

Introduced by: Mayor Johnson
 Date: May 22, 2012
 Public Hearing: June 12, 2012
 Action: Adopted
 Vote: Unanimous

Yes:	No:
Best	
Erbey	
Combs	
Hanson	
Johnson	

CITY OF PALMER, ALASKA

Ordinance No. 12-009

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Chapter 18, Elections

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 18.05.010 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

18.05.010 Definitions.

In this title, unless the context otherwise requires:

"Alternate ballot" means a sample ballot, copied ballot, or a piece(s) of paper with the candidates and propositions written on it used, during the alternate voting process.

"Borough" means Matanuska-Susitna Borough.

"Calendar days" means consecutive days succeeding one another in regular order.

"City" means the city of Palmer.

"City business day(s)" means the days the city's administrative offices are open to provide general services to the public.

"Clerk" means the city clerk and 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."

~~"Early voter" means a person:~~

~~1. Who is a qualified voter pursuant to PMC 18.10.010 and 18.25.035;~~

~~2. Whose name appears on the register for the city; and~~

~~3. Who votes in person prior to election day at designated early voting location(s) using the same procedures and equipment used on election day, if available. If the equipment is not available, the early voter may vote pursuant to PMC 18.25.035, Early voting.~~

"Election" includes any regular or special city election.

"Election official" includes election officials appointed by the clerk and approved by the council under PMC 18.22 ~~20.030~~, early-voter officials, canvass board, review board, counting teams, receiving teams, the clerk and the clerk's office staff.

~~"Felony involving moral turpitude" means and includes those crimes which are immoral or wrong in themselves such as murder, sexual assault, robbery, kidnapping, incest, arson, burglary, theft, and forgery.~~

~~"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.~~

"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."

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

"Precinct register" means the register maintained by the Director of the State Division of Elections.

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

"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.

~~"Questioned voter" means a voter:~~

- ~~1. Whose name does not appear on the register in the precinct where the voter attempts to vote or at an official register at an early voting location;~~
- ~~2. Who has received an absentee by mail or by electronic transmission ballot and does not turn it in when voting at the voter's precinct on election day;~~
- ~~3. 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~~
- ~~4. Who is questioned for good cause at the polls in writing pursuant to PMC 18.30.070.~~

"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 in which that person seeks to vote 30 calendar days prior to the city election.

"Regular ballot" means a ballot voted at the polls which is not a questioned, early-voter or an absentee by mail or electronic transmission ballot.

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

"Signature" or "subscription" includes a mark intended as a signature or subscription.

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

"Swear" includes "affirm."

"Voter" means a person who votes a ballot either in person or by mail.

Section 4. Palmer Municipal Code Section 18.05.065 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

18.05.065 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 PMC 18.20.025020~~(C)~~.

Section 5. Palmer Municipal Code Sections 18.05.110 and 18.05.120 are hereby enacted to read as follows:

18.05.110 Reporting voting information to the state.

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

18.05.120 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 PMC 18.45.060.

Section 6. Palmer Municipal Code Chapter 18.10 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

18.10.010 Voter qualification.

A person, who meets all of the following requirements, may vote at any city election:

- A. Is qualified to vote in state elections under AS 15.05;
- B. Has been a resident of the city for the 30 days immediately preceding the election;
- C. Is registered to vote in state elections at a residence address within the city at least 30 days before the city election at which the person seeks to vote; and
- D. Is not disqualified under Alaska Constitution, Art. V.

18.10.020 Rules for determining residence of voter.

The rules for determining the residence of a voter are made in accordance with AS 15.05.020.
~~For the purpose of determining residence for voting, the place of residence is governed by the following rules:~~

- ~~A. 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.~~
- ~~B. 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.~~
- ~~C. A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of the United States or of this state, or because of marriage to a person in the 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 engaged in the navigation of waters of this state, or the United States, or of the high seas, or while residing upon an Indian or military reservation, or while residing at the Alaska Pioneers Home.~~
- ~~D. Repealed by Ord. 592.~~
- ~~E. 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.~~

- ~~F. A person does not gain a residence in any place to which the person comes without a present intent to dwell permanently at that place.~~
- ~~G. A person loses residence in this state if the person votes in another state's election, either in person or by mail and will not be eligible to vote in this state until again qualifying under AS 15.05.~~
- ~~H. The term of residence is computed by including the day on which the person's residence begins and 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 PMC 18.10.010.~~
- ~~B. The precinct election officials at any election shall allow a person to vote whose name is on the official registration list for that precinct and who is qualified under this chapter and AS 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 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.~~

~~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.~~

Section 7. Palmer Municipal Code Chapter 18.15 is hereby 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. Candidates for the office of mayor or council member shall reside in the city or in territory annexed to the city and meet the requirements of PMC 2.04.031 or 2.05.020.
- B. Candidates shall provide sufficient proof as required by the clerk 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.

- A. Nominations by Petition. Nominations for elective office shall be made 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 legal name of the candidate, and if different, the manner in which the candidate wishes his or her first name to appear on the ballot;
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.

C. Requirements for Candidate Information and Statement. The statement shall state in substance:

- ~~1.~~ ~~8.~~ ~~The name of the candidate as the candidate wishes it to appear on the ballot~~ The full legal name of the candidate, and if different, the manner in which the candidate wishes his or her first name to appear on the ballot;
- ~~2.~~ ~~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 qualify for office;
 - 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~~ must be submitted to the city clerk in writing and signed by the candidate by 4 pm on the seventh day 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.

