

CITY OF PALMER, ALASKA
ORDINANCE NO. 592

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.

"Business day(s)" means any day(s) that is not a Saturday, or Sunday, or a day when the city's administrative offices are closed.

[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] **18.25.035, early** [ABSENTEE] voting in-person.

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

[H.] "Election board" means the **city** election judges.

[I.] "Election official" includes election judges, 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, kidnaping, 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.

[O.] "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 **immediately preceding** [PRIOR TO] the city election.

[R.] "Regular ballot" means a ballot voted at the polls which is not a questioned, **early-voter** or an absentee ballot.

[S.] "Regular election" means the city election held **annually** 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] **a person who votes a ballot either in person or by mail** [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 section. PMC 18.05.030, Regular Election, is amended as follows:

A. The date of the regular election shall be **held** annually on the first Tuesday of October.

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

Section 5. Amendment of section. PMC 18.05.040, Special Election, is amended as follows:

A. The council, by resolution, may call a special election at any time at least seventy-five calendar days prior to the date of the election. Notice of the special election shall be made in accordance with Section 18.20.020.

B. The clerk shall comply with the Federal Voting Rights Act and timely submit a preclearance request to preclear each special election date prior to holding the election as required by 28 C.F.R. Part 51.17.

Section 6. Amendment of section. PMC 18.05.060, Initiative, Referendum, and Recall, is amended as follows:

A. The powers of initiative and referendum **are** reserved [BY THE STATE CONSTITUTION TO THE PEOPLE OF THE STATE ARE ALSO RESERVED] to the people of the city as provided by state law.

B. **An [ANY ELECTED] official who is elected or appointed to an elective city office [OF THE ORGANIZED CITY] may be recalled as provided by state law.**

Section 7. Amendment of section. PMC 18.10.020, Rules for determining residence of voter, is amended as follows:

A. For the purpose of determining residence for voting, the place of residence is governed by the following rules:

1. The residence of a person is that place in which **the person's** habitation is fixed, and to which, whenever [THE PERSON IS] absent, the person has the intention to return. If a person resides in one place but does business in another, the former is the person's place of residence. Temporary construction camps do not constitute a dwelling place.

2. A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.

3. A person [DOES NOT GAIN OR LOSE RESIDENCE] **may not be considered to have gained a residence** solely by reason of [A PERSON'S] presence **nor may a person lose it solely by reason of absence** while [EMPLOYED] in the **civil or military** service of the United States or of this state, **or because of marriage to a person in the civil or military service of the United States or of this state,** or while a student of an institution of learning, or while kept in an institution or asylum at public expense, or while confined in a public prison, **or while engaged in the navigation of waters of this state, or the United States, or of the high seas,** or while residing upon an Indian or military reservation, or while residing at the Alaska Pioneers Home.

4. **Repealed.** [NO MEMBER, OR SPOUSE OR DEPENDENT OF A MEMBER, OF THE ARMED FORCES OF THE UNITED STATES IS A RESIDENT OF THIS STATE SOLELY BY REASON OF BEING STATIONED IN THE STATE.]

5. A person does not lose residence if the person leaves home and goes to another country, state, or place [WITH] in this state for temporary purposes only and with the intention of returning.

6. A person does not gain a residence in [A] **any** place to which the person comes without a present intent to [ESTABLISH A PERMANENT DWELLING THERE] **dwelt permanently at that place.**

7. A person loses residence in this state if the person votes in **another state's** [AN] election [HELD IN ANOTHER STATE], **either in person or by mail** and **will not be eligible to vote in this state until again qualifying under A.S. 15.05** [HAS NOT UPON THE PERSON'S RETURN REGAINED RESIDENCE IN THIS STATE UNDER THE PROVISIONS OF THIS CHAPTER AND STATE LAW].

8. The term of residence is computed by including the day on which the person's residence **begins** [COMMENCES] and [BY] excluding the day of election.

