An electronically transmitted ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular absentee voter cast his or her ballot. However, it shall be unlawful to display an electronic ballot in a manner revealing the way in which a particular voter cast his or her ballot to any person other than the city clerk, a member of the clerk's staff, an election official in the course of his or her duties, or an attorney advising the clerk on legal questions concerning the ballot.

Section 8. Effective Date. This ordinance shall take effect upon the earlier to occur of the following: (i) the date on which the United States Department of Justice issues its non-objection under the Voting Rights Act of 1965 to the changes effected by this ordinance; and (ii) the date immediately following the last date on which the United States Department of Justice could object to the changes effected by this ordinance under the Voting Rights Act of 1965, provided that no objection to any such change has been issued before that date. The clerk is authorized to determine the effective date of this ordinance, which shall be set forth in the permanent records of City ordinances and in the Palmer Municipal Code.

Passed and approved this fifteenth day of February, 2011.

  
DeLena Goodwin Johnson, Mayor

  
Jarrette M. Bower, MMC, City Clerk