

CITY OF PALMER, ALASKA

ORDINANCE NO. 620

AN ORDINANCE GENERALLY AMENDING TITLE 18 (ELECTIONS) OF THE PALMER
MUNICIPAL CODE

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provision 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. Chapter 18.05 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.05

GENERAL PROVISIONS

Sections:

- 18.05.010 Definitions
- 18.05.020 Incorporation of state and federal laws.
- 18.05.025 Powers/duties of the clerk.
- 18.05.030 Regular election.
- 18.05.040 Special election.
- 18.05.046 Time of election.
- ~~18.05.050 Vacancies in office.~~
- ~~18.05.060 Initiative, referendum and recall.~~
- 18.05.065 Bonded indebtedness.
- 18.05.067 Propositions and questions.
- 18.05.070 Nonpartisan requirements.
- 18.05.080 Sale of liquor on election day.
- 18.05.090 Prohibition on use of public moneys to promote passage of ballot propositions.
- 18.05.100 Simple majority – Prohibition on runoff elections.

18.05.010 Definitions.

In this title, unless the context otherwise requires:

"Borough" means Matanuska-Susitna Borough.

~~"Canvass board" means city council.~~

"Day(s)" means calendar day(s). "Calendar days" means consecutive days succeeding one another in regular order.

"City" means city of Palmer.

"City 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. means the days the city's administrative offices are open to provide general services to the public.

"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."

"Early voter" means a person:

1. Who is a qualified voter pursuant to Sections 18.10.010 and 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 Section 18.25.035, early voting in-person.

"Election" includes any regular or special city election.

"Election board" means the city election judges.

"Election official" includes election judges election officials appointed by the clerk and approved by the council under Section 18.20.030, early-voter officials, canvass board, review board, counting teams, receiving teams, the clerk and the clerk's office staff.

"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.

"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.

"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.

"Precinct" means the territory within which resident voters may cast votes at one polling place.

"Precinct register" means the register maintained by the director of the State Division of Elections.

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

"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.

"Questioned voter" means a voter:

1. Whose name does not appear on the register in the precinct where the voter attempts to vote or at an official register at an early voting location; 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 when voting at the voter's precinct 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 precinct register ~~register for the city,~~ or
4. Who is questioned for good cause at the polls in writing pursuant to Section 18.30.070.

"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 in the precinct in which that person seeks to vote thirty calendar days prior to at a residence address within the city thirty days immediately preceding the city election.

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

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

"Regular election" means the city election held annually on the first Tuesday of October, unless a different date or interval of years is provided by ordinance.

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

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

"Swear" includes "affirm."

"Voter" means a person who votes a ballot either in person or by mail.

18.05.020 Incorporation of state and federal laws.

All provisions of the United States Constitution, the Alaska State Constitution, and the laws enacted pursuant to these constitutions affecting city elections are incorporated in this chapter as if fully set out in this chapter.

18.05.025 Powers/ and duties of the clerk.

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

18.05.030 Regular election.

- 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.
- C. The date of holding regular city elections may not be changed by the council at any time less than one year prior to the date of the first regular city election affected.

18.05.040 Special election.

- 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

18.05.045 Time of election.

The polls in each precinct shall be open from seven a.m. until eight p.m. on all election days for the purpose of voting.

18.05.050 Vacancies in office.

- A. ~~Vacancy. The offices of council person and mayor shall become vacant upon the occurrence of any of the following:~~
 - 1. ~~The expiration of the term of office;~~

- ~~2. The death of the incumbent;~~
 - ~~3. A resignation when approved by the council;~~
 - ~~4. A removal from office in the manner provided by law;~~
 - ~~5. Ceasing to possess at any time the qualifications or eligibility required for election or appointment to office;~~
 - ~~6. Final conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office;~~
 - ~~7. A judicial determination that the incumbent is of unsound mind;~~
 - ~~8. A decision of a competent tribunal declaring the election or appointment of the incumbent void;~~
 - ~~9. Failure to take the oath or make the affirmation, or file the bond required for the office within twenty days from the date of election or appointment;~~
 - ~~10. Any other event which, by law, creates a vacancy.~~
- ~~B. Filling Vacancies. Vacancies shall be filled in the manner provided by Charter Section 2.13(a).~~

