

CITY OF PALMER, ALASKA

ORDINANCE NO. 515

AN ORDINANCE REPEALING CURRENT TITLE 18 (ELECTIONS) AND ADOPTING NEW TITLE 18 (ELECTIONS).

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

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

Section 3. The current Title 18 is repealed in its entirety, and the following Title 18 is adopted.

Title 18

ELECTIONS

Chapters:

- 18.05 General Provisions
- 18.10 Voter Qualification
- 18.15 Candidates
- 18.20 Election Organization
- 18.25 Absentee Voting
- 18.30 Voting Procedure
- 18.35 Ballot Counting
- 18.40 Contest of Election
- 18.45 Election Recount

Chapter 18.05

GENERAL PROVISIONS

Sections:

- 18.05.010 Definitions
- 18.05.020 Incorporation of state and federal laws
- 18.05.030 Regular election

- 18.05.040 Special election
- 18.05.050 Creating and declaring vacancies in office
- 18.05.060 Initiative, referendum, and recall
- 18.05.065 Bonded indebtedness
- 18.05.067 Propositions and questions
- 18.05.070 Nonpartisan requirement
- 18.05.080 Sale of liquor on election day
- 18.05.090 Prohibition on use of public moneys to promote passage of ballot propositions
- 18.05.100 Simple majority; prohibition on runoff elections

18.05.010 Definitions. A. In this title, unless the context otherwise requires:

1. "Borough" means Matanuska-Susitna Borough.
2. "Canvass board" means city council.
3. "City" means City of Palmer.
4. "Clerk" means 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.
5. "Day(s)" means calendar day(s).
6. "Election" includes any regular or special city election.
7. "Election board" means the election judges.
8. "Election official" includes election judges, the clerk, the clerk's office staff, absentee voting officials, canvass board, data processing review board, control board, counting teams, and receiving team.
9. "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.
10. "Immediate family" means a candidate's grandparents, parents, children, grand-children, siblings, spouse, spouse's children, spouses of children, or a regular member of the candidate's household.
11. "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.
12. "Proposition" means an initiative, referendum, recall, or other issue submitted to the public at an election.
13. "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.
14. "Questioned voter" means a voter:

a. whose name does not appear on the register for the city;

b. who has received an absentee ballot and does not turn it in to an election judge at the polls when voting on election day;

c. who does not bear identification or is not personally known to an election official though the voter's name appears on the register for the city; or

d. who is questioned for good cause at the polls in writing pursuant to PMC 18.30.070.

15. "Register" means the register maintained by the director of the State Division of Elections.

16. "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 city 30 days prior to the city election.

17. "Regular ballot" means a ballot voted at the polls which is not a questioned or an absentee ballot.

18. "Regular election" means the city election held on the first Tuesday of October annually.

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

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

21. "Swear" includes "affirm."

22. "Voter" means any person who presents himself or herself for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

18.05.020 Incorporation of state and federal laws. All provisions of the United States Constitution, the Alaska State Constitution, and the laws enacted pursuant to these constitutions affecting city elections are incorporated in this chapter as if fully set out in this chapter.

18.05.030 Regular election. A. The date of the regular election shall be annually on the first Tuesday of October.

(B) The council may provide for different dates for regular election by ordinance in accordance with Charter Section 10.1.

18.05.040 Special election. The council may call a special election at any time at least 75 calendar days prior to the date of the election. Notice of the special election shall be made in accordance with PMC 18.20.020.

18.05.050 Vacancies in office. A. Vacancy. The offices of council person and mayor shall become vacant upon the occurrence of any of the following:

1. the expiration of the term of office;
2. the death of the incumbent;
3. a resignation when approved by the council;
4. a removal from office in the manner provided by law;
5. ceasing to possess at any time the qualifications or eligibility required for election or appointment to office;
6. final conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office;
7. a judicial determination that the incumbent is of unsound mind;
8. a decision of a competent tribunal declaring the election or appointment of the incumbent void;
9. failure to take the oath or make the affirmation, or file the bond required for the office within twenty (20) days from the date of election or appointment;
10. any other event which, by law, creates a vacancy.

B. Filling vacancies. Vacancies shall be filled in the manner provided by Charter section 2.13(a).

18.05.060 Initiative, referendum, and recall. A. The powers of initiative and referendum reserved by the state constitution to the people of the state are also reserved to the people of the city as provided by state law.

B. Any elected official of the organized city may be recalled as provided by state law.

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 18.20.020(C).

18.05.067 Propositions and questions. An ordinance placing propositions and questions before the voters must be adopted not later than 53 calendar days before a regular election, or 75 calendar days before a special election.

18.05.070 Nonpartisan requirement. All city elections shall be nonpartisan.

18.05.080 Sale of liquor on election day. In accordance with A.S. 04.16.070(b), the provisions of A.S. 04.16.070(a) do not apply in the city, and intoxicating liquor may be given, sold,

bartered, consumed or dispensed in a licensed premises on election day.

18.05.090 Prohibition on use of public moneys to promote passage of ballot propositions. A. The use of public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees in kind, to promote the passage of ballot propositions including public expenditures, appropriations or bond issues is prohibited.