18.15.023 Write-in candidates.

- A. Votes for a write-in candidate will not be counted unless that candidate has filed a nominating petition with the clerk in accordance with PMC 18.15.020.
- B. A nominating petition filed under this section must be filed with the clerk not earlier than the day immediately following the last day of the filing period and not later than 5:00 p.m. five days prior to the election.

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 4:00 p.m., 67 calendar days before a regular election.
 2. Nominating petitions shall be completed and filed with the clerk no earlier than 8:00 a.m., 64 calendar days before a special election and no later than 4:00 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.

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.

18.15.030 Corrections, amendments and withdrawal of nominating petitions.

- A. A candidate may correct, or amend ~~or withdraw~~ his or her nomination petition at any time during the period ~~for~~ of filing a nominating petition by appropriate written notice, signed by the candidate, to the clerk. ~~However,~~ After the filing period timeframe listed in PMC 18.15.020 has closed, no nominating petition may be corrected, or 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 comply with PMC 18.15.020.
- C. Withdrawal. A candidate may withdraw his or her nominating petition by submitting his or her request in writing, signed, and submitted to the clerk not later than 4 pm on the seventh calendar day following the close of the filing period.

18.15.033 Eligibility of candidate.

- A. The clerk shall determine whether each candidate for city 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.
- C. A complaint must be received by the clerk no later than 5:00 p.m. on the third city business day after the filing closes.
- D. 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 in 200 words or less of the grounds, described in particular, on which the candidate's eligibility is being questioned.
- E. The clerk will review only those issues in the complaint related to candidate qualifications ~~established by the United States Constitution, the Alaska Constitution, the Alaska Statutes, or the city code.~~
- F. Upon receipt of a complaint, or if the clerk questions the eligibility of the candidate, the clerk ~~shall notify will send written notification to~~ the candidate whose eligibility is being questioned that a complaint has been received. The notification will include a copy of the complaint.

- G. 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 or as required by section 18.15.010. ~~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.
- H. 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.
- I. 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 ~~city-business~~ 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 ~~city-business~~ calendar days from receipt of the additional information.
- J. If the information requested by the clerk in subsection (H) of this section 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.
- K. 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.

18.15.036 Restrictions on number of nominating petitions.

A qualified person may file a nominating petition for only one elective office at any given election.

Section 8. Palmer Municipal Code Chapter 18.20 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

Chapter 18.20

REQUIRED PUBLIC ELECTION NOTICES ORGANIZATION

18.20.013 Voter registration notice.

The clerk shall post on the City's website and publish a notice of voter registration at least 60 calendar days before each election. The notice shall include the qualifications required of voters, the deadline for registering to vote in the election, and places where voters may register.

18.20.015 Notice of offices to be filled.

At least 10 ~~but not more than 20~~ calendar days before nominations are open for each regular or special election, the clerk shall post on the City's website and 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.

18.20.020 Notice of election.

- ~~A. Notice of Voter Registration. The clerk shall publish a notice of voter registration at least 60 calendar days before each election. The notice shall include the qualifications required of voters, the deadline for registering to vote in the election, and places where voters may register.~~

- ~~B. Notice, Publication, and Posting.~~ The clerk shall post on the City's website and 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 publication and the posting shall occur at least 30 calendar days before a regular election and 20 calendar days before a special election. Each notice of election shall include:
1. The type of election: regular or special;
 2. The date of election;
 3. The location of the polling places and the hours the polling places shall be open;
 4. The offices to which candidates are to be elected;
 5. The subjects of propositions to be voted upon;
 6. Instructions for absentee by mail, absentee by electronic transmission, yearly and special needs voting; and
 7. Notification that anyone needing special assistance in casting their ballot 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 consecutive weeks. The first notice shall be published at least 20 calendar days before the date of the election. The notice 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 of property within the city.

18.20.025 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 consecutive weeks. The first notice shall be published at least 20 calendar days before the date of the election. The notice shall state:

- A. The current total general obligation bonded indebtedness, including authorized but unsold bonds of the city;
- B. The cost of the debt service on the current indebtedness; and
- C. The total assessed valuation of property within the city.

18.20.035 Questioned voter notification.

The clerk shall prepare and post at every precinct a "Notice to Questioned Ballot Voters." The notice shall contain:

- A. Information as to how the questioned voter's ballot will be counted;
- B. The date, time and place where the canvass board will meet; and
- C. A statement notifying the voter that, within 30 days after election certification, written notification will be sent to the voter informing them of the reason why their ballot was not counted. The notice will further state that if the voter does not receive notification, the ballot was counted.

18.20.030 Election officials.

- A. ~~Appointment — Number.~~ Before each election, the clerk shall recommend to the council at least three election officials for each precinct to constitute the election board for that precinct. The council shall, by resolution, appoint the election officials. One election official

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. 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 and qualified voter of the precinct for which the election official is appointed, unless no voter is willing to serve. Absentee and early voting officials shall be registered to vote in state elections. There shall be no inquiry into an election official's political party as a prerequisite to service. A person who appears on the ballot as a candidate or a member 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 in a precinct 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. The city authorizes the borough clerk or deputy borough clerk to administer an oath of office to borough election officials on behalf of the city.~~
- D. ~~Failure to Serve. If any election official fails or refuses to attend and serve, the clerk shall appoint a person eligible under this section to serve in place of the absent election official.~~
- E. ~~Borough Officials. In addition to the clerk, the borough clerk, borough clerk's staff and borough clerk's appointees are designated absentee and early voter officials on behalf of the city for regular city elections.~~
- F. ~~Annexed Areas. Voters who vote in a precinct that is split because of an annexation not yet resolved by the Division of Elections, the city will accept election officials appointed by the borough. The ballots in the affected precincts shall be subject to the city canvass board and the procedures set forth in PMC 18.35.100.~~