18.05.060 Initiative, referendum and recall.

- ~~A. The powers of initiative and referendum are reserved to the people of the city as provided by state law.~~
- ~~B. An official who is elected or appointed to an elective city office may be recalled as provided by state law.~~

18.05.065 Bonded indebtedness.

- A. Only qualified voters may vote on a question of incurring bonded indebtedness by the city.
- B. Notice of bonded indebtedness shall be given consistent with the provisions of Section 18.20.020(C).

18.05.067 Propositions and questions.

An ordinance or resolution placing propositions and questions before the voters must be adopted not later than fifty-three calendar days before a regular election, or seventy-five calendar days before a special election.

18.05.070 Nonpartisan requirement.

All city elections shall be nonpartisan.

18.05.080 Sale of liquor on election day.

In accordance with AS 04.16.070(b), the provisions of AS 04.16.070(a) do not apply in the city, and intoxicating liquor may be given, sold, bartered, consumed or dispensed in a licensed premises on election day.

18.05.090 Prohibition on use of public moneys to promote passage of ballot propositions.

- A. Except as provided in B and C of this section, money held by the city may not be used to influence the outcome of the election of a candidate.
- B. 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.
- C. 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) provide the public with nonpartisan information about a ballot proposition or question or about all the candidates seeking election to a particular public office.
- D. C. When expenditure of money is authorized by subsection ~~A or B~~ or C 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.

18.05.100 Simple majority – prohibition on runoff elections.

There shall be no runoff elections. All city offices shall be filled by the candidate receiving the greatest number of votes. Where there is more than one office to be filled for the same term, the office shall be filled by those candidates receiving the larger numbers of votes.

Section 4. Chapter 18.07 is hereby adopted to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.07

INITIATIVE, REFERENDUM AND RECALL

Sections:

- 18.07.010 Reservation of powers.
- 18.07.015 Application for petition.
- 18.07.020 Contents of petition.
- 18.07.025 Signature requirements.
- 18.07.030 Sufficiency of petition.
- 18.07.035 Protest.
- 18.07.040 New petition.
- 18.07.045 Initiative election.
- 18.07.050 Referendum election.
- 18.07.055 Effect.
- 18.07.065 Recall

18.07.010 Reservation of powers.

- A. The powers of initiative and referendum are reserved to the qualified voters of the city as provided by state law and by the City of Palmer Charter. The voters of the city, by initiative, may propose and enact any ordinance which the city council has power to enact under the charter except as otherwise provided in this section. The voters of the city, by referendum, may approve or reject any ordinance passed by the city council except as otherwise provided in this section.
- B. Ordinance dedicating revenues; ordinances making, repealing, transferring, or otherwise changing appropriations; ordinances fixing mill levies; ordinances authorizing the issuance of bonds; and special ordinances shall not be subject to either initiative or referendum. Ordinances creating courts, defining jurisdiction of courts or prescribing their rules shall not be subject to initiative. Ordinances necessary for the immediate preservation of the public peace, health or safety (emergency ordinances) shall not be subject to referendum.

18.07.015 Application for petition.

- A. An initiative or referendum is proposed by filing an application with the clerk containing the ordinance or resolution to be initiated or the ordinance or resolution to be referred and the name and address of a contact person and an alternate to whom all correspondence relating to the petitions may be sent. An application shall be signed by at least ten voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within fourteen business days, the clerk shall certify the application if the clerk finds that it is in proper form and, for an initiative petition, that the matter:
 - 1. Is not restricted by 18.07.010 (B) of this code;
 - 2. Includes only a single subject;
 - 3. Relates to a legislative rather than to an administrative matter; and
 - 4. Would be enforceable as a matter of law.

