

CITY OF PALMER, ALASKA  
ORDINANCE NO. 571

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 section. PMC 18.05.010, Definitions, is amended as follows:

In this title, unless the context otherwise requires:

- A. "Borough" means Matanuska-Susitna Borough.
- B. "Canvass board" means city council.
- C. "City" means city of Palmer.
- D. "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."
- E. "Day(s)" means calendar day(s).
- F. "Early voter" means a person:
  - 1. who is a qualified voter pursuant to PMC 18.10.010 and PMC 18.25.035;

2. whose name appears on the register for the city; and

3. who votes in person prior to election day at designated early voting location(s) using the same procedures and equipment used on election day, if available. If the equipment is not available, the early voter may vote pursuant to PMC 18.25.031, absentee voting in-person.

G. "Election" includes any regular or special city election.

H. "Election board" means the election judges.

I. "Election official" includes election judges, [THE CLERK, THE CLERK'S OFFICE STAFF] early-voter officials, absentee voting officials, canvass board, review board, counting teams, receiving teams, the clerk, and the clerk's office staff.

J. "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.

K. "Immediate family" means a candidate's grandparents, parents, children, grandchildren, siblings, spouse, spouse's children, spouses of children, or a regular member of the candidate's household.

L. "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.

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

N. "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.

**Q.** "Questioned voter" means a voter:

1. Whose name does not appear on the register for the city;
2. Who has received an absentee ballot and does not turn it in to an election judge at the polls when voting on election day;
3. Who does not bear identification or is not personally known to an election official though the voter's name appears on the register for the city; or
4. Who is questioned for good cause at the polls in writing pursuant to Section 18.30.070.

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

**Q.** "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 the city thirty days prior to the city election.

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

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

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

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

**V.** "Swear" includes "affirm."

**W.** "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.

Section 4. Amendment of subsections. PMC 18.20.030; Election Officials, subsections C and G 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 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 clerk's recommendation of election officials (other than election judges) shall be subject to confirmation by the city council. [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.

G. In addition to the city clerk, [T]the borough clerk, borough clerk's staff, and borough clerk's appointees are [MAY BE AUTHORIZED TO BE A] designated absentee/early-voter officials on behalf of the city for regular city elections, [.] subject to city council confirmation. [THE COUNCIL SHALL CONFIRM THE DESIGNATION BEFORE EACH ELECTION.] \_

Section 5. Amendment of subsection. PMC 18.20.050 Ballots; Distribution, subsections A and B are amended to read as follows:

A. The clerk shall have ballots printed for each election and in the clerk's possession at least seven calendar days before each election. Early-voter, [HOWEVER, SAMPLE, AND] absentee, and sample ballots shall be in the clerk's

possession sixteen (16) calendar days before the election. At that time the ballots may be inspected by any candidate or the candidate's authorized agent, and any mistake discovered shall be immediately corrected.

B. Sufficient ballots and sample ballots shall be distributed to the election board prior to or on the date of the election before the opening of the polls. The ballots shall be distributed in containers marked with the number and type of ballots enclosed. A receipt for the ballots, including the number and type of ballots, shall be signed and dated by an election judge. The clerk shall keep the receipt as part of the election record.

Section 6. Amendment of section. PMC 18.20.070, Reporting Voting Information to the State, is amended to read as follows:

Within sixty 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, early-voter registers, and absentee voting lists containing the names, residence addresses, and voter identification of all persons who voted in that election.

Section 7. Amendment of subsection. PMC 18.25.010 Absentee/Early Voting; Eligible Persons; Liberal Construction, subsection A is amended to read as follows:

A. Any registered qualified voter may vote an absentee or early ballot at any election for any reason.

Section 8. Amendment of title and subsection. PMC 18.25.020 Absentee/Early Voting; By Mail. The title and subsection D are

amended to read as follows: PMC 18.25.020 Absentee[/EARLY] Voting;  
By Mail.

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 secrecy sleeve which is then placed** in the return envelope and the voter shall sign the certification on the return envelope and have it witnessed in the presence of 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 **I.**; or

2. [IF AN AUTHORIZED OFFICIAL IS NOT REASONABLY ACCESSIBLE,] **two witnesses who are at least eighteen years of age may witness the voter's signature if an authorized official is not reasonably accessible.**

Section 9. Repeal of section. PMC 18.25.030, Absentee/early voting; In-person voting, is repealed in its entirety as follows:

[A. ABSENTEE/EARLY VOTING IN PERSON MAY OCCUR BEFORE THE CLERK, OR THE CITY'S DESIGNATED ABSENTEE VOTING OFFICIAL. SUCH VOTING SHALL NOT BEGIN PRIOR TO FIFTEEN CALENDAR DAYS BEFORE THE ELECTION NOR OCCUR AFTER FIVE P.M. 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 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 THE VOTED ABSENTEE BALLOTS TO THE CLERK. THE CLERK SHALL DELIVER ALL VOTED ABSENTEE 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.]