18.20.045 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 candidates shall be printed as they appear upon the nominating petitions 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. The names of candidates shall be arranged alphabetically or as required from time to time by the laws of the state. 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 name(s) of person(s) not listed on the ballot.~~
- D. ~~Propositions and questions shall be placed on the ballot in the manner prescribed by the clerk. Provisions shall be made for marking the proposition "Yes" or "No." (Ord. 620 § 7, 2004; Ord. 592 § 13, 2002; Ord. 546 § 12, 1999; Ord. 534 § 6, 1998)~~

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 each election. Early voter, absentee and sample ballots shall be in the clerk's possession 16 calendar days before the election. At that time the ballots may be inspected by any candidate or the candidate's authorized agent, and any mistake discovered shall be immediately corrected.~~
- B. ~~Sufficient ballots and sample ballots shall be distributed to the election board prior to or on the date of the election before the opening of the polls. The ballots shall be distributed in containers marked with the number and type of ballots enclosed. A receipt for the ballots, including the number and type of ballots, shall be signed and dated by an election official. The clerk shall keep the receipt as part of the election record.~~
- 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. (Ord. 620 § 7, 2004; Ord. 571 § 5, 2001; Ord. 546 § 13, 1999; Ord. 515 § 3, 1997)~~

18.20.060 Election materials.

- A. ~~The clerk shall equip each 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 provide instructions to voters on how to obtain ballots, how to mark them, 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 but are printed on colored paper and marked "sample."~~
- D. ~~The clerk shall provide booths 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.~~
- E. ~~Ballot boxes shall be placed outside of the voting booths within plain view of the election judges, voters and other persons at the polling places.~~
- F. ~~The clerk may make arrangements with the borough or the state of Alaska or both for the use of voting machines and other equipment and supplies relating to voting. (Ord. 620 § 7, 2004; Ord. 546 § 14, 1999; Ord. 534 § 7, 1998; Ord. 515 § 3, 1997)~~

18.20.070 Reporting voting information to the state.

~~Within 60 days after each city election the clerk shall certify and send to the Alaska State Division of Elections the official voter registers, questioned voter registers, early voter registers and absentee voting lists containing the names, residence addresses and voter identification of all persons who voted in that election. (Ord. 620 § 7, 2004; Ord. 592 § 14, 2002; Ord. 571 § 6, 2001; Ord. 515 § 3, 1997)~~

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 PMC 18.45.060. (Ord. 620 § 7, 2004; Ord. 546 § 15, 1999; Ord. 515 § 3, 1997)~~

Section 9. Palmer Municipal Code Chapter 18.22 is hereby enacted to read as follows:

Chapter 18.22

ELECTION OFFICIALS

18.22.010 Election officials' affiliation.

There shall be no inquiry into an election official's political party as a prerequisite to service.

18.22.020 Appointment.

- A. Early Voting Election Officials. The clerk shall appoint the number of early voting officials necessary to conduct voting at early voting stations.
- B. Precinct Election Officials. Before each election, the clerk shall recommend to the council at least three election officials for each precinct to constitute the election board for that precinct. The council shall, by resolution, appoint the election officials.
 1. One election official shall be designated chair and shall be primarily responsible for administering the election in that precinct.
 2. If no chair is appointed for the precinct or the chair is unable to fulfill the chair's duties, the other election officials shall perform the chair's duties.
 3. The clerk may make necessary adjustments to the election boards as required to conduct a properly held election.
- C. Review Board. When using ballot tabulation equipment to count the ballots, 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 programmed and counted accurately.
- D. Canvass Board. The clerk shall appoint a canvass board consisting of a minimum of three members. The canvass board may tally all ballots and shall perform the duties as stated in section 18.35.100.
- E. Counting Team. The clerk may 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.

18.22.030 Qualifications.

- A. Each election official shall be a registered and qualified voter of the precinct for which the election official is appointed, unless no voter is willing to serve.
- B. A person who appears on the ballot as a candidate or a member of the candidate's immediate family may not serve as election officials for an election in which the candidate has filed a nominating petition. If the clerk knows of or learns that any relationship exists, the election official shall be notified and replaced by the clerk. For the purposes of this chapter immediate family includes the following:
 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;
 6. Child or stepchild;
 7. Person sharing the same living quarters.

18.22.040 Training required.

Unless excused by the clerk, all election officials shall attend training sessions offered by the clerk or borough clerk.

18.22.050 Oath.

The election official designated as chair in a precinct 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. The city authorizes the borough clerk or deputy borough clerk to administer an oath of office on behalf of the city.

18.22.060 Failure to serve.

If any election official fails or refuses to attend and serve, the clerk shall appoint a person eligible under this section to serve in place of the absent election official.

Section 10. Palmer Municipal Code Chapter 18.24 is hereby enacted to read as follows:

Chapter 18.24

BALLOTS AND ELECTION MATERIALS

18.24.010 Ballot 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 words "Vote for no more than _____", with the appropriate number replacing the blank, shall be placed before the list of candidates for each office.
- D. The names of candidates shall be printed as they appear upon the nominating petitions filed with the clerk.
- E. The names of candidates shall be arranged alphabetically.
- F. 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 name(s) of person(s) not listed on the ballot.
- G. Propositions and questions shall be placed on the ballot in the manner prescribed by the clerk. Provisions shall be made for marking the proposition "Yes" or "No."