B. The term "promote" means an attempt to influence, whether affirmatively or negatively, the vote of the people upon ballot propositions or bond issues. The term "promote" does not encompass the following and similar activities:

1. the publication, circulation or mailing of informational items or legal notices pertaining to proposed bond issues or ballot propositions, so long as any literature distributed to the public or to news media presents in a reasonably fair and full manner information useful to the public to make an informed vote upon any ballot propositions or bond issue;

2. the participation by city personnel in public discussions or interviews with news media relating to proposed ballot propositions or bond issues;

3. the city administration may prepare and disseminate an informational brochure regarding propositions or bond issues placed on the ballot by the city council which accords reasonably equal presentation of facts supporting and opposing the proposition or bond issue.

C. City-owned buildings, and other facilities may be utilized for public meetings, discussions, and other assemblies by private groups supporting or opposing any ballot proposition or bond issue. City employees may arrange for public meetings and assemblies where the advantages and disadvantages of a proposed ballot proposition or bond issue are reasonably fairly presented by opponents and proponents of the item.

D. No posters, fliers or other printed material advocating or opposing a ballot proposition or bond issue may be displayed in any city-owned or controlled building or facility except in a single area of general public access designated by the building supervisor. Both proponents and opponents of the ballot item shall be accorded reasonably equal access to the space.

E. The constitutional rights of public employees to express their personal views on proposed bond issues and ballot propositions during public meetings or in interviews with news media shall not be abridged by this title. However, any employee expressing personal views shall clearly state that the statements

reflect personal or professional beliefs only and do not represent the position of the city.

18.05.100 Simple majority; prohibition on runoff elections.
There shall be no runoff elections. All city offices shall be filled by the candidate receiving the greatest number of votes. Where there is more than one office to be filled for the same term, the office shall be filled by those candidates receiving the larger numbers of votes.

Chapter 18.10

VOTER QUALIFICATION

Sections:

- 18.10.010 Voter qualification
- 18.10.020 Rules for determining residence of voter
- 18.10.030 Registration
- 18.10.040 Voter disqualification for felony conviction
- 18.10.050 Voter disqualification for unsound mind

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 thirty (30) days immediately preceding the election;
- C. Is registered to vote in State elections at a residence address within the city at least thirty (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. A. For the purpose of determining residence for voting, the place of residence is governed by the following rules:

1. 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.

2. 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.

3. A person does not gain or lose residence solely by reason of a person's presence while employed in the 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 residing upon an Indian or military reservation, or while residing at the Alaska Pioneers Home.

4. No member, or spouse or dependent of a member, of the armed forces of the United States is a resident of this state solely by reason of being stationed in the state.

5. 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.

6. A person does not gain a residence in a place to which the person comes without a present intent to establish a permanent dwelling there.

7. A person loses residence in this state if the person votes in an election held in another state, and has not upon the person's return regained residence in this state under the provisions of this chapter and state law.

8. The term of residence is computed by including the day on which the person's residence commences and by 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 election judges at any election shall allow a person to vote whose name is on the official registration list for the city and who is qualified under this chapter and A.S. 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.

Chapter 18.15

CANDIDATES

Sections:

- 18.15.010 Candidate qualifications.
- 18.15.020 Nominations of candidates.
- 18.15.025 Nominations: Notice of offices to be filled.
- 18.15.030 Corrections, amendments and withdrawal of declaration of candidacy petitions.

18.15.010 Candidate qualifications. A. To qualify as a candidate for the office of mayor or council member, a person must meet the following requirements:

1. be a qualified voter of the city; 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.

B. A candidate must provide sufficient proof that the candidate is 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 for elective offices shall be made only by petition of twenty or more registered voters qualified to vote in city elections. Each voter signing a petition shall state on the petition the voter'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 address of the candidate;
3. the full mailing address 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. that the candidate meets, or will meet, as required by the law, the specific requirements of the office the candidate is seeking;

7. that the subscribers are qualified voters of the city;

8. that the subscribers request that the candidate's name be placed on the ballot;

9. that the proposed candidate accepts the nomination and will serve if elected, with a statement signed by the proposed candidate; and

10. the name of the candidate as the candidate wishes it to appear on the ballot.

C. Nominating petitions shall be in substantially the following form:

We, the undersigned registered voters of the City of Palmer, Alaska, hereby nominate and sponsor _____, whose residence is _____, for the office of _____ [if for council, specify term of office] to be voted for at the election to be held on the ____ day of ____, 19__.

We request that the candidate's name be placed on the ballot as _____.

We individually certify that

1. our names presently appear on the roll of registered voters of the City of Palmer,

2. that we are qualified to vote for a candidate for the office this candidate seeks, and

3. that we have not signed any other nominating petition for the particular office this candidate seeks, except in the case of council person where we understand we can sign for any given term of office as many petitions as there are vacancies for the position of council person for that term.

	Street and	Address from	
Name	No. or Lot	Which Last Reg-	
(Print	and Block,	istered, if	Date of
<u>legibly)</u>	<u>Signature</u>	<u>etc.</u>	<u>Different</u>
			<u>Signing</u>

(Spaces for minimum of 20 signatures)

ACCEPTANCE OF NOMINATION

I hereby accept the above nomination, I am qualified under the laws of the State of Alaska and the City of Palmer to serve as _____, and I agree to serve if elected.

Signature of candidate

Date and hour of filing: _____
This petition is filed by: _____
whose residence address is: _____
whose mailing address is: _____

Received by: _____

D. No earlier than sixty-four (64) days before the election, the clerk will make available at city hall nominating petitions to persons requesting them. Nominating petitions must be completed and filed with the clerk at city hall during normal business hours no earlier than sixty-four (64) days nor later than fifty-three (53) days before the election. Otherwise the petitions shall be unacceptable. The clerk shall record on the petition itself and preserve the name and address of the person by whom each nominating petition is filed. All petitions in proper form with sufficient signatures, and all deficient petitions which are not withdrawn by the person filing them, shall be preserved by the clerk and eventually destroyed as provided by this chapter for destruction of ballots.

