

CITY OF PALMER, ALASKA  
ORDINANCE NO. 546

AN ORDINANCE AMENDING PORTIONS OF PALMER MUNICIPAL CODE TITLE 18, ELECTIONS.

**\*\*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. Title 18, Elections, is amended as follows:**

**\*\*Section 4. Amendment of section.** PMC 18.05.010, Definitions, is amended as follows:

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 teams.

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 **at a residence address within** [in] the city 30 days prior to the city election.

**\*\*Section 5. Adoption of section.** PMC 18.05.025, Powers/duties of the clerk, is adopted to read as follows:

**Subject to PMC 18.15.035 and unless otherwise provided by law, the clerk shall be responsible for the calling and supervision of all city elections.**

**\*\*Section 6. Amendment of section. PMC 18.05.040, Special election, is amended to read as follows:**

The council, **by resolution,** 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.

**\*\*Section 7. Amendment of section. PMC 18.05.090, Prohibition on use of public moneys to promote passage of ballot propositions, is amended to read as follows:**

A. **Money held by the city may be used to influence the outcome of an election concerning a ballot proposition or question, but only if the funds have been specifically appropriated for that purpose by a state law or a municipal ordinance.**  
 [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. **Money held by the city may be used to: (1) disseminate information about the time and place of an election and to hold an election; (2) to provide the public with nonpartisan information about a ballot proposition or question or about all the candidates seeking election to a particular public office.** [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. When expenditure of money is authorized by A or B of this section and is used to influence the outcome of an election, the expenditures shall be reported to the commission in the same manner as an individual is required to report under AS 15.13.040.

**D.** 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.

**E.** 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.

**F.** 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.

**\*\*Section 7A. Amendment of section. PMC 18.15.020 D, Nominations of candidates, is amended to read as follows:**

**D.** No earlier than **seventy-eight** [SIXTY-FOUR] 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 **seventy-eight** [SIXTY-FOUR] days nor later than **sixty-seven** [FIFTY-THREE] 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.

**\*\*Section 8. Amendment of section. PMC 18.15.030 A, Corrections, amendments, and withdrawal of [DECLARATION OF CANDIDACY AND] nominating petitions, is amended to read as follows:**

**A. [ANY] A candidate may correct, amend or withdraw his or her nomination petition at any time during the period for filing a nominating petition by appropriate written notice, signed by the candidate, to the clerk. However, after the filing period has closed, no nominating petition may be corrected, amended, or withdrawn.**

**\*\*Section 9. Adoption of section. PMC 18.15.035, Eligibility of candidate, is adopted to read as follows:**

**A. The clerk, subject to review by the council, shall determine whether each candidate for city council 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, subject to the following subsections.**

**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. A complaint regarding the eligibility of a candidate must be received by the**

clerk not later than the close of business on the third day after the filing deadline for the office for which the candidate seeks election.

**C.** The complaint must be in writing and include the name, mailing address, contact phone number, and 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.

**D.** The clerk will review only those issues in the complaint related to candidate qualifications established by the United States Constitution, the Alaska Constitution, or the Alaska Statutes, or city code.

**E.** Upon receipt of a complaint, the clerk will review any evidence relevant to the issues identified in the complaint which is in the clerk's custody, including the candidate's registration record, nominating petition, and, in the discretion of the clerk, any other document of public record 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.

**F.** The clerk will send notification in writing to the candidate whose eligibility is being questioned that a complaint has been received. The notification will include a copy of the complaint, and, based on the clerk's review of the public documents, a statement as to whether a preponderance of evidence supports or does not support the eligibility of the candidate.

**G.** If the clerk determines that a preponderance of evidence supports the eligibility of the candidate, the clerk will issue a final determination upholding the candidate's eligibility.

## CITY OF PALMER, ALASKA

## ORDINANCE NO. 547

AN ORDINANCE REPEALING CHAPTER 9.66 "CURFEW" AND ADOPTING CHAPTER 9.67 "CURFEW HOURS FOR MINORS," OF THE PALMER MUNICIPAL CODE; DEFINING TERMS; CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING EXCEPTIONS; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that an effective curfew is necessary to prevent an increase in juvenile violence, juvenile gang activity, and crime by persons under the age of 18 in the City of Palmer, and

WHEREAS, persons under the age of 18 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the City of Palmer has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, a curfew for those under the age of 18 will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Palmer;

THE CITY OF PALMER 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. PMC 9.66 is repealed.