18.24.020 Propositions – clarity – conciseness.

- A. All ballot propositions shall be stated:
 1. In a concise and clear language to avoid verbosity and with the object of informing and advising the voter of the issue in a clear and forthright manner.
 2. In the affirmative and not the negative so that a yes vote will always mean that the voter approves of the affirmative of a position and not the negative; and a no vote disapproves the affirmative statement of an issue.
- B. Ballot propositions shall not be used to obtain a negative result by the casting of a yes vote. Words of multi-syllables will be avoided in ballot propositions, and simple sentences shall be

used in preference to complex or compound sentences, with the object of making ballot propositions understandable to the average reader.

18.24.030 Preparation and distribution.

- A. The clerk may contract for the preparation and printing of the ballots without obtaining competitive bids.
- B. The clerk shall have ballots printed for each election and in the clerk's possession at least 18 calendar days before each regular election and at least 10 days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or the candidate's authorized agent, and any discovered mistake shall be corrected immediately.
- C. The clerk shall arrange for delivery of ballots to each election board prior to or on the date of the election before opening of the polls. The ballots shall be delivered in separate containers marked with the number and type of ballots enclosed. A receipt for the ballots, including the number and type of ballots, shall be signed and dated by an election official. The clerk shall keep the receipt as part of the election record.
- D. 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.
- E. The clerk shall have sample ballots available to voters which are identical on colored paper and marked "sample".

18.24.060 Election materials.

- A. The clerk shall equip each polling place or voting station with sufficient materials and supplies needed for the election, including all necessary registration materials, before the opening of the polls.
- B. The clerk shall provide instructions to voters on how to obtain ballots, how to mark them, and how to obtain new ballots to replace those destroyed or spoiled.
- C. The clerk shall provide booths at each polling place or voting station, 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.
- D. 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 or the state of Alaska or both for the use of voting equipment and other supplies relating to voting.

Section 11. Palmer Municipal Code Chapter 18.25 is hereby repealed in its entirety.

Section 12. Palmer Municipal Code Chapter 18.27 is hereby adopted to read as follows:

Chapter 18.27

VOTING METHODS

18.27.010 Eligible persons – Liberal construction.

- A. At any election, any registered qualified voter may for any reason vote an absentee by mail, absentee by electronic means ballot or early ballot, if provided by the clerk.

- B. At any election, the precinct election officials shall allow a person to vote whose name is on the official precinct register for that precinct and who is qualified under this title and AS 15.05. A person whose name is not on the official register shall be allowed to vote a questioned ballot.
- C. The provisions of this chapter effectuating the constitutional guarantee to vote shall be liberally construed.

18.27.020 Absentee voting – By mail.

- A. A registered voter may apply to the clerk for an absentee by mail ballot to be mailed to the voter not earlier than the first of the year in which the election is to be held, nor less than seven calendar days before an election. A request may be made by facsimile.
- B. All applications for an absentee by mail ballot 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 by mail 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.
- C. Once ballots are in the clerk's possession and ready for distribution and upon timely receipt of an application for absentee by mail ballot, the clerk shall mail an official ballot and other absentee by mail voting material to the applicant, at the mailing address given on the application. A return envelope, marked with the words "official ballot" shall be included with the voting materials and addressed to the clerk.
- D. At any time on or before the day of the election, any voter receiving an absentee by mail ballot may vote the ballot. The voted ballot shall then be placed in the secrecy sleeve, which is then placed in the return envelope, and the voter shall sign the certification on the return envelope and have it witnessed in the presence of one of the following authorized officials 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 PMC 18.05.010; or
 2. One witness who is 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 by mail 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 PMC 18.35.080 or returned to an election official no later than 8:00 p.m. on election day. A precinct election official shall deliver the voted absentee by mail ballots to the clerk. The clerk shall deliver the voted absentee by mail ballots to the canvass board for canvassing.
- F. Prior to the election, the clerk shall give to the election board a list of voters from the city who have been issued absentee by mail ballots.
- G. If a voter who was issued an absentee by mail ballot 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 by mail ballot, ballot envelope and return envelope issued to the voter. If the absentee by mail voter does not have the absentee by mail ballot to surrender, the voter may vote a questioned ballot. Surrendered absentee by mail ballots, ballot envelopes and return envelopes collected by the election board shall be returned to the clerk.

18.27.030 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 PMC 18.27.020 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.

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:

- a. Remove the ballot portion of the transmission from the portion that identifies the voter;
- b. Place the ballot portion in a secrecy sleeve;
- c. Seal the secrecy sleeve in an outer envelope of the type used for absentee ballots returned by mail, and seal that envelope;
- d. Attach the voter identification portion to the outer envelope; and
- e. Forward the outer sealed envelope to the canvas board for review.

18.27.040 Early voting.

- A. Early voting before an election official, including the clerk, shall not begin prior to 15 calendar days before the election nor occur after 5:00 p.m. the day before the election.
- B. The early voter who meets the requirements in this section and is qualified to vote in accordance with PMC 18.10.010 may vote early at the location(s) designated by the clerk.
- C. An election official shall issue an official ballot to the voter under this section after:
 - 1. The voter provides the voter's name, residence address within the city and a voter identifier such as a voter number, Social Security number or date of birth; and

2. The voter signs the early-voting register, which constitutes a declaration that the voter is qualified to vote.
- D. The voter shall mark the ballot in private, place the ballot in a secrecy sleeve, and place the secrecy sleeve in the early-voter envelope. The voter shall have the early-voter envelope witnessed by the election official and deposit the ballot in the ballot box in the presence of an election official. The election official shall deliver the voted early-voter ballots to the clerk.
- E. If the voter's qualification is questioned, the voter shall vote a questioned ballot in accordance with PMC 18.27.050.
- F. The clerk shall deliver the voted early ballots to the canvass board for canvassing.
- G. Before the opening of the polls on election day, the clerk shall give to the election board in each precinct a list of the voters who have voted an early ballot. If a voter on the list attempts to vote on election day, the voter may not vote a regular ballot but may vote a questioned ballot.