E. Within four (4) days after the filing of a nominating petition, the clerk shall notify the candidate named in the petition and the person who filed the petition whether or not it is in proper form and signed by twenty registered voters. If not, the clerk immediately shall return it, with a statement certifying wherein the petition is deficient, to the person who filed it. A corrected, amended or new petition for the same candidate may be filed, provided the filing is within the time for filing petitions.

F. Candidates for elective office and declared write-in candidates are notified that they shall comply with the Alaska Public Offices Commission requirements.

18.15.025 Nominations: Notice of offices to be filled. The clerk shall publish a notice of offices to be filled at the election and the manner of making nominations at least twice in one or more newspapers of general circulation in the city. The clerk shall also post such a notice on the city hall bulletin board. The

first such publication and the posting shall be accomplished no more than twenty (20) nor less than ten (10) days before nominations are open for each regular election.

18.15.030 Corrections, amendments and withdrawal of declaration of candidacy and nominating petitions. A. Any 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 to the clerk. However, after the filing 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 PMC 18.15.020.

Chapter 18.20

ELECTION ORGANIZATION

Sections:

- 18.20.010 Time of election
- 18.20.020 Notice of election
- 18.20.030 Election officials
- 18.20.040 Ballots; form
- 18.20.050 Ballots; distribution
- 18.20.060 Election materials
- 18.20.070 Reporting voting information to the state
- 18.20.080 Expenses

18.20.010 Time of election. A. Regular elections shall be held at the times specified by the laws of the state of Alaska or by the council. The council by resolution may call special elections at any time in accordance with the notice provisions of this title.

B. The polls shall be open from 7 a.m. until 8 p.m. on all election days for the purpose of voting.

18.20.020 Notice of election. A. The clerk shall publish a notice of each election at least three times in one or more newspapers of general circulation in the city. The clerk also shall post such a notice on the city hall bulletin board. The first such publication and the posting shall be accomplished at least 20 days before the election.

B. Each notice of election, shall include:

1. The type of election: regular or special;

- 2. The date of election;
- 3. The hours the polling place(s) will be open;
- 4. The offices to which candidates are to be elected;
- 5. The subjects of propositions and questions to be voted upon;
- 6. The qualifications required of voters, and the manner, time and place of registration;
- 7. Instructions for absentee voting;
- 8. The locations of polling place(s); and
- 9. Notification that anyone needing bilingual assistance in casting their ballot or knowing of anyone who needs such assistance, or anyone needing assistance in casting their ballot due to a disability should contact the clerk for assistance at least 24 hours before the time for casting ballots.

C. Notice of bonded indebtedness. Before a general obligation bond issue election, the clerk shall publish notice of the city's total existing bonded indebtedness at least once a week for three weeks. The notice of the city's total existing bonded indebtedness shall state:

- 1. the current total general obligation bonded indebtedness, including authorized but unsold bonds, of the city;
- 2. the cost of the debt service on the current indebtedness; and
- 3. the total assessed valuation within the city.

18.20.030 Election officials. A. Appointment, number. The council shall appoint election judges. Before each election, the clerk shall recommend to the council at least three election judges to constitute the election board for the city. One election judge shall be designated chairperson and shall be primarily responsible for administering the election. If no chairperson is appointed for the city or the chairperson is unable to fulfill the chairperson's duties, the other election judges shall perform the chairperson's duties.

B. Qualifications. Each election judge shall be a registered and qualified voter of the city. There shall be no inquiry into an election official's political party as a prerequisite to service. Candidates or members 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. Notice of appointment. Before election day the clerk shall give written notice to the recommended appointees for election judges and, in conjunction with the Borough clerk, give written notice to the recommended appointees for other election

officials (other than the clerk), which includes election officials for the polls, receiving board, control board, data processing review board, and counting team. The appointees shall accept the appointment in writing. For good cause the clerk may accept a verbal agreement from an election official to serve. The council shall confirm the clerk's recommendations of election judges. After council approval, the clerk may make necessary adjustments to election officials as required to conduct a properly held election.

D. Oath. The election judge designated as chairperson 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 judges. The city hereby authorizes the Borough clerk or assistant borough clerk to administer an oath of office to Borough election officials on behalf of the city.

E. Failure to serve. If any election judge fails or refuses to attend and serve, the election chairperson of the city shall appoint a person eligible under this section to serve in place of the absent election judge. If any other election official (other than the judges and clerk) fails or refuses to attend and serve, the Borough clerk or designee shall appoint a person eligible under this section to serve in place of the absent election official.

18.20.040 Ballots; form. A. The title of each office to be filled shall be followed by the printed names of the candidates for the office on paper and punch-card ballots, below which shall be blank lines equal in number to the seats to be filled for the office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for not more than _____" with the appropriate number replacing the blank, shall be placed before the list of candidates for each office. The names of the candidates shall be printed as they appear upon the nominating petition 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.

B. Propositions and questions shall be placed on separate ballots from those ballots containing the names of the offices and candidates. However, propositions and questions may be placed on the opposite side of a two-sided ballot containing the offices and candidates on one side. More than one proposition may appear on one side of a ballot containing propositions or questions. The words "yes" and "no" shall be placed below the statement of each proposition or question.