Section 8. Amendment of section. PMC 18.15.020, Nominations of Candidates, is amended as follows:

A. Nominations for elective offices shall be made only by petition of twenty or more registered voters qualified to vote in city elections. **Commencing not earlier than 8 A.M., seventy-eight days before the election, the clerk will make available at city hall nominating petitions to persons requesting them. The period for filing nominating petitions commences at 8:00 A.M. on the day, seventy-eight (78) days before the election and ends at 5:00 P.M. on the day, sixty-seven (67) days before the election. Nominating petitions must be completed, submitted in original form, and filed with the clerk at city hall during the period for filing petitions. Otherwise the petitions shall be unacceptable.** Each voter signing a petition shall state on the petition the voter's place of residence, by street and number or lot and block, or other manner which clearly identifies the place of residence.

B. Requirements for Petition. The nominating petition shall state in substance:

1. The full name of the candidate;
2. The full residence address of the candidate;
3. The full mailing address of the candidate;
4. The office (including term of office) for which the candidate is nominated;
5. The date of the election at which the candidate seeks election
6. That the candidate meets, or will meet, as required by the law, the specific requirements of the office the candidate is seeking;
7. That the subscribers are qualified voters of the city;
8. That the subscribers request that the candidate's name be placed on the ballot;
9. That the proposed candidate accepts the nomination and will serve if elected, with a statement signed by the proposed candidate; and
10. The name of the candidate as the candidate wishes it to appear on the ballot

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

We, the undersigned registered voters of the City of Palmer, Alaska, hereby nominate and sponsor _____, whose residence is _____, for the office of (if for council, specify term of office) to be voted for at the election to be held on the _____ day of _____, [19] **20**_____.

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

We individually certify that

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

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

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

	Street		
	and No.	Address	
	or Lot	from which	
Name	and	Last Reg-	
(Print)	Block,	istered, if	Date of
legibly	Signature etc.	Different	Signing
	(Spaces for minimum of 20 signatures)		

ACCEPTANCE OF NOMINATION

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

Signature of candidate

Date and hour of filing: _____

This petition is filed by: _____

whose residence address is: _____

whose mailing address is: _____

Received by: _____

D. [NO EARLIER THAN SEVENTY-EIGHT 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 **candidate named in the petition** [PERSON FILING THEM], shall be preserved by the clerk and eventually destroyed as provided [BY THIS CHAPTER

FOR DESTRUCTION OF BALLOTS] by the city's records retention policies.

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

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

Section 9. Amendment of section. PMC 18.15.025, Nominations-- Notice of offices to be filled, is amended as follows:

The clerk shall publish a notice of offices to be filled at the election and the **time and** manner of making nominations at least twice in one or more newspapers of general circulation in the city. The clerk shall also post such a notice on the city hall bulletin board. The first such publication and the posting shall be accomplished no more than twenty nor less than ten days before nominations are open for each regular election.

Section 10. Amendment of section. PMC 18.15.035, Eligibility of candidate, is amended as follows:

A. The clerk, subject to review by the council, shall determine whether each candidate for city [COUNCIL] **office** 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] **five p.m.** on the third city business 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 two hundred 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

[US] **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.

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.

I. If the information requested by the clerk under subsection 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 written determination as to the candidate's eligibility, the clerk will send a copy thereof 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 to the council within three city business days after the clerk sends a copy of the determination. If the clerk receives a timely notice of appeal, the clerk will use reasonable means, as noted above, to notify the nonappealing party of the appeal. In addition, the clerk will call a special council meeting to resolve the appeal.

K. 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 fifteen 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.

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

Section 11. Amendment of section. PMC 18.20.020, Notice of elections, is amended 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 not less than forty-five 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/early voting; and

8. Notification that anyone needing **special** [BILINGUAL] assistance in casting **his or her** [THEIR] ballot **due to a disability or bilingual need** [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 twenty-four hours before the time **of** [FOR] casting **his or her** ballot[S].