Section 4. PMC 9.67, Curfew Hours for Minors, is adopted as follows:

**9.67.010 Definitions.**

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

A. Curfew hours means midnight to 5:00 am.

B. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

C. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

D. Guardian means:

1. A person who, under court order, is the guardian of the minor; or
2. A public or private agency with whom a minor has been placed by a court.

E. Knowingly means, with respect to conduct or to a circumstance described by a provision of law defining an offense, that a person is aware that his or her conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist.

F. Minor means any person under the age of 18 years.

G. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

H. Parent means a person who is:

1. A natural parent, adoptive parent, or step-parent of another person; or
2. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

I. Public place means any place to which the public or a substantial group of the public has access, and includes but is not limited to streets, highways, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

J. Remain means to:

1. Linger or stay; or
2. Fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.



K. Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**9.67.020 Curfew violations.**

A. A minor commits a curfew violation if he or she remains in any public place or on the premises of any establishment within the city during curfew hours.

B. A parent or guardian of a minor commits a curfew violation if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours in violation of this section.

1. Indifference as to the activities or whereabouts of the minor shall be prima facie evidence of insufficient control.

C. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

**9.67.030 Exceptions.**

A. It is an exception to prosecution under section 9.67.020 if the minor was:

1. Accompanied by his or her parent or guardian;

B. On an errand at the written direction of his or her parent or guardian, without any detour or stop (written direction must be signed, timed, and dated by the parent or guardian and must indicate the specific errand);

C. Involved in an emergency;

D. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop;

E. On the public right-of-way immediately abutting the minor's residence or immediately abutting the residence of a next-door neighbor, if the neighbor did not complain to the police department about the minor's presence;

F. Attending, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, Matanuska-Susitna Borough School District, a civic organization, or another similar entity that takes responsibility for the minor;

G. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;

H. Exercising rights protected by the Alaska Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;

I. In a motor vehicle involved in interstate travel; or

J. Married or had disabilities of minority removed in accordance with AS 9.55.540.

K. In addition, it is an exception to prosecution under PMC section 9.67.020 C that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

**9.67.040 Enforcement.**

Before taking any enforcement action under this chapter, a police officer shall ask the apparent minor offender's age and reason for being in the public place. The officer shall not issue a citation under this chapter unless the officer reasonably believes that a violation has occurred and that, based on any response and other circumstances, no exception in PMC 9.67.030 is present.

**9.67.050 Violation--Penalty.**


Any person violating the provisions of this section shall be deemed an ordinance violator.

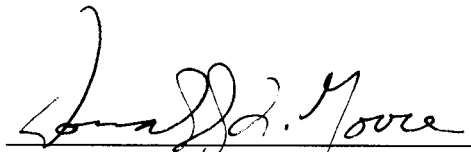
Section 5. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation 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: May 11, 1999

Public Hearing &  
Second Reading: May 25, 1999

Adopted by the City Council of the City of Palmer, Alaska, this 25th day of May, 1999.

  
HENRY P. GUINOTTE, Mayor

  
DONALD L. MOORE  
City Clerk

**H. If the clerk determines that a preponderance of evidence does not support the eligibility of the candidate, notice to the candidate will identify any additional information or evidence that must be provided by the candidate in support of his or her eligibility, and the date by which the requested information must be received by the clerk, which in no event shall be a date later than three days after the notice is sent. The clerk will consider any additional information provided by the candidate in issuing a final determination as to the candidate's eligibility.**

**I. If the information requested by the clerk under H of this section is not received from the candidate by the specified deadline, the clerk will issue a final determination regarding the candidate's eligibility based on the public records initially reviewed.**

**J. Upon issuing a final determination as to the candidate's eligibility, the clerk will send notice of the determination in writing to the person making the complaint and to the candidate. The determination of the clerk is final unless the candidate or complainant appeals to the council by signed writing within three days of the clerk's notice of determination or unless the council itself provides written notice to the clerk, the candidate, and the complainant within said three days.**