C. Paper ballots shall be on plain white paper, through which printing and writing cannot be read. The printing on the face of the ballot shall be not less than one-eighth of an inch nor more than one-fourth of an inch in height. At the beginning of each line containing a name of a candidate or a blank space, and preceding each of the words "yes" and "no," there shall be a printed square, the sides of which are at least one-fourth of an inch in length. The ballots shall be numbered in series, the same number being placed on the corners of each ballot within the areas set off by perforations which may conveniently be removed from the remainder of the ballot, and which shall be clearly visible although the ballot is folded to conceal the manner in which it has been marked by a voter.

D. Punch-card voting may be used in addition to or instead of paper ballots in any election. The clerk may make arrangements with the Borough clerk or the State of Alaska for the use of voting machines and other equipment and supplies relating to punch-card voting.

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 the election, however, sample and absentee 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 shall be delivered to the election board prior to or on the date of the election before the opening of the polls. The ballots shall be delivered in separate containers, with the number and type of ballots enclosed in each container clearly marked on the outside. A receipt for each container, including the number and type of ballots delivered and the date of delivery, shall be taken from the election board to which it is delivered, and preserved by the clerk. The clerk shall keep a record of the ballot numbers delivered to each polling place, the name of the person to whom each group of ballots is delivered, and the date of each delivery.

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 judges of the ballots removed from a polling place.

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 prepare instructions explaining to voters how to obtain ballots, how to mark them, how to obtain information from election judges, and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type or provided in another method which clearly apprises the voters of the instructions.

C. The clerk shall have sample ballots identical in form to the ballots to be used in the election, 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.

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

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.

Chapter 18.25

ABSENTEE VOTING

Sections:

18.25.010 Absentee voting; eligible persons; liberal construction

18.25.020 Absentee voting; by mail

18.25.030 Absentee voting; in-person voting

18.25.040 Absentee voting; by personal representative

18.25.010 Absentee voting; eligible persons; liberal construction.

A. Any registered and qualified voter may cast an absentee ballot if the voter expects to be absent from the city, or shall be unable to vote by reason of physical disability on the day of any election.

B. The provisions of this chapter effectuating the constitutional guarantee to absentee voting shall be liberally construed.

18.25.020 Absentee voting; by mail. A. A registered voter may apply to the clerk for an absentee ballot to be mailed to him or her not earlier than 90 nor less than five calendar days before an election. A request may be accepted by facsimile.

B. All applications for an absentee ballot by mail shall be in writing either on a form provided by the clerk's office or in a letter containing the following information:

1. the applicant's place of residence;
2. the address the applicant desires the absentee ballot to be mailed;
3. the applicant's signature;
4. a voter identifier such as voter number, a social security number, or date of birth; and
5. a statement by the voter requesting an absentee ballot for that election.

C. Upon timely receipt of an application for absentee ballot by mail, the clerk shall deliver to the applicant, at the mailing address given in the application, an official ballot for the election together with an envelope stamped with the words "official ballot."

D. At any time on or before the day of the election, any voter receiving an absentee ballot by mail may vote the ballot. The voted ballot shall then be placed in the return envelope and the voter shall sign the certification on the return envelope and have it witnessed in the presence of an authorized official such as:

1. a notary public; U.S. postmaster or authorized postal clerk; commissioned military officer; judge; justice; magistrate; clerk of the court; a duly appointed voter registrar, or election official as defined in PMC 18.05.010(A)(7); or
2. if an authorized official is not reasonably accessible, two witnesses who are at least 18 years of age may witness the voter's signature.

E. After witnessing the absentee voter's signature, the official or witness shall return the voted ballot to the voter who shall mail or otherwise deliver the ballot to the clerk. The voted absentee ballot shall be received by mail as defined in PMC 18.35.080(A) or returned to an election official no later than 8 p.m. on election day. Upon receipt of the voted absentee ballots,

the clerk shall retain the voted ballots and deliver them 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 ballots.

If a voter who was issued an absentee ballot by mail returns to the city on election day, the voter may not vote a regular ballot at the polling place unless the voter first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to the voter. The absentee voter may vote a questioned ballot if he or she does not have the absentee ballot to surrender. Surrendered absentee ballots, ballot envelopes, and return envelopes collected by the election board shall be returned to the clerk.

18.25.030 Absentee voting; in-person voting. A. Absentee voting in person may occur only before the clerk. Such voting shall not begin prior to 15 calendar days before the election nor occur after 5:00 pm the day before the election. The absentee voter may appear before the clerk and there cast the voter's ballot. The voter shall mark the ballot in secret and place the ballot in a ballot envelope. The voted ballot shall then be placed in a return envelope and the voter shall sign the certification on the return envelope and have it witnessed by the clerk. The voted absentee ballot shall remain in the clerk's custody, until the clerk shall deliver all voted ballots to the canvass board for canvassing.

B. Prior to the election, the clerk shall give to the election board a list of voters who have voted absentee ballots. If a voter who voted an absentee ballot in person returns to the city on election day, the voter may not vote a regular ballot but may vote a questioned ballot.

18.25.040 Absentee voting; by personal representative. A. A registered voter may apply for an absentee ballot by personal representative to:

1. the clerk's office on or after the 15th calendar day before a regular or special election up to and including the day before the election; or

2. an election judge on election day.

B. The personal representative must be a registered voter other than a candidate for election at that election or immediate family member thereof.

C. A request for an absentee ballot by personal representative shall be on a form provided by the clerk or a written statement stating that the applicant is unable to go to the polling

place because of a physical disability. The request must be complete and signed by:

1. a physician licensed by the state of Alaska; or
2. two registered voters.