18.27.050 Questioned voting.

- A. A questioned voter is a person:
 1. Whose name does not appear on the register in the precinct where the voter attempts to vote or on the official register at an early voting location;
 2. Who has received an absentee by mail or by electronic transmission ballot and does not turn it in when voting at the voter's precinct on election day;
 3. 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
 4. Who is questioned for good cause at the polls in writing pursuant subsection C.
- B. If a voter's polling place is in question, the voter may vote a questioned ballot after complying with subsection D of this section.
- C. Every election official and any other person qualified to vote may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. 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 shall be delivered to the clerk. The clerk shall deliver the questioned ballots and statement to the canvass board for canvassing.
- D. The questioned person, before voting, shall execute a certification 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, the person may vote. If the questioned person refuses to execute the certification, the person may not vote.
- E. After voting, the questioned voter shall deliver the ballot to the election official.

18.27.060 Special needs voting.

- A. A voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote a special needs ballot through any person other than a candidate for office at that election, an immediate family member of the candidate for office at that election, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union.
- B. The request for a special needs ballot may be made:

1. To the clerk on or after the fifteenth calendar day before a regular election or special election, up to and including the day before the election; or
 2. From an absentee voting official at an absentee voting station designated by the clerk at a time when the absentee voting station is in operation; or
 3. From a member of the precinct election board on election day.
- C. If the request for a special needs ballot is made through a representative, the representative shall sign the special needs voting envelope provided by an election official. The envelope must include the following information:
1. The representative's name;
 2. The representative's residence and mailing address;
 3. The representative's Social Security number, voter number, or date of birth;
 4. The name of the voter on whose behalf the representative is requesting a ballot and voting materials;
 5. An oath that the representative:
 - a. Is receiving a ballot and voting materials on behalf of the voter;
 - b. Will not vote the ballot for the voter;
 - c. Will not coerce the voter;
 - d. Will not divulge the vote cast by the voter; and
 - e. Has been notified that unlawful interference with voting is punishable under AS 15.56.030;
 6. The representative's signature.
- D. The representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in a secrecy sleeve, and place the secrecy sleeve in the envelope provided. The voter shall provide the information on the envelope that would be required for absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the presence of the representative. The representative shall sign as attesting official and date voter's signature.
- E. The representative shall deliver the ballot envelope to a city of Palmer election official at a city of Palmer precinct not later than 8:00 p.m. Alaska time on Election Day.
- F. If a qualified voter's disability precludes the voter from performing any of the requirements of subsection (D) of this section, the representative may perform those requirements, except making the voting decision, on the voter's behalf.
- G. An election official shall deliver the voted special needs ballot to the clerk. The clerk shall deliver the voted special needs ballot to the canvass board for canvassing.

Section 13. Palmer Municipal Code Chapter 18.30 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

Chapter 18.30

VOTING PROCEDURE OPERATION OF POLLS

18.30.005 Opening of polling place.

- A. On the day of the election, each election board shall open the polls for voting at 7:00 a.m., shall close the polls for voting at 8:00 p.m., and shall keep the polls continuously open during the time between those hours. The election board shall report to the polling place by 6:30 a.m. so that voting will start promptly at 7:00 a.m. The chairman of the election board shall rotate times at which election officials may be relieved for breaks or meals; provided,

however, that at all times at least two officials from the election board are present at the polling place.

- B. Before issuing any ballots, the election board must, 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 then be closed and shall not be opened again or removed from the polling place until the polls have closed.

~~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. For the purposes of this section, the entrance to a polling place is any entrance to the building. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. 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.~~

~~18.30.025 Poll watchers and observers.~~

- ~~A. Each candidate, or organized group that sponsors or opposes an issue, may designate one person at a time to be a poll watcher or observer in the city.~~
- ~~B. A person wishing to serve as a poll watcher or observer shall request authorization from the clerk. The authorization must include:~~
- ~~1. The name of the person to act as a poll watcher or observer;~~
 - ~~2. The name of the candidate, group or organization the poll watcher or observer is representing;~~
 - ~~3. The date of the election; and~~
 - ~~4. The precinct the poll watcher wishes to observe.~~
- ~~C. The poll watcher or observer must present authorization as defined in subsection (B) of this section to the election official upon request. The poll watcher or observer will be provided an area to view all actions of election officials. Without the proper authorization, the election official is empowered to ask a poll watcher or observer 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.~~

~~18.30.030 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.~~

18.30.040 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. A record shall be kept in the register in space provided of the name of persons who offer to vote but who actually do not vote, and a brief statement of explanation. The signing of the register shall constitute a declaration that the voter is qualified to vote.

18.30.051 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 make the mark.

18.30.065 Persons not on official registration list.

If a person's name does not appear on the official registration list in the precinct in which the person seeks to vote, the person may vote a questioned ballot as provided in PMC 18.27.050.

