

CITY OF PALMER, ALASKA

ORDINANCE NO. 534

AN ORDINANCE MAKING TECHNICAL CORRECTIONS TO TITLE 18, "ELECTIONS," OF THE PALMER MUNICIPAL CODE TO REMAIN CONSISTENT WITH THE STATE ELECTION TABULATION SYSTEM.

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: Amendment of subsection. PMC 18.20.020(B)(3) is hereby amended as follows:

(3) The locations of the polling places and the hours the polling places shall be open;

* Section 4: Adoption of subsection. PMC 18.20.030(F) is hereby adopted to read as follows:

(F) The clerk may make necessary adjustments to the election boards and election officials as required to conduct a properly held election.

* Section 5: Repeal of section. PMC 18.20.040, "Ballots; Form," is hereby repealed. (Refer to PMC 18.20.045)

[(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 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.

(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 OR THE STATE OF ALASKA FOR THE USE OF VOTING MACHINES AND OTHER EQUIPMENT AND SUPPLIES RELATING TO PUNCH-CARD VOTING.]

* Section 6: Adoption of section. PMC 18.20.045, "Ballots; Form," is hereby adopted to read as follows:

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. Provision shall be made for voting for a write-in candidate within each section.

(D) Propositions and questions shall be placed on the ballot in the manner prescribed by the clerk. Provision shall be made for marking the proposition "Yes" or "No."

* Section 7: Amendment of subsection. PMC 18.20.060 is hereby amended to add a subsection (F) to read as follows:

(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.

* Section 8: Amendment of section. PMC 18.30.050 is hereby amended to read as follows:

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] **direct the voter to** the ballot box.

* Section 9: Amendment of subsection. PMC 18.30.070(D) is hereby amended to read as follows:

(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.] **After voting, the questioned voter shall place the ballot into a questioned ballot envelope, seal it, and deposit it in the ballot box.**

* Section 10: Amendment of subsection. PMC 18.35.015(A) is hereby amended to read as follows:

(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.

* Section 11: Amendment of sections. PMC 18.35.020(C) and (D) are hereby amended to read as follows:

18.35.020 [PUNCH-CARD] BALLOT BOARDS AND TEAMS.

(C) *Counting teams.* The city shall use the counting teams 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.

* Section 12: Amendment of section. PMC 18.35.030 is hereby amended to read as follows:

18.35.030 [PUNCH-CARD] BALLOT 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.

* Section 13: Amendment of section. PMC 18.35.040 is hereby amended to read as follows:

18.35.040 [PUNCH-CARD] BALLOT 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.

* Section 14: Amendment of section. PMC 18.35.050 is hereby amended to read as follows:

18.35.050 [PUNCH-CARD] BALLOT 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 Section 18.35.020(C), count [PUNCH-CARD] ballots which cannot be counted by the data processing review board.

* Section 15: Amendment of subsection. PMC 18.45.040(A) is hereby amended to read as follows:

(A) If a recount of ballots is demanded, the election board shall count manually the ballots[, TO INCLUDE PUNCH CARD BALLOTS].


Section 16. Publication and Effective Date. This ordinance shall become effective on the date the United States Department of Justice issues its non-objection, or the date by which the United States Department of Justice must object if no objection is issued within the objection period. 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: July 14, 1998

Public Hearing &

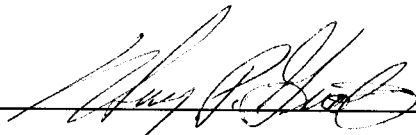
Second Reading: July 28, 1998

Adopted by the City Council of the City of Palmer, Alaska, this 28th day of July, 1998.



THOMAS C. SMITH

City Clerk



HENRY P. GUINOTTE, Mayor

EJ:GS:JAC:par
DJ 166-012-3
98-2663

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

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CITY OF PALMER

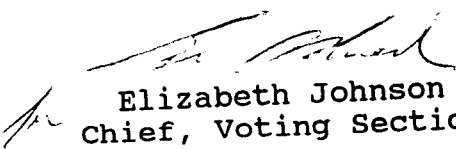
Mr. Thomas C. Smith
City Clerk
231 West Evergreen Avenue
Palmer, Alaska 99645

Dear Mr. Smith:

This refers to the changes to the municipal code to accommodate the use of optical scan voting equipment and to expand the prohibition on political activity near the polls 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 August 7, 1998.

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,


Elizabeth Johnson
Chief, Voting Section

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