D. Upon timely receipt of such a request for absentee ballot by personal representative, the clerk or election judge shall deliver to the personal representative an absentee ballot for the election.

E. The personal representative shall deliver the absentee ballot to the voter as soon as practicable. Upon receipt of an absentee ballot through a personal representative, the voter shall proceed to mark the ballot in secret, place the ballot in the ballot envelope, then place the ballot envelope in a return envelope. The voter shall sign the certification on the return envelope in the presence of the personal representative who shall sign as witness and then date the signature. The voter shall return the absentee ballot to the personal representative who shall deliver the ballot to the election official who provided the ballot. The absentee ballot shall be returned to the clerk no later than 5:00 pm on the day before the election or to an election judge at the polls no later than 8 p.m. on election day. An absentee ballot by personal representative that is not returned to an election judge by the close of business on election day may not be counted.

F. If the personal representative does not request an absentee ballot until the day of the election, an election judge shall issue both the written application form for voting by personal representative and the absentee ballot at the same time and shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested.

G. Upon return of the completed absentee ballot and the written application for voting by personal representative, an election judge shall immediately check the material to ensure all requirements have been met, and if not, shall immediately contact the personal representative or voter to inform the person of the deficiencies so the requirements may be met.

H. The absentee ballots by personal representative shall remain in the election judge's custody and shall be delivered to the clerk. Upon receipt of the voted personal representative ballots, the clerk shall retain the voted ballots and deliver them to the canvass board for canvassing.

Chapter 18.30

VOTING PROCEDURE

Sections:

- 18.30.010 Prohibition of political discussion by election official
- 18.30.020 Prohibition of political persuasion near polls
- 18.30.025 Poll watchers
- 18.30.030 Ballot box security
- 18.30.040 Keeping of register
- 18.30.050 Voting punch-card ballots
- 18.30.060 Voting paper ballots
- 18.30.070 Questioned ballots; issuance
- 18.30.080 Ballots damaged by voters
- 18.30.090 Assistance to voters by election official
- 18.30.100 Closing of polls
- 18.30.110 Forms completion; unused ballots
- 18.30.120 Opening ballot box
- 18.30.130 Ballot container delivery

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 the entrance to the building. 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. A. Each candidate, or organized group that sponsors or opposes an issue, may designate one person at a time to be a poll watcher in the city.

B. A person wishing to serve as a poll watcher shall request authorization from the clerk. The authorization must include:

1. the name of the person to act as a poll watcher;
2. the name of the candidate, group, or organization the poll watcher is representing; and
3. the date of the election.

C. The poll watcher must present authorization as defined in subsection B above to the election official upon request. The poll watcher 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 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. The signing of the register shall constitute an oath that the voter is qualified to vote.

18.30.050 Voting punch-card ballots. The voter shall be given one punch-card ballot for candidates and propositions, that the voter qualifies for, and shall retire alone to a voting booth. There, the voter without undue delay shall prepare the punch-card ballots by following the instructions provided at the polling place. Before leaving the voting booth the voter shall place the punch-card ballot in a secrecy sleeve to display the number on the punch-card ballot. The voter shall deliver the punch-card ballot to one of the election judges, who shall determine if the punch-card ballot bears the same number as the punch-card ballot given to the voter and if so, the election judge shall tear the number off and hand the punch-card ballot back to the voter who shall deposit the punch-card ballot in the ballot box.

18.30.060 Voting paper ballots. The voter shall be given one ballot for candidates and propositions, that the voter qualifies for, and shall retire alone to a voting booth. There the voter, without undue delay, shall prepare the ballot by marking with pen and ink or indelible pencil the appropriate boxes opposite the names of candidates of the voter's choice, whether printed on the ballot or written in by the voter on the blank lines provided for that purpose. In the same manner as the voter marked the candidate boxes, the voter shall mark the appropriate boxes for questions and propositions. Before leaving the voting booth, the voter shall fold the ballot to display the number on the ballot. The voter shall deliver the ballot to one of the election judges, who shall determine if the ballot bears the same number as the ballot given to the voter, and if so, the election judge shall tear the number off and hand the ballot back to the voter who shall deposit the ballot in the ballot box.

18.30.070 Questioned ballots; issuance. A. If a voter's polling place is in question, the voter shall vote a questioned ballot after complying with subsection C.

B. The clerk or an election judge shall question a person attempting to vote if the clerk or an election judge has good reason to suspect that the questioned person is not qualified to vote in the election. Any voter registered in the city may also question a person attempting to vote if the registered voter has good reason to suspect that the questioned person is not qualified to vote in the election. All questions regarding a person's qualification to vote shall be made in writing, setting out the reason that the person has been questioned. The questions shall be delivered, as ballots are delivered, to the election chairperson. The written questions shall be delivered to the clerk's office for review by the canvass board.

C. The questioned person, before voting, shall subscribe to an oath or affirmation on a form provided by the clerk or an election judge 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 oath of affirmation, the person may vote. If the questioned person refuses to execute the oath or affirmation, the person may not vote.

D. A voter who casts a questioned ballot shall vote the ballot in the same manner as prescribed for poll voters. After the election judge removes the numbered stub from the ballot, the voter shall insert the small ballot envelope into a large envelope on which the statement the voter previously signed is located. The larger envelope shall be sealed and deposited in the ballot box.

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 judge shall provide another ballot upon the voter returning the damaged ballot to the election officials, with a maximum of three ballots of each type. The election judge shall record the number of the improperly marked or damaged ballot without examining it and give the damaged ballot back to the voter who shall destroy and discard it immediately in the presence of an election judge.