**I. Any matter appealed shall be reviewed on the record by the council within five days after service of the notice of appeal. The council shall, at a public meeting, hear arguments of no more than 15 minutes each from the candidate, the complainant, and the clerk. The record shall not be supplemented without the affirmative vote of five members of the council, however, the council may order further investigation upon a majority vote.. The decision of the council shall be final.**

**K. Nothing in this section limits the authority of the clerk to evaluate a candidate's eligibility for office.**

**\*\*Section 10. Amendment of section. PMC 18.20.020, Notice of election, is amended to read as follows:**

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] not less than 45 [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 locations 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 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; **and**
- [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 first notice shall be published at least 20 calendar days before the date of the election.** 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.

**\*\*Section 11. Amendment of section. PMC 18.20.030 C, D, and G, Election officials, are amended to read as follows:**

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, **approve** [GIVE WRITTEN NOTICE TO] the recommended appointees for other election officials (other than the clerk), which include[S] [ELECTION OFFICIALS FOR THE POLLS,] receiving **teams** [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.

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] deputy borough clerk to administer an oath of office to Borough election officials on behalf of the city.

**G. The borough clerk may be authorized to be a designated absentee voting official on behalf of the city for city elections. The council shall confirm the designation before each election.**

**\*\*Section 12. Amendment of section. PMC 18.20.045 C, Ballots; form, is amended to read as follows:**

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 **for each position.** [WITHIN EACH SECTION.]

**\*\*Section 13. Amendment of section. PMC 18.20.050 B, Ballots; distribution, is amended to read as follows:**

B. Sufficient ballots shall be **distributed** [DELIVERED] to the election board prior to or on the date of the election before the opening of the polls. The ballots shall be **distributed** [DELIVERED] in [SEPARATE] containers **marked** [,] with the number and type of ballots enclosed [IN EACH CONTAINER CLEARLY MARKED ON THE OUTSIDE]. A receipt for **the ballots** [EACH CONTAINER], including the number and type of ballots [DELIVERED AND THE DATE OF DELIVERY], shall be **signed and dated by an election judge.** [TAKEN FROM THE ELECTION BOARD TO WHICH IT IS

DELIVERED, AND PRESERVED BY THE CLERK.] The clerk shall keep the receipt as part of the election record. [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.]

**\*\*Section 14. Amendment of section. PMC 18.20.060 B and C, Election materials, are amended to read as follows:**

B. The clerk shall provide [PREPARE] instructions [EXPLAINING] to voters on 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 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."

**\*\*Section 15. Amendment of section. PMC 18.20.080, Expenses, is amended to read as follows:**

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 16. Amendment of section. PMC 18.25.010 A, Absentee/early voting; eligible persons; liberal construction, is amended to read as follows:**

A. Any registered [AND] qualified voter may vote an absentee ballot at any election for any reason. [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.]

**\*\*Section 17. Amendment of section. PMC 18.25.020, Absentee/early voting; by mail, is amended to read as follows:**

A. A registered voter may apply to the clerk for an absentee ballot to be mailed to the voter [HIM OR HER] not earlier than 90 nor less than [FIVE] seven calendar days before an election. A request may be made [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; **and**
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 mail an official ballot and other absentee voting material [DELIVER] to the applicant,



at the mailing address given on [IN] the application[, AN OFFICIAL BALLOT FOR THE ELECTION]. A return envelope, stamped with the words "official ballot" shall be included with the voting materials and addressed to the clerk [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] board member or clerk no later than 8 p.m. on election day. [UPON RECEIPT OF THE VOTED ABSENTEE BALLOTS,] The election board shall deliver the voted absentee ballots to the clerk. T[t]he clerk shall [RETAIN THE VOTED BALLOTS AND] deliver [THEM] the voted absentee 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 ballots.

If a voter who was issued an absentee ballot by mail presents him or herself to vote [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] I[i]f the absentee voter does [HE OR SHE] not have the absentee ballot to surrender, the voter may vote a questioned ballot. Surrendered absentee ballots, ballot envelopes, and return envelopes collected by the election board shall be returned to the clerk.