~~18.30.070 Questioned ballots — Issuance.~~

- ~~A. If a voter's polling place is in question, the voter may vote a questioned ballot after complying with subsection (C) of this section.~~
- ~~B. Every election official and any other person qualified to vote may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. 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 shall be delivered to the clerk. The clerk shall deliver the questioned ballots and statement to the canvass board for canvassing.~~
- ~~C. The questioned person, before voting, shall execute a certification 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, the person may vote. If the questioned person refuses to execute the certification, the person may not vote.~~
- ~~D. After voting, the questioned voter shall deliver the ballot to the election official.~~

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 replacement ballot number on the ballot accountability form.~~

- A. Without examining the spoiled ballot, the election official shall give it the ballot back to the voter who shall destroy and discard it immediately in the presence of an election official.
- B. The election official shall then issue another ballot, using the same ballot type as was spoiled, to the voter and shall record that there was a spoiled ballot.

18.30.090 Assistance to voters.

- A. 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 election official, to assist them in casting their ballots.
- B. The persons assisting the voter may not be a candidate for office in that election, an immediate family member of the candidate, the voter's employer, agent of the employer, or officer or agent of the voter's union.
- C. If an election official is requested, an election official shall assist the voter.
- D. If a person, other than an election official, is to provide assistance, the person must take an oath before an election official not to divulge how the voter cast the ballot.

18.30.100 Closing of polls.

- A. Fifteen minutes before and at the time ~~the polls close, or closing of the polls,~~ an election official shall announce the current time and the time ~~the polls close, or closing the polls.~~ Every ~~qualified~~ voter present and in line at the time prescribed for closing the polls may vote. ~~The voter shall proceed to mark the ballot in secret and prepare the ballot by following the instruction given by the election official.~~
- B. When the polls are closed and the last vote has been cast, the election board shall account for all ballots by completing a ballot report, in the manner prescribed by the clerk, with the following information:
 1. total number of ballots voted;
 2. total number of unused ballots;
 3. spoiled ballots, questioned; and
 4. special needs ballots.

18.30.110 ~~Forms completion~~— Unused ballots.

Unused ballots shall be stored in the manner prescribed by the clerk and delivered to the clerk election night.

- ~~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 on the form provided by the clerk by an election official.~~
- ~~B. The top portions of all unvoted ballots 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. The election officials shall, in full view of all persons assembled at the polling place, open the secured ballot boxes and segregate the poll ballots, questioned ballots, ~~the~~ absentee by-mail ballots and ~~the~~ special needs 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 seal shall bear the date of the election, the type of ballots, the precinct name and number and election officials' signatures.

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 ~~receiving team unless otherwise directed by the clerk on election night.~~ If the precinct uses hand counting, the election board shall tally the votes, pursuant to PMC 18.35.012, shall seal the ballots in ballot containers, and shall, within 24 hours of closing the polls, deliver the ballot containers to the clerk.

18.30.150 Prohibition.

- A. During the hours that the polls are open, no election official may discuss any political party, candidate or issue while on duty.
- B. 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. For the purposes of this section, the entrance to a polling place is any entrance to the building.
- C. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition.
- D. The election board shall post warning notices in the form and manner prescribed by the clerk.
- E. 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.

18.30.170 Poll watchers and observers.

- A. Each candidate, or organized group that sponsors or opposes an issue, may designate one person at a time to be a poll watcher or observer in the city.
- B. A person wishing to serve as a poll watcher or observer shall request authorization from the clerk. The authorization must include:
 - 1. The name of the person to act as a poll watcher or observer;
 - 2. The name of the candidate, group or organization the poll watcher or observer is representing;
 - 3. The date of the election; and
 - 4. The precinct the poll watcher wishes to observe.
- C. The poll watcher or observer must present authorization as defined in subsection (B) of this section to the election official upon request. The poll watcher or observer will be provided an area to view all actions of election officials. Without the proper authorization, the election official is empowered to ask a poll watcher or observer 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.

Section 14. Palmer Municipal Code Chapter 18.35 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

18.35.012 Counting ballots – General.

- A. The ballots shall be counted by the ~~vote~~ ballot 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. Hand-counted ballots shall be tabulated according to the following rules:
 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.
 7. The mark specified in (1) of this subsection shall be counted only if it is substantially inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval to be designated;
- D. Ballots may not be counted before 8:00 p.m., local time, on the day of the election.

18.35.015 Counting ballots – Write-in votes.

- A. 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.
- B. Votes for a write-in candidate shall not be counted unless that candidate has filed a nominating petition with the clerk in accordance with PMC 18.15.020.
- C. 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 fill in the oval opposite the candidate's name in accordance with PMC 18.35.012 C.1.. ~~Stickers may not be used on ballots.~~
- D. ~~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.~~
- C. ~~Votes for a write-in candidate will not be counted unless that candidate has filed a nominating petition with the clerk in accordance with PMC 18.15.020.~~
- D. Writing in the name of a candidate whose name is printed on the ballot does not invalidate a write-in vote unless the Canvass Board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.
- E. A vote for a write-in candidate shall be counted if the oval is filled in for that candidate and if the name of the candidate, as it appears on the write-in nominating petition, or the last name of the candidate is written in the space provided.
- F. In counting votes for a write-in candidate, the Canvass Board shall disregard any abbreviation, misspelling, or other minor variation in the form of the name of a candidate if the intention of the voter can be ascertained.

- G. Affixing stickers on a ballot in an election to vote for a write-in candidate is prohibited and that section of the ballot shall not be counted.