18.30.090 Assistance to voters by election official. 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, if voting by absentee ballot, before the clerk, to assist the voters in casting their ballots. The persons assisting the voter may not be a candidate for office in that election, an immediate family member thereof, the voter's employer, agent of the employer, or officer or agent of the voter's union. If a person, other than an election board member or clerk is to provide assistance, the person must take an oath before an election board member not to divulge how the voter cast the ballot.

18.30.100 Closing of polls. Fifteen minutes before the closing of the polls, an election judge shall proclaim to any persons present the time remaining before the polls close. When the polls are closed, that fact shall be similarly proclaimed. No ballots shall be received after the polls are closed except those of qualified voters already present at the polls and waiting to vote when the polls are closed.

18.30.110 Forms completion; unused ballots. A. The serial numbers of the ballots not voted, the total number of the ballots not voted, and all ballots mutilated or spoiled by voters shall be recorded by an election judge. The top portions of all unvoted ballots, including the ballot stubs and one half of the ballot, shall be returned to the clerk. The record of ballots not voted, and the ballots mutilated or spoiled by voters, shall be delivered by an election judge to the clerk.

B. All supplies, completed forms, and other papers shall be delivered to the clerk.

18.30.120 Opening ballot box. A. After destroying the unvoted ballots, an election judge shall, in full view of any person assembled at the polling place, break the security device and open the ballot box and shall segregate the questioned ballots,

the absentee ballots, and the personal representative 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 and the election judges' signatures.

18.30.130 Ballot container delivery. If the city uses a computer count, two election judges from the city shall act as a delivery team and shall deliver the sealed ballot containers to the receiving team at the Borough clerk's office unless otherwise directed by the clerk. If the city uses hand-counting, the election board shall tally the votes, pursuant to PMC 18.35.010, shall seal the ballots in ballot containers, and shall, within 24 hours, deliver the ballot containers to the clerk.

Chapter 18.35

BALLOT COUNTING

Sections:

- 18.35.010 Counting ballots; general
- 18.35.020 Punch-card ballot boards and teams
- 18.35.030 Punch-card voting; use of computers
- 18.35.040 Punch-card voting; tests and security
- 18.35.050 Punch-card counting
- 18.35.060 Preserving and destroying ballots
- 18.35.070 Certificate of election
- 18.35.080 Counting absentee ballots
- 18.35.090 Counting questioned ballots; uncounted ballots
- 18.35.100 Counting and canvass of returns, certificate of election
- 18.35.110 Determination of tie votes

18.35.010 Counting ballots; general. A. The election board shall count the votes according to A.S. Title 15.

B. If a voter marks more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from the ballot the voter's preference regarding a ballot question or office to be filled, that portion of the ballot shall not be counted. An entire ballot shall not be rejected if the official counting the ballot can determine from an inspection of

the ballot the voter's position on a ballot question or which candidate on the ballot for whom the voter intended to vote.

C. At no time during the tallying of votes may anyone but the election board, receiving team, control board, counting teams, data processing review board or canvass board handle the ballots. The ballots shall not be marked in any way by anyone during the tallying, except that the candidates, propositions, and questions that are unclear as to the voter's intent shall be marked "spoiled" by the election board or the data processing review board and those votes not included in the total number of votes.

D. Ballots not counted due to error or objection shall be marked "no count" on the ballot envelope. An explanation of the defect or objection shall be written on the ballot envelope and signed by the election official. All uncounted ballots shall be enclosed in a container and marked on the outside with a description of its contents.

18.35.015 Write-in votes. A. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and, in addition, mark the square opposite the candidate's name. Stickers may not be used on punch-card ballots.

B. 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.

18.35.020 Punch-card ballot boards and teams. A. Receiving team. The city shall use the receiving team designated by the Borough clerk. The 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 a control board.

B. Control board. The city shall use the control board designated by the Borough clerk. The control board shall deliver the questioned, absentee and personal representative ballot containers to the clerk. The control board shall break the seal on the ballot container with the regular ballots. The board shall review the ballots for damage, write-in votes, loose debris, or other irregularities and deliver the reviewed ballots to the data processing review board.

C. Counting team. The city shall use the counting team designated by the Borough clerk. The counting team shall count punch-card ballots which are non-processable or have write-in candidates, with one member reading, one checking and two counting.

The counting teams shall also hand tally sample races as a test of the accuracy of the computer ballots.

D. Data processing review board. The Borough clerk shall appoint a data processing review board consisting of at least three members. The data processing review board shall ensure that all punch-card ballots are completely and accurately counted.

E. Chairperson. The Borough clerk shall appoint a chairperson who is member of the data processing review board, who shall oversee the data processing review board, counting team, receiving team and control board.

F. Oath. The Borough clerk shall administer on behalf of the city the oath prescribed for election officials to the chairperson, and the Borough clerk or chairperson shall administer the oath to the board and team members. A vacancy on a board or team shall be filled by the Borough clerk.

G. For purposes of city ballots, no member of the teams or boards described in this section shall be a candidate for city office or an immediate family member thereof. The clerk shall coordinate with the Borough clerk to provide substitute team or board members if necessary.

18.35.030 Punch-card counting; use of computers. The Borough clerk shall designate the computers to be used in counting the punch-card ballots and may negotiate and contract with the state or a private computer service for the needed computer services.