**\*\*Section 18. Amendment of section. PMC 18.25.030 A, Absentee/early voting; in-person voting, is amended to read as follows:**

A. Absentee/early voting in person may occur [ONLY] before the clerk, or the city's designated absentee voting official. 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 or the city designated absentee voting official, provide the voter's name, residence address and a voter identifier such as a voter number, social security number, or date of birth, 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 or absentee voting official. The absentee voting official shall deliver [T]the voted absentee ballots to the clerk. [SHALL REMAIN IN THE CLERK'S CUSTODY, UNTIL] I[t]he clerk shall deliver all voted absentee ballots to the canvass board for canvassing.

**\*\*Section 19. Amendment of section. PMC 18.25.040, Absentee voting; by personal representative, is amended to read as follows:**

A. A [REGISTERED] voter may apply for an absentee ballot by personal representative, **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,**

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. The city's absentee voting official on or after the 15th calendar day before a regular or special election up to and including the day before the election;**

**or**

[2] **3.** 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.]

B. A request for an absentee ballot by personal representative shall be on a form provided by the clerk or **by** [A] written statement stating that the applicant is unable to go to the polling place because of **age, illness, or** [A] physical disability. **The voter's application must include the following:**

**1. the name and full residence address of the voter;**

**2. a voter identification such as a voter number, a social security number, or a date of birth;**

3. the full name of the personal representative; and  
 4. the voter's signature or mark.

[REQUEST MUST BE COMPLETE AND SIGNED BY:

1. A PHYSICIAN LICENSED BY THE STATE OF ALASKA; OR
2. TWO REGISTERED VOTERS.]

C. Upon [TIMELY] receipt of an application [SUCH A REQUEST] for absentee ballot by personal representative, the clerk, absentee voting official, or election judge shall deliver to the personal representative an absentee ballot for the election.

D. 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, and prepare the ballot by following the instructions provided. [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 or absentee voting official who provided the ballot 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 8 p.m. [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 absentee voting official and election board shall deliver the voted personal representative ballots to the clerk. T[t]he clerk shall [RETAIN THE VOTED BALLOTS AND] deliver the voted personal representative ballots [THEM] to the canvass board for canvassing.

**\*\*Section 20. Amendment of section. PMC 18.30.025, Poll watchers and observers, is amended as follows:**

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; and
3. the date of the election.

C. The poll watcher or observer must present authorization as defined in subsection B above 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 21. Amendment of section. PMC 18.30.040, Keeping of register, is amended to read as follows:**

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 [AN OATH] that the voter is qualified to vote.

**\*\*Section 22. Repeal of section. PMC 18.30.050, Voting ballots, is repealed as follows:**

[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 BALLOTS BY FOLLOWING THE INSTRUCTIONS PROVIDED AT THE POLLING PLACE. BEFORE LEAVING THE VOTING BOOTH THE VOTER SHALL PLACE THE BALLOT IN A SECRECY SLEEVE TO DISPLAY THE NUMBER ON THE BALLOT. THE VOTER SHALL DELIVER THE BALLOT TO ONE OF THE ELECTION OFFICIALS, WHO SHALL DIRECT THE VOTER TO THE BALLOT BOX.]

**\*\*Section 23. Adoption of section. PMC 18.30.051, Providing ballot to voter, is adopted to read as follows:**

When the voter has qualified to vote, the election judge shall give the voter an official ballot. The voter shall retire to a booth or private place to mark the ballot.

**\*\*Section 24. Amendment of section. PMC 18.30.060, Voting paper ballots (not to be electronically counted), is amended as follows:**

**If paper ballots (that are not to be counted electronically) are used, t[T]he 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 officials, who shall determine if the ballot bears the same number as the ballot given to the voter, and if so, the election official shall tear the number off and hand the ballot back to the voter who shall deposit the ballot in the ballot box.**

**\*\*Section 25. Amendment of section. PMC 18.30.070, Questioned ballots; issuance, is amended to read as follows:**

A. If a voter's polling place is in question, the voter may [SHALL] vote a questioned ballot after complying with subsection C.