B. A decision by the clerk on an application for petition is subject to judicial review.

18.07.020 Contents of petition.

- A. Within fourteen business days after certification of an application for an initiative or referendum petition, a petition shall be prepared by the clerk. Each copy of the petition shall contain:
1. A summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred;
 2. The complete ordinance or resolution sought to be initiated or referred as submitted by the sponsors;
 3. The date on which the petition is issued by the clerk;
 4. Notice that signatures must be secured within 90 days after the date the petition is issued;
 5. Spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;
 6. A statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
 7. Space for indicating the total number of signatures on the petition.
- B. If a petition consists of more than one page, each page shall contain the summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred.
- C. The clerk shall notify the contact person in writing when the petition is available. The contact person is responsible for notifying sponsors. Copies of the petitions shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

18.07.025 Signature requirements.

- A. The signatures on an initiative or referendum petition shall be secured within ninety days after the clerk issues the petition. The statement provided under PMC 18.07.020(A) (6) shall be signed and dated by the sponsor. Signatures shall be in ink.
- B. The clerk shall determine the number of signatures required on a petition and inform the contact person in writing. Except as provided in (E) of this section, a petition shall be signed by a number of voters equal to 25 percent of the number of votes cast at the last regular election held before the date written notice is given to the contact person that the petition is available.
- C. Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.
- D. A petition signer may withdraw the signer's signature on written application to the clerk before certification of the petition.
- E. If the ordinance or resolution that is the subject of an initiative or referendum petition affects only an area that is less than the entire area of a city, only voters residing in the affected area may sign the petition. The clerk shall determine the number of signatures required on the petition and inform the contact person in writing. The petition shall be signed by a number of voters equal to 25 percent of the number of votes cast in that area at the last regular election held before the date written notice is given to the contact person that the petition is available.

18.07.030 Sufficiency of petition.

- A. All copies of an initiative or referendum petition shall be assembled and filed as a single instrument. Within ten business days after the date the petition is filed, the clerk shall:
 - 1. Certify on the petition whether it is sufficient; and
 - 2. If the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.
- B. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the eleventh business day after the date on which the petition is rejected.
- C. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under subsection (B) of this section. Within ten business days after supplementary filing, the clerk shall recertify the petition. If it still insufficient, the petition shall be rejected and filed as a public record.

18.07.035 Protest.

If the clerk certifies an initiative or referendum petition is insufficient, a signer of the petition may file a protest with the city manager within seven business days after the certification. The city manager shall present the protest at the next regular meeting of the city council. The city council shall hear and decide the protest.

18.07.040 New petition.

Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition on substantially the same matter may not be filed sooner than six months after a petition is rejected as insufficient.

18.07.045 Initiative election.

- A. The clerk shall present a certified sufficient petition for initiative to the council at the first regular meeting after certification.
- B. Unless the council enacts substantially the same measure, the clerk shall submit the matter to the voters at the next regular election occurring no sooner than sixty days after certification of the petition.
- C. The ordinance or resolution initiated shall be published in full in the notice of the election but may be summarized on the ballot to indicate clearly the proposal submitted.
- D. If a majority vote favors the ordinance or resolution, it shall become effective upon certification of the election; unless a different effective date is provided in the ordinance or resolution.
- E. The council may at any time not less than twenty days from the date of the election adopt an ordinance or resolution to implement the petition. In that event, a vote on the initiative shall not be held.

18.07.050 Referendum election.

- A. Unless the ordinance or resolution is repealed by the council, when a petition seeks a referendum vote, the clerk shall submit the matter to the voters at the next regular election occurring no sooner than sixty days after certification of the petition. If no election occurs within ninety days of the certification of the petition, the council may hold a special election within ninety days, but not sooner than forty-five days after the certification period.
- B. If a petition is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the council may not enact an ordinance or

resolution substantially similar to the suspended measure.

C. If the council repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

D. If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election.

18.07.055 Effect.

A. The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed.

B. If an ordinance or resolution is repealed in a referendum election or by the city council after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the council for a period of two years.

C. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified.

18.07.065 Recall.

An official who is elected or appointed to an elective city office may be recalled as provided by state law.

Section 5. Chapter 18.10 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.10

VOTER QUALIFICATION

Sections:

- 18.10.010 Voter qualification.
- 18.10.020 Rules for determining residence of voter.
- 18.10.030 Registration.
- 18.10.040 Voter disqualification for felony convictions.
- 18.10.050 Voter disqualification for unsound mind.