~~18.35.020 Ballot boards and teams.~~

- A. ~~Receiving Team. The clerk shall appoint as many receiving teams as needed or use the receiving team designated by the borough clerk. Each receiving team shall receive the ballot containers from the city delivery team, 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 Ord. 546.~~
- C. ~~Counting Team. The clerk shall appoint counting teams as necessary or use the counting team designated by the borough clerk.~~
- 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 approved by the council under PMC 18.20.030. The canvass board shall tally absentee, early voting and questioned ballots and perform the duties as stated in PMC 18.35.100.~~
- F. ~~Failure to Serve. A vacancy on a board or team shall be filled by the clerk or borough clerk.~~

18.35.030 Ballot counting – Use of ballot tabulation system computers.

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

18.35.040 Ballot counting – Tests and security.

No later than one week before the election, the ~~vote~~ ballot tabulation system shall be tested in the presence of, and to the satisfaction of, the review board. Upon completion of the testing, a security seal shall be placed on the tabulation system for delivery to the precincts.

~~18.35.060 Preserving and destroying ballots.~~

~~The clerk shall preserve all official ballots in a secure manner, unopened and unaltered, for not less than 30 days from the date of election certification, or in cases where the election is contested, until 30 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 period, the clerk shall burn, 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.~~

18.35.070 Certificate of election.

Upon closing the polls, the election officials shall count the ballots as set out in the election procedures. When all votes have been counted, the election officials shall prepare a certificate of election, stating the number of votes each candidate or proposition received. Each election

official shall sign the certificate. The certificate and counting material shall be delivered to the clerk.

- ~~A. Hand Count. When all the votes have been counted, the election officials shall prepare 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 tally sheets shall be placed in envelopes by the election board which shall be delivered to the clerk.~~
- ~~B. Voting Tabulation System. Upon closing the polls, the election officials shall print results tapes, sign the tapes, and return tapes and memory card to the clerk as set out in the election procedures. The results tapes serve as precinct certificates of election.~~

18.35.080 Counting absentee by mail and electronic transmission ballots.

- A. The absentee by mail and electronic transmission ballots shall be delivered to the canvass board for review.
- B. Absentee by mail ballot. To be counted in the election, an absentee by mail 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 postmark or readable postmark is contained on an absentee by-mail ballot envelope, the date of the voter's signature, as attested to by the official witness or other witnesses, will be used in determining if the ballot was voted on or before election day. ~~The clerk shall give the canvass board a list of voters who have been issued absentee ballots.~~ Absentee by mail ballot envelopes received after the canvass board has completed absentee by mail 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 PMC 18.35.060.~~
1. Absentee by mail ballot envelopes shall be examined by 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.
 2. An absentee by mail ballot shall not be counted if the voter's certification on the return envelope is not signed and attested as required by law. ~~An absentee ballot shall be counted despite failure of the absentee official to properly sign and date the voter's certificate as attesting official.~~
 3. 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.
 4. The ballots shall then be removed from the secrecy envelopes and shall be mixed with other ballots for counting.
 5. The ballot shall be counted according to the rules for determining properly marked ballots.
- C. Absentee voting by electronic transmission. 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.
- D. 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.
- E. The rejected ballot shall be placed in a container which shall be labeled "no count rejected ballots". The envelopes shall be retained with the other election records and destroyed as set out in 18.35.060. ~~and shall be preserved with other voted ballots.~~

18.35.081 Counting early ballots.

- A. The early ballots shall be delivered to the city canvass board for counting as determined by the clerk. The tabulation of early ballots may not begin until the canvass board has identified and segregated ballots voted early by voters who also cast ballots in another manner in the election.
- B. If an early ballot is found to be sufficient after research by a canvass board, the canvass board ~~by majority vote~~ may accept the ballot for counting.
- C. An early ballot shall be counted despite failure of the early voting official to properly sign and date the voter's certificate as attesting official.
- D. If the ballot has been properly cast and is accepted, the early ballot envelope shall be opened and the secrecy envelope shall be mixed with other secrecy envelopes for counting.
- E. The ballots shall be removed from the secrecy envelopes and shall be mixed with the other ballots for counting. ~~counted using a counting method determined by the clerk.~~
- F. ~~At least two members of the city or borough canvass board and one member of the city or borough review board shall print result tapes, sign the tapes, and return the tapes and memory card to the city or borough clerk as determined by the clerk. The result tapes shall serve as the early voting certificate of election.~~
- G. ~~If electronic tabulation is not used for counting early ballots, the early ballot envelopes shall be examined by the canvass board who shall determine whether the early voter is qualified to vote at the election and whether the ballot has been properly cast. An early ballot shall be counted despite failure of the early voting official to properly sign and date the voter's certificate as attesting official. If the ballot is accepted, the early ballot envelope shall be opened and the secrecy envelope shall be mixed with the other secrecy envelopes for counting. The ballots shall be removed from the secrecy envelopes and shall be counted using a counting method determined by the clerk.~~
- H. ~~If the voter is not qualified or the ballot has not been properly cast, the clerk shall notify the early voter, in writing, of the reason the ballot was not counted. The rejected ballot shall be placed in a container which shall be labeled "no count rejected ballots" and shall be preserved~~ destroyed as set out in PMC 18.35.060.

~~18.35.085 Questioned voter notification.~~

~~The clerk shall prepare and post at every precinct a "Notice to Questioned Ballot Voters." The notice shall contain:~~

- ~~A. Information as to how the questioned voter's ballot will be counted;~~
- ~~B. The date, time and place where the canvass board will meet; and~~
- ~~C. A statement notifying the voter that, within 30 days after election certification, written notification will be sent to the voter informing them of the reason why their ballot was not counted. The notice will further state that if the voter does not receive notification, the ballot was counted.~~

18.35.090 Counting questioned ballots.

- A. Questioned ballots shall be delivered to the city ~~or borough~~ canvass board for counting as determined by the clerk.
- B. After research, a the canvass board by majority vote may refuse to accept the question and count the ballot of a person properly questioned. ~~If the question is refused and the ballot is accepted, the ballot~~ large envelope shall be opened and the ballot envelope shall be mixed with other ballot envelopes for counting.