B. **Every election official and any other person qualified to vote in the city [THE CLERK OR AN ELECTION JUDGE SHALL] may question a person attempting to vote if the questioner [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 questioned ballots and statements shall remain in the custody of the clerk or election board and [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].** **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** [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 **certification** [OATH OF AFFIRMATION], the person may vote. If the questioned person refuses to execute the **certification** [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 voting, the questioned voter shall **deliver the ballot to the clerk or election judge.** [PLACE THE BALLOT INTO A QUESTIONED BALLOT ENVELOPE, SEAL IT, AND DEPOSIT IT IN THE BALLOT BOX.]

**\*\*Section 26. Amendment of section. PMC 18.30.080, Ballots damaged by voter, is amended to read as follows:**

If a voter mutilates, improperly marks, spoils or otherwise damages the voter's ballot, the voter may request and the election judge shall provide another ballot upon the voter returning the damaged ballot to the election judge [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.

**\*\*Section 27. Amendment of section. PMC 18.30.090, Assistance to voters by election official, is amended to read as follows:**

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 or absentee voting official, to assist them [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 the clerk, the absentee voting official, or an election board member is requested they shall assist the voter. If a person, other than an election board member, absentee voting official, or clerk is to provide assistance, the person must take an oath before the clerk, the absentee voting official, or an election board member not to divulge how the voter cast the ballot.

**\*\*Section 28 Amendment of section. PMC 18.30.100, Closing of polls, is amended to read as follows:**

Fifteen minutes before **and at the time of** [THE] closing of the polls, an election judge shall **announce** [PROCLAIM TO ANY PERSONS PRESENT] the time **and the time of closing the** [REMAINING BEFORE THE] polls [CLOSE]. **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 judge.** [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.]

**\*\*Section 29. Amendment of section.** PMC 18.30.110 A, Forms completion; unused ballots, is amended to read as follows:

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 **if used** 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.

**\*\*Section 30. Amendment of section.** PMC 18.30.120 A, Opening ballot box, is amended to read as follows:

A. After destroying the unvoted ballots, an election judge shall, in full view of **all** [ANY] person assembled at the polling place, [BREAK THE SECURITY DEVICE AND]

open the secured ballot boxes and shall segregate the questioned ballots, the absentee ballots, and the personal representative ballots from the regular ballots voted at the election.

**\*\*Section 31. Amendment of section. PMC 18.30.130, Ballot container delivery, is amended to read as follows:**

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 18.35.012 [18.35.010], shall seal the ballots in ballot containers, and shall, within 24 hours of closing the polls, deliver the ballot containers to the clerk.

**\*\*Section 32. Amendment of section. PMC 18.35.010, Counting ballots; general, is repealed and recodified as PMC 35.012 as follows:**

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.]

**\*\*Section 33. Adoption of section. PMC 18.35.012, Counting ballots; general, is adopted to read as follows:**

**A. The ballots shall be counted by the vote 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.**

**\*\*Section 34. Amendment of section. PMC 18.35.015 A, Write-in votes, is 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 oval [SQUARE] opposite the candidate's name. Stickers may not be used on ballots.**

**\*\*Section 35. Amendment of section. PMC 18.35.020, Ballot boards and teams, is amended to read as follows:**

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 **the clerk for review by the canvass board.** [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 teams designated by the Borough clerk. [THE COUNTING TEAM SHALL COUNT 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 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 an [THE] oath to election officials serving in the election. [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.

**\*\*Section 36. Amendment of section. PMC 18.35.040, Ballot counting; tests and security, is amended to read as follows:**

No later than one week before the election, the vote tabulation system [COMPUTER 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 VOTE COUNTING PROGRAM SHALL BE TESTED APPROXIMATELY ONE HOUR BEFORE THE POLLS CLOSE ON ELECTION DAY.] Upon completion of the testing, a security seal shall be placed on the tabulation system for delivery to the city.

**\*\*Section 37. Repeal of section. PMC 18.35.050 Ballot counting, is repealed as follows:**



[A. UPON RECEIPT OF THE 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 BALLOTS WHICH CANNOT BE COUNTED BY THE DATA PROCESSING REVIEW BOARD.]

**\*\*Section 38. Amendment of section. PMC 18.35.060, Preserving and destroying ballots, is amended as follows:**

The clerk shall preserve [DELIVER] all ballots [CONTAINERS TO] in a secure [STORAGE AREA] manner [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 ballots shall be kept in a secure manner, unless needed as evidence in the contest. [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.