18.35.040 Punch-card counting; tests and security. No later than one week before the election, the computer punch-card vote-counting program shall be tested in the presence of, and to the satisfaction of, the data processing review board. A test of the computer punch-card vote counting program shall be tested approximately one hour before the polls close on election day.

18.35.050 Punch-card counting. A. Upon receipt of the punch-card ballots, the data processing review board shall begin immediately to tally and process the ballots. Once tallied, the ballots for the city shall be placed in sealed containers with the initials of the data processing review board across the seal. The container shall be marked with the date of the election, "City of Palmer," and a statement that "official ballots" are enclosed. The containers containing all city ballots shall then be delivered by the data processing review board to the clerk.

B. Counting teams shall, pursuant to PMC 18.35.020(C), count punch-card ballots which cannot be counted by the data processing review board.

18.35.060 Preserving and destroying ballots. The clerk shall deliver all ballot containers to a secure storage area. The clerk shall keep the ballot containers unopened for one year from the date of the election, unless a contest is filed. Upon the expiration of the year, the clerk shall 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. In cases where the election is contested, the ballot containers shall be retained unopened, unless needed as evidence in the contest, until one year after the final resolution of the contest at which time the clerk shall destroy the ballots as provided by this section upon direction by the council.

18.35.070 Certificate of election. When all the votes have been counted, the election board shall draw a certificate of election, stating the number of votes each candidate received for each office. Each election board member 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.

18.35.080 Counting absentee ballots. A. To be counted in the election, an absentee ballot shall be postmarked on or before election day and be received by the clerk no later than the sixth calendar day following the election. The clerk shall give the canvass board a list of voters who have been issued absentee ballots. Absentee ballot envelopes received after the canvass board has completed absentee ballot counting shall not be opened, but shall be marked "invalid" with the date of receipt noted on the ballot envelope. The envelopes shall be retained with the other election records and destroyed with them as provided by PMC 18.35.060.

B. Absentee 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. 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. The mixed ballot envelopes shall be counted according to the rules for determining properly marked ballots.

C. 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. The rejected ballot shall be placed in a container which shall be labeled "rejected ballots" and shall be preserved with other voted ballots.

18.35.090 Counting questioned ballots; uncounted ballots.

A. A canvass board by majority vote may refuse to accept the question and count the ballot of a person properly questioned.

B. If the question is refused and the ballot is accepted, the large envelope shall be opened and the ballot envelope shall be mixed with other ballot envelopes for counting. The mixed ballot envelopes shall be counted according to the rules for determining properly marked ballots.

C. If the question is accepted and the ballot is refused, the clerk shall notify the questioned voter, in writing, of the reason the ballot was not counted. The rejected ballots shall be placed in a container which shall be labeled "rejected ballots" and shall be preserved with other voted ballots.

18.35.100 Counting and canvass of returns, certificate of election.

A. Not later than the Tuesday following each election, the city council, sitting also as the canvass board, shall meet and tally absentee and questioned ballots and shall sign a certification of the results of the count. The canvass board shall:

1. in full view of those present, judge the validity of absentee and questioned ballots, open and tally accepted ballots, and compile the total votes cast in the election;

2. review the tallies of the ballot vote counted by the election board to check for mathematical error by comparing totals with the certificate of results;

3. correct all obvious errors found by the election canvass in the transfer of totals from the tally sheets to the certificate of results; and

4. recommend a recount of the results for that portion of the returns where a mistake has been made which can not be corrected under paragraph 3.

B. After completing the above process, 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 council determines the existence of irregularities in the election, the council shall determine whether the irregularities are so serious as to deny a meaningful vote of the citizens of the city. If the council finds a discrepancy in the count of the ballots, it 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 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 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 the minutes along with the following information:

1. the total number of poll, absentee, questioned, and personal representative 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 to office a copy of the council's certificate of election. All candidates, upon request submitted to the clerk's office, shall receive a 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.

Chapter 18.40

CONTEST OF ELECTION

Sections:

18.40.010 Grounds for election contest

- 18.40.020 Contest procedure
- 18.40.030 Appeal or judicial review

18.40.010 Grounds for election contest. A. A defeated candidate may contest the election of any person to the position for which the defeated candidate ran, and ten qualified city voters may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

1. malconduct, fraud or corruption by an election official sufficient to change the result of the election;
2. the person elected is not qualified under law or ordinance; or
3. existence of a corrupt election practice as defined by the laws of the state of Alaska sufficient to change the result of the election.

18.40.020 Contest procedure. A. Notice of contest of an election shall be submitted in writing to the clerk before 5 p.m. on the day of the certification of the election or to the council at its meeting to certify the election returns. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

The undersigned contest(s) the regular (or special) election of the City of Palmer held on the ___ day of _____, ____.

The grounds for the contest are as follows:

Signature of candidate or persons contesting election and date.

Subscribed and sworn to before me this ___ day of _____, _____.

Notary Public signature and seal.

B. Upon receiving a notice of contest, the council shall order an investigation be conducted by the clerk and city attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.

C. If the contest involves the eligibility of voters, the council shall direct the clerk to recheck the most current state registration lists. After considering the reports of the investigating officials and any other proof, the council shall determine whether any illegally cast votes could have affected the election results. If they could not have, the council may declare the election valid and certify the results.

D. If the contest involves other prohibited election practices which are shown to have taken place, the council shall declare the election valid and certify the election returns only if it determines such practices could not affect the election results.