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 **consecutive** weeks. The first notice shall be published at least twenty 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 **of property** within the city.

Section 12. Amendment of subsections. PMC 18.20.030 (B) and (G), Election officials, are amended as follows:

B. Qualifications. Each election judge shall be a registered and qualified voter of the city. **Early voting officials shall be registered to vote in state elections.** There shall be no inquiry into an election official's political party as a prerequisite to service. Candidates or members of the candidate's immediate family may not serve as election officials for an election in which the

candidate has filed a nominating petition. Unless excused by the clerk, all election officials shall attend training sessions offered by the clerk or borough clerk.

G. In addition to the city clerk, the borough clerk, borough clerk's staff, and borough clerk's appointees are designated [ABSENTEE/] early-voter officials on behalf of the city for regular city elections, subject to city council confirmation.

Section 13. Amendment of subsection. PMC 18.20.045(C), Ballots--Form, is amended 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 A WRITE-IN CANDIDATE WITHIN FOR EACH POSITION.] Below the printed names of candidates appearing on the ballot, shall be blank lines equal in number to the seats to be filled for the office, upon which the voter may write the name(s) of person(s) not listed on the ballot.

Section 14. Amendment of section. PMC 18.20.070, Reporting voting information to the state, is amended as follows:

Within sixty [CALENDAR] days after each **city** 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 15. Amendment of section. PMC 18.25.010, Absentee/early voting -- Eligible persons--Liberal construction, is amended as follows:

Absentee/early voting--Eligible persons--Liberal construction.

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

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

Section 16. Amendment of subsection. PMC 18.25.020(C), Absentee[/EARLY] voting--by mail, is amended as follows:

C. Once ballots are in the clerk's possession and ready for distribution and [U]upon timely receipt of an application for **an** absentee ballot by mail, the clerk shall mail an official ballot and other absentee voting material to the applicant, at the mailing address given on the application. A return envelope, stamped with the words "official ballot" shall be included with the voting materials and addressed to the clerk.

Section 17. Repeal of section. PMC 18.25.031, Absentee Voting; In-person Voting, is repealed.

[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 18. Amendment of section. PMC 18.25.035, Early Voting; In-Person, is amended as follows:

A. Early-voter voting in person before the city's designated election official(s) [,] shall not begin **before** [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 an **official** ballot to the voter under this section **after** [UPON]:

1. the voter provides [ING] 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 signs [ING] 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 **place the secrecy sleeve in the early-voter envelope. The voter shall have the early-voter envelope witnessed by the election official** and deposit the ballot in the ballot box in the presence of an election official. **The election official shall deliver the voted early-voter ballots to the clerk, or if directed by the clerk, to the borough clerk if electronic counting is used.**

E. If the voter's qualification is questioned, the voter shall vote a questioned ballot in accordance with PMC 18.30.070.

F. If electronic counting is used, [T] 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. If electronic counting is not used, the clerk shall deliver the voted early-voter ballots to the canvass board for canvassing.

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 19. Amendment of section. PMC 18.25.040, Absentee voting--By personal representative, is amended as follows:

A. A 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 fifteenth calendar day before a regular or special election up to and including the day before the election; or

2. The city's early-voter [ABSENTEE] voting official on or after the fifteenth calendar day before a regular or special election up to and including the day before the election; or

3. An election judge on election day.

B. A request for a [n ABSENTEE] ballot by personal representative shall be on a form provided by the clerk or by written statement stating that the applicant is unable to go to the polling place because of age, illness, or 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.

C. Upon receipt of an application for a [ABSENTEE] ballot by personal representative, the clerk, early-voter [ABSENTEE] voting official or election judge shall deliver to the personal representative a[N] [ABSENTEE] ballot for the election.