- ~~E. A questioned ballot shall be counted despite failure of the questioned voting official to properly sign and date the voter's certificate as attesting official. The ballots shall be removed from the ballot envelopes and shall be counted using a counting method determined by the clerk.~~
- D. 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 "no count rejected ballots" and shall be preserved as set out in PMC 18.35.100060.
- ~~E. At least two members of the city or borough canvass board and one member of the city or borough review board shall print result tapes, sign the tapes, and return the tapes and memory card to the city or borough clerk as determined by the clerk. The result tapes shall serve as the questioned voting certificate of election.~~

18.35.095 Counting special needs ballots.

- A. Special needs ballots shall be delivered to the canvass board for counting as determined by the clerk.
- B. After research, the canvass board by majority vote may accept a special needs ballot. A special needs ballot shall be counted despite the failure of a voting official to properly sign and date the voter's certificate as attesting official. If the ballot has been properly cast and is accepted, the ballot envelope shall be opened and the ballot envelopes shall be mixed with the other ballot envelopes. The ballots shall be removed from the secrecy envelopes and shall be mixed with other ballots for counting.
- C. If the ballot has not been properly cast, the clerk shall notify the voter, in writing, of the reason the ballot was not counted. The rejected ballot shall be placed in a container which shall be labeled "no count ballots." The envelopes shall be retained with the other election records and destroyed as set out in section 18.35.060.

18.35.100 Counting and canvass of returns, certificate of election.

- A. Not later than the Monday following each election, the canvass board shall meet and shall:
 1. In full view of those present, judge the validity of absentee by mail, absentee by electronic transmission, early, questioned and special needs ballots, open and tally accepted ballots, and compile the total votes cast in the election;
 2. Review the precinct certificates of results for accuracy;
 3. Correct all obvious errors;
 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 subsection (A)(3) of this section;
 5. Report any irregularities in the election or discrepancies in the count of the ballots in its report to the council; and
 6. Certify the validity of all votes cast and sign a certification of results of the count.
- B. After receiving the canvass board report and as soon as practicable after the counting of the ballots, but not later than the second Tuesday 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 qualified voters 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. 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 code the council.

- D. Unless the council orders an investigation or unless a contest has been previously filed pursuant to PMC 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 an 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 a resolution of the council the minutes along with the following information:
 1. The total number of poll, early-voter, absentee by mail, absentee by electronic transmission, questioned, and special needs 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 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 PMC 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 the determination has been made by coin toss or lot, the clerk shall certify the election winner.

18.35.120 Preserving and destroying ballots.

The clerk shall preserve all official ballots in a secure manner, unopened and unaltered, for not less than 30 days from the date of election certification, or in cases where the election is contested, until 30 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 period, the clerk shall destroy the ballots in compliance with the records management procedures.

Section 15. Palmer Municipal Code Chapter 18.37 is hereby enacted to read as follows:

Chapter 18.37

ALTERNATE VOTING PROCESS

18.37.010 Ballot shortage.

Under no circumstance shall a precinct close due to ballot shortage. The precinct chair shall monitor the ballot supply throughout the day and shall apprise the clerk of the amount of available ballots.

18.37.020 Voting process.

- A. If a precinct runs out of ballots, the clerk shall institute the alternate voting and issue alternate ballots as necessary.
- A. Voters on the precinct register. Voters whose names appear on the precinct register shall sign the precinct register and be given an alternate ballot.
 - 1. The election official shall mark the precinct register in a manner designated by the clerk.
 - 2. The voter shall vote the alternate ballot and shall place the ballot in the ballot box provided by the clerk.
- B. Questioned voters. If a voter is not on the precinct register or his or her ability to vote is in question, the voter shall vote an alternate questioned ballot.
 - 1. The election official shall mark the questioned voter register in a manner designated by the clerk.
 - 2. The voter shall be given an alternate ballot and shall vote the ballot as designated in PMC 18.27.050.
- C. Special needs voters. A representative requesting a special needs ballot shall be given an alternate ballot and shall complete the process as designated in PMC 18.27.060.

18.37.030 Counting ballots.

The method for counting ballots used in the alternate voting process shall be by hand count on election night, by the precinct election officials as designated in PMC 18.35.

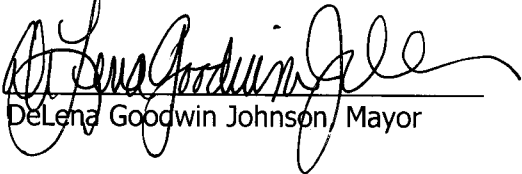
- A. Ballots cast by the voters on the precinct register shall be tabulated as designated in PMC 18.35.012.
- B. Ballots cast by voters voting an alternate questioned ballot shall be tabulated by the canvass board as designated in PMC 18.35.090.
- C. Ballots cast by voters an alternate special needs ballot shall be tabulated by the canvass board as designated in PMC 18.35.095.

18.37.040 Alternate voting process report.

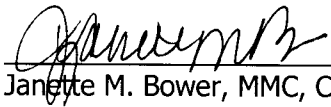
The election board shall account for all ballots by completing a ballot report, in the manner prescribed by the clerk, containing the total number of alternate ballots voted, total number of unused alternate ballots, alternate spoiled ballots, alternate questioned, and alternate special needs ballots.

Section 16. 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 twelfth day of June, 2012.



DeLena Goodwin Johnson, Mayor



Janette M. Bower, MMC, City Clerk