E. The contestants shall pay all costs and expenses incurred in a recount of an election as provided by PMC 18.45.060.

18.40.030 Appeal or judicial review. A person may not appeal or seek judicial relief of an election for any cause or reason unless the person is qualified to vote in the city; has exhausted the administrative remedies before the council; and has commenced within ten days after the council has finally certified the election results, an action in the Superior Court. If an action under this section is not commenced within the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

Chapter 18.45

ELECTION RECOUNT

Sections:

- 18.45.010 Recount application.
- 18.45.020 Form of application.
- 18.45.030 Date of recount--notice.
- 18.45.040 Procedure for recount.
- 18.45.050 Certification of recount result.
- 18.45.060 Return of deposit & apportionment of expenses upon recount.
- 18.45.070 Appeal.

18.45.010 Recount application. A. A defeated candidate may file an application with the clerk for a recount of the votes for the office for which the candidate ran and ten qualified voters may file an application with the clerk for a recount of the votes for any particular office or for any proposition by filing the application with the clerk at any time before 5:00 PM on the second Tuesday immediately following the election. The date on which the

clerk receives an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under this subsection.

B. If two or more candidates tie in having the highest number of votes for the same office, to which only one candidate is to be elected, the clerk shall initiate a recount.

18.45.020 Form of application. A. A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular office or proposition for which the recount is to be held and shall state that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two qualified voters who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by ten qualified voters shall also include the designation of one of the number as chairperson. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

B. The application shall include a deposit in cash or by certified check. The amount of the deposit shall be \$100.00.

18.45.030 Date of recount -- notice. A. If the clerk determines that the application is substantially in the required form, the clerk shall fix the date of the recount to be held within seven days after the receipt of an application requesting a recount of the votes in the election after it has been initiated under Section 18.45.010.

B. The clerk shall give the recount applicant and other directly interested parties notice of the time and place of the recount by certified mail, personal service by a process server, telegraph or fax. The clerk may notify parties by telephone to give additional notice.

18.45.040 Procedure for recount. A. If a recount of ballots is demanded, the election board shall count manually the ballots, to include punch card ballots.

B. In conducting the recount, the election board shall review all ballots to determine which ballots, or parts of ballots, were properly marked and which ballots or parts of ballots are to be counted in the recount. The board shall check the accuracy of the original count and check the number of ballots and questioned ballots cast against the registers and shall check absentee ballots voted against absentee ballots distributed. For administrative

purposes, the clerk may join and include two or more applications in a single review and count of votes. The rules in PMC 18.35 governing the counting of hand-marked ballots shall be followed in the recount.

C. The ballots and other election materials shall remain in the custody of the clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within ten days. The clerk may employ additional personnel necessary to assist in the recount.

18.45.050 Certification of recount result. Upon completing the recount, the election board shall meet and adopt a report of the results of the recount for submission to the council. The council shall abide by procedures for issuing a certificate of the election as set forth in PMC 18.35.070.

18.45.060 Return of deposit & apportionment of expenses upon recount. If, upon recount, a different candidate or position on a proposition is certified or if the vote on recount is two percent or more in excess of the vote originally certified for the candidate or position on a proposition supported by the recount applicant, the entire deposit shall be refunded to the recount applicant. If this section does not require that the entire deposit be refunded, the clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If it is determined that the contestant shall bear the costs of the recount pursuant to this section and the deposit posted is insufficient to cover the costs, the city may recover the excess costs from the contestant. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expenses.

18.45.070 Appeal. A qualified voter or candidate aggrieved by the result of a recount may appeal the recount to the Superior Court. The appeal shall be filed within ten days of council action certifying the election. Upon order of the court, the clerk shall furnish the record of the recount, including all ballots, registers, and other election material and papers pertaining to the recount. The appeal shall be heard by the court sitting without a jury. The inquiry and the appeal shall extend to the questions whether or not the clerk has properly determined what ballots, parts of ballots, or marks for candidates on ballots, are valid, and to which candidate or division on the proposition the vote should be attributed. If an action under this section is not

commenced within the ten day period, the election and the election result shall be conclusive, final and valid in all respects.

Section 4. Publication and Effective Date. This ordinance becomes effective upon the latest of the following: the date of adoption by the council, the date the United States Department of Justice issues its non-objection to the re-enactment, the date by which the United States Department of Justice must object if no objection is issued within the period allowed, or July 1, 1997.

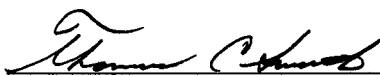
Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the city hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading:	March 25, 1997
Public Hearing & Second Reading:	April 8, 1997
Reconsideration & Amendment	April 22, 1997

Adopted by the city council of the City of Palmer, Alaska, this 22nd day of April, 1997.



 HENRY D. GUINOTTE, Mayor



 THOMAS C. SMITH
 City Clerk



U.S. Department of Justice

Civil Rights Division

IKP:DHH:CEI:tlb:emr
DJ 166-012-3
97-1329

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

July 7, 1997

RECEIVED
JUL 11 1997
CIVIL RIGHTS DIVISION
cc: g Anod Hall
7-11-97

Mr. Thomas C. Smith
City Clerk
231 West Evergreen Avenue
Palmer, Alaska 99645-6952

Dear Mr. Smith:

This refers to Ordinance No. 515, which pertains to the revised Election Code, Title 18, which includes the renumbering of code chapters, voting machine procedures, a change in filing dates, poll watcher procedures, write-in vote procedures, and the change from paper ballots to voting machines, for the City of Palmer in the Matanuska-Susitna Borough, Alaska, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on May 6, 1997.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Chief, Voting Section