D. The personal representative shall deliver the [ABSENTEE] ballot to the voter as soon as practicable. The voter shall proceed to mark the ballot in secret, and prepare the ballot by following the instructions provided. 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 personal representative shall deliver the ballot to the clerk or early-voter [ABSENTEE] voting official who provided the ballot no later than five p.m. on the day before the election or to an election judge at the polls no later than eight p.m. on

election day. A[N] [ABSENTEE] ballot by personal representative that is not returned to an election judge by eight p.m. on election day may not be counted. The early-voter [ABSENTEE] voting official and election board shall deliver the voted personal representative ballots to the clerk. The clerk shall deliver the voted personal representative ballots to the canvass board for canvassing.

Section 20. Amendment of section. PMC 18.30.070, Questioned Ballots--Issuance, is amended as follows:

A. [IF A VOTER'S POLLING PLACE IS IN QUESTION,] A questioned voter means a voter:

- 1) Whose polling place is in question;
- 2) Whose name does not appear on the official register for the city;
- 3) Who has received an absentee ballot and does not turn it in to an election judge at the polls when voting on election day;
- 4) 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
- 5) Who is questioned for good cause at the polls in writing pursuant to this section.

[t]The voter may vote a questioned ballot after complying with subsection C of this section.

B. Every election official and any other person qualified to vote in the city may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. 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, early-voter officials, or election board and shall be delivered to the clerk. The clerk shall deliver the questioned ballots and statements to the canvass board for canvassing.

C. The questioned person, before voting, shall execute a certification on a form provided by the clerk, early-voter official, 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, the person may vote. If the questioned person refuses to execute the certification, the person may not vote.

D. After voting, the questioned voter shall [DELVER] deliver the ballot to the clerk, early-voter official, or election judge.

Section 21. Amendment of section. PMC 18.30.090, Assistance to voters by election official, is amended 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 OR] early ballot, before 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 an election official is requested, an election official shall assist the voter. If a person, other than an election official, is to provide assistance, the person must take an oath before an election official not to divulge how the voter cast the ballot.

Section 22. Amendment of section. PMC 18.35.081, Counting early ballots, is amended as follows:

A. For counting early voted ballots using electronic tabulations. [T] 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.

B. If electronic tabulation is not used for counting early-voter ballots, the early-voter ballot envelopes shall be examined by the canvass board who shall determine whether the early-voter voter is qualified to vote at the election and whether the ballot has been properly cast. If the voter is qualified and the ballot has been properly cast, the envelope shall be opened and the ballot shall be mixed with the other ballots. The ballots shall be counted according to the rules for determining properly marked ballots. If the voter is not qualified or the ballot has not been properly cast, the clerk shall notify the early-voter voter, in writing, of the reason the ballot was not counted. The rejected ballot shall be placed in a container which shall be labeled "rejected ballots" and shall be preserved as set out in PMC 18.35.060.

Section 23. Amendment of subsection. Subsection 18.35.100(A), Counting and canvass of 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, and early-voter ballots [AND SHALL SIGN A CERTIFICATION OF THE RESULTS OF THE COUNT.] when electronic tabulation is not used for early-voter ballots. If electronic tabulation is used for early-voter ballots, the canvass board shall tally absentee and questioned ballots. The canvass

board shall:

1. In full view of those present, judge the validity of early-voter, 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;
3. Correct all obvious errors; 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 subsection (A) (3).

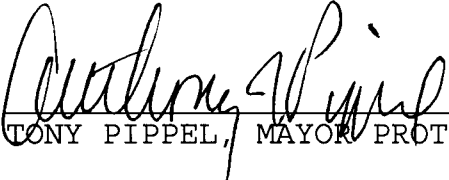
The canvass board shall sign a certification of the results of the count.

Section 24. 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: May 14, 2002

Public Hearing &
Second Reading: May 28, 2002

Adopted by the City Council of the City of Palmer, Alaska, this 28th day of May, 2002.


TONY PIPPEL, MAYOR PROTEM


THOMAS HEALY, CITY CLERK