Section 10. Adoption of section. PMC 18.25.031, Absentee Voting; In-person Voting, is adopted to read as follows:

A. Absentee voting in-person may occur before the clerk, or the city's designated absentee voting official. Such voting shall not begin prior to fifteen calendar days before the election nor occur after five p.m. 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. The voter shall receive an official ballot, mark the ballot in private, and place the ballot in a secrecy sleeve. The secrecy sleeve shall then be placed in a ballot oath and affidavit envelope, and the voter shall sign the certification on the ballot oath and affidavit envelope and have it witnessed by the clerk or absentee voting official. The absentee voting official shall deliver the voted absentee ballots to the clerk. The clerk shall deliver the voted

absentee 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.

Section 11. Adoption of section. PMC 18.25.035, Early Voting; In-person, is adopted to read as follows:

A. Early-voter voting in person before the city's designated election official(s), shall not begin prior to fifteen calendar days before the election nor occur after five p.m. the day before the election.

B. The early voter who meets the requirements in this section and is qualified to vote in accordance with PMC 18.10.010, may vote early at the location(s), designated by the clerk.

C. An election official shall issue a ballot to the voter under this section upon:

1. the voter providing the voter's name, residence address within the city and a voter identifier such as a voter number, social security number, or date of birth; and

2. the voter signing the early-voting register, which constitutes a declaration that the voter is qualified to vote.

D. The voter shall mark the ballot in private, place the ballot in a secrecy sleeve, and deposit the ballot in the ballot box in the presence of an election official.

E. If the voter's qualification is questioned, the voter shall vote a questioned ballot in accordance with PMC



18.30.070.

F. The voted early ballots shall be delivered to the borough clerk for counting, as determined by the clerk. The tabulation of early voting ballots shall not begin before 8:00 p.m. on election day and shall be tabulated in accordance with PMC 18.35.081.

G. Prior to the election, the clerk shall give to the election board a list of the voters who have voted an early ballot. If a voter on the list attempts to vote on election day, the voter may not vote a regular ballot but may vote a questioned ballot.

Section 12. Amendment of title and section. PMC 18.30.090 Assistance to Voters by Election Official, the title and section are amended to read as follows:

PMC 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 or early ballot, before [THE CLERK OR ABSENTEE VOTING] an election official, to assist them in casting their ballots. The persons assisting the voter may not be a candidate for office in that election, an immediate family member of such a candidate, 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] an election official is requested, [THEY] an election official shall assist the voter. If a person, other than an election [BOARD MEMBER, ABSENTEE VOTING OFFICIAL OR CLERK] official, is

to provide assistance, the person must take an oath before [THE CLERK, THE ABSENTEE VOTING OFFICIAL, OR AN ELECTION BOARD MEMBER] an election official not to divulge how the voter cast the ballot.

**Section 13. Amendment of section.** PMC 18.35.060 Preserving and Destroying Ballots is amended to read as follows:

The clerk shall preserve unaltered all ballots that have been voted at an election in a secure, sealed container [MANNER] for not less than thirty days [ONE YEAR] after the later of [FROM] the date of the election certification, and the final resolution of any contest of the election. The ballot container shall not be opened unless the ballots must be examined in connection with a contest of the election, or the production of the ballots is required by order of a court of competent jurisdiction. Upon the expiration of the preservation period [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, 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 14. Adoption of section.** PMC 18.35.081, Counting Early Ballots, is adopted to read as follows:

The early-voter voted ballots shall be delivered to the borough clerk for counting, as determined by the clerk. For

the counting of the ballots, the city shall use the same board or team designated by the borough clerk. The early ballots may be tabulated using the electronic equipment and procedures used on election day, however tabulation shall not begin before 8:00 P.M. on election day. The clerk will observe the counting. At the conclusion of the tabulation, the city shall receive one original copy of the electronic tape with the printed results. The results tape shall be signed by each member of the board, available to the city no later than 5:00 P.M. on the third day following the election, and shall serve as the city's early voting precinct certificate of election.

Section 15. Amendment of subsection. PMC 18.35.100, Counting and Canvass of Returns, Certificate of Election, subsection E is amended to read as follows:

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, **early-voter**, 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 propositions voted upon.

Section 16. Amendment of subsection. PMC 18.45.040 Procedure for Recount, subsection B is amended to read 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 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 **early-voter and absentee** ballots voted against **early-voter and absentee** ballots distributed. To obtain the most expeditious election results, the clerk may combine two or more recounts. The rules in PMC Chapter 18.35 governing the counting of hand-marked ballots shall be followed in the recount.

Section 17. 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:	March 27, 2001
Public Hearing & Second Reading:	April 10, 2001

Adopted by the City Council of the City of Palmer, Alaska, this 10th day of April, 2001.

  
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 HENRY P. GUINOTTE, MAYOR

  
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 THOMAS HEALY, CITY CLERK