

CITY OF PALMER, ALASKA
ORDINANCE NO. 556

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. Amendment of sub-section. PMC 18.15.020 (D), Nominations of candidates, is amended to read as follows:

D. No earlier than seventy-eight (78) days before the election, the clerk will make available at city hall nominating petitions to persons requesting them. Nominating petitions must be completed, **submitted in original form** and filed with the clerk at city hall during normal business hours no earlier than seventy-eight days nor later than sixty-seven 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 All petitions in proper form with sufficient signatures, and all deficient petitions which are not withdrawn by the person filing them, shall be preserved by the clerk and eventually destroyed as provided by this chapter for destruction of ballots.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 4. Amendment of sub-section. PMC 18.15.035(B), Eligibility of candidate, is amended to read as follows:

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 **city business** day after the filing deadline for the office for which the candidate seeks election.

Section 5. Amendment of sub-section. PMC 18.15.035(H), Eligibility of candidate, is amended to read as follows:

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 **city business** 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.

Section 6. Amendment of sub-section. PMC 18.15.035(J), Eligibility of candidate, is amended to read as follows:

J. Upon issuing a final **written** determination as to the candidate's eligibility, the clerk will send **a copy thereof** [NOTICE OF THE DETERMINATION IN WRITING] to the person making the complaint and to the candidate. **The clerk shall use reasonable means in an attempt to promptly notify the complainant and the candidate of the determination, to include, if appropriate, by fax, e-mail, and phone.** The determination of the clerk is final unless the candidate or complainant **files with the clerk a signed, written appeal** [APPEALS] to the council [BY SIGNED WRITING] within three **city business** days **after the clerk sends a copy of the determination** [OF THE CLERK'S NOTICE OF DETERMINATION OR UNLESS THE COUNCIL ITSELF PROVIDES WRITTEN NOTICE TO THE CLERK, THE CANDIDATE, AND THE COMPLAINANT WITHIN THREE DAYS.] **If the clerk receives a timely notice of appeal, the clerk will use reasonable means, as noted above, to notify the non-appealing party of the appeal. In addition, the clerk will call a special council meeting to resolve the appeal.**

Section 7. Amendment of paragraph. PMC 18.20.020(B)(7), Notice of election, is amended to read as follows:

(7) Instructions for absentee/**early** voting; and

Section 8. Amendment of sub-section. PMC 18.20.030(C), Notice of appointment, is hereby 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 the recommended appointees for other election officials (other than the clerk), which include receiving teams, 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.**

Section 9. Amendment of sub-section. PMC 18.20.030(E), Failure to serve, is hereby amended to read as follows:

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. **The chairperson shall notify the clerk of such appointment as soon as practical.** 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.


Section 10. 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.

Ordinance No. 556 - Continued

First Reading: April 11, 2000

Public Hearing &
Second Reading: April 25, 2000

Adopted by the City Council of the City of Palmer, Alaska, this 25th day of April, 2000.


HENRY P. GUINOTTE, MAYOR


THOMAS HEALY, CITY CLERK



U.S. Department of Justice

Civil Rights Division

JDR:JBG:JAC:nj
DJ 166-012-3
2000-1996

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

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CITY OF PALMER

July 10, 2000

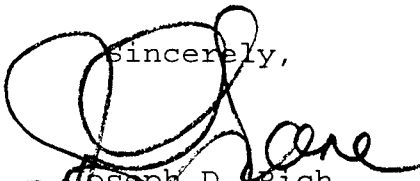
Mr. Tom Healy
City Clerk
231 West Evergreen Avenue
Palmer, Alaska 99645

Dear Mr. Healy:

This refers to Ordinance No. 556 (2000), which amends portions of Municipal Code Title 18, Elections, to clarify time periods for contesting determinations regarding candidate eligibility and make technical corrections, for the City of Palmer in 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 15, 2000.

The Attorney General does not interpose any objection to the specified change. 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 change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,


Joseph D. Rich
Acting Chief
Voting Section