**\*\*Section 39. Amendment of section. PMC 18.35.070, Certificate of election, is amended to read as follows:**

**A. Hand count. When all the votes have been counted, the election officials shall prepare [DRAW] 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 officials 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.**

**\*\*Section 40. Amendment of subsection. PMC 18.35.080 A, Counting absentee ballots, is amended to read as follows:**

**A. To be counted in the election, an absentee ballot shall be postmarked on or before election day and be received by the clerk no later than the [SIXTH] third 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.]  
as set out in PMC 18.35.060.

**\*\*Section 41. Adoption of section.** PMC 18.35.085, Questioned voter notification, is adopted to read as follows:

**Within two days following the election, the clerk shall send a written notification to each voter that voted a questioned ballot. The notification shall contain the following information: 1) the voter voted a questioned ballot at the election; 2) the time, date and location of the canvass board meeting; 3) the manner in which the canvass board will conduct the counting of the ballots and 4) the canvass board meeting is a public meeting.**

**\*\*Section 42. Amendment of subsection.** PMC 18.35.090 C, Counting questioned ballots[; UNCOUNTED BALLOTS], is amended as follows:

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 **as set out in PMC 18.35.060** [WITH OTHER VOTED BALLOTS].

**\*\*Section 43. Amendment of sections.** PMC 18.35.100 A, D, and F, Counting and canvass of election returns, certificate of election, is amended as follows:

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 certificate of results for accuracy [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.

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. If the council reports a discrepancy or if there is a contest, [T]the council shall certify results not in question and the contest procedures or investigation shall be completed as soon as practicable. [IMMEDIATELY AND SHALL COMPLETE INVESTIGATION OR CONTEST PROCEDURES AS SOON AS PRACTICABLE TO ASSURE PROMPT CERTIFICATION.]

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.]

**\*\*Section 45. Amendment of section. PMC 18.40.020 C, Contest procedure. is amended as follows:**

C. If the contest involves the eligibility of voters, the council shall direct the clerk to **recheck the voter qualification pursuant to PMC 18.10.010.** [RECHECK THE MOST CURRENT STATE REGISTRATION LISTS.] After considering the report **provided by the clerk** [S 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.

**\*\*Section 45. Amendment of section. PMC 25.40.030, Appeal or judicial review, is amended to read as follows:**

A person **qualified to file an election contest** 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 **calendar** 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.

**\*\*Section 46. Amendment of subsection. PMC 18.45.030 A, Date of recount -- notice, is amended to read as follows:**

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 calendar 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].

**\*\*Section 47. Amendment of subsection. PMC 18.45.040 B, Procedure for recount, is amended as follows:**

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.] To obtain the most expeditious election results, the clerk may combine two or more recounts. The rules in PMC 18.35 governing the counting of hand-marked ballots shall be followed in the recount.

**\*\*Section 48. Amendment of section. PMC 18.45.050, Certification of recount result, is amended as follows:**

Upon completing the recount, the election board shall provide [MEET AND ADOPT] a report of the results of the recount for submission to the council. The council

shall [ABIDE BY PROCEDURES FOR ISSUING] issue a certificate of [THE] election as set forth in PMC 18.35.070.

**\*\*Section 49. Effective date.** This ordinance shall take effect 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.

First Reading: April 27, 1999

Public Hearing &  
Second Reading: May 11, 1999

Adopted by the City Council of the City of Palmer, Alaska, this 11<sup>th</sup> day of May, 1999.

  
HENRY P. GUINOTTE, Mayor

Daniel M. Contini

Acting City Clerk



U.S. Department of Justice

Civil Rights Division

EJ:DHH:RJD:cly  
DJ 166-012-3  
99-1381

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

July 15, 1999

RECEIVED  
JUL 21 1999  
CITY OF PALMER

Mr. Daniel M. Contini  
Acting City Clerk  
231 West Evergreen Avenue  
Palmer, Alaska 99645

Dear Mr. Contini:

This refers to Ordinance No. 546 (1999), which amends portions of the Palmer Municipal Code Title 18 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 17, 1999.

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*  
for Elizabeth Johnson  
Chief, Voting Section