18.10.010 Voter qualification.

A person, who meets all of the following requirements, may vote at any city election:

- A. Is qualified to vote in state elections under AS 15.05;
- B. Has been a resident of the city for the thirty days immediately preceding the election;
- C. Is registered to vote in state elections at a residence address within the city at least thirty days before the city election at which the person seeks to vote; and
- D. Is not disqualified under Alaska Constitution, Art. V.

18.10.020 Rules for determining residence of voter.

- 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 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 may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while 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.
 - 5. A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only and with the intention of returning.
 - 6. A person does not gain a residence in any place to which the person comes without a present intent to dwell permanently at that place.

7. A person loses residence in this state if the person votes in another state's election, either in person or by mail and will not be eligible to vote in this state until again qualifying under A.S. 15.05.
8. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.

18.10.030 Registration.

- A. A person may vote in an election only if the person is a qualified voter under the Alaska State Constitution, the laws of Alaska and this chapter and the person has registered as required by the State Election Code and Section 18.10.010.
- B. The precinct election judges officials at any election shall allow a person to vote whose name is on the official registration list for ~~the city~~ that precinct and who is qualified under this chapter and AS 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot.

18.10.040 Voter disqualification for felony conviction.

A person whose qualifications to vote have been questioned on the basis of a felony conviction shall vote a questioned ballot. A person's vote shall not count where the voter has been convicted either by state courts of Alaska, by the courts of another state or by the federal courts of a felony involving moral turpitude under Alaska law unless the person's civil rights have been restored by law or by proper authority in the jurisdiction in which the person was convicted.

18.10.050 Voter disqualification for unsound mind.

A person whose qualifications to vote have been questioned on the basis of being of unsound mind shall vote a questioned ballot. A person's vote shall not count if the person has been judicially determined to be of unsound mind unless the disability has been removed.

Section 6. Chapter 18.15 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.15

CANDIDATES

Sections:

- 18.15.010 Candidate qualifications.
- 18.15.020 Nominations of candidates.
- ~~18.15.025 Nominations—Notice of offices to be filled.~~
- 18.15.026 Nominations of candidates – procedures.
- 18.15.030 Corrections, amendments and withdrawal of nominating petitions.
- ~~18.15.035~~ Eligibility of candidate.
- 18.15.036 Restrictions on number of nominating petitions.

18.15.010 Candidate qualifications.

- A. To qualify as a candidate for the office of mayor or council member, a person must meet the following requirements:
 - 1. Be a qualified voter of the city; and
 - 2. Must have been a resident of the city or of territory annexed to the city, or must have had a combination of residence in the city and in the annexed territory, for a continuous period of not less than one year immediately preceding the date of the election.
- B. A candidate must provide sufficient proof that the candidate is eligible, or shall be eligible by the date of the election, to be recognized as a candidate for any election.

18.15.020 Nominations of candidates.

- A. Nominations by Petition. Nominations for elective office shall be made only by petition of twenty or more registered voters qualified to vote in city elections. ~~Commencing not earlier than eight a.m., seventy-eight days before the election, the clerk will make available at city hall nominating petitions to person requesting them. The filing period for filing nominating petitions commences at eight a.m. on the day, seventy-eight 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~~ sponsor signing a petition shall state on the petition the ~~voter's~~ sponsor'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 and mailing address of the candidate;
 - ~~3. The full mailing address of the candidate;~~
 - 3. The day and evening telephone numbers 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. 6. That the subscribers~~ A statement that the sponsors are qualified voters of the city;

8. ~~7.~~ That ~~the subscribers~~ A statement that the sponsors 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. ~~8.~~ The name of the candidate as the candidate wishes it to appear on the ballot;
9. A certification by the candidate which shall include statements:
- a. That the candidate is a qualified voter,
 - b. That the candidate is a resident of the city,
 - c. That the candidate meets or shall meet, as required by law, the specific requirements of the office the candidate is seeking,
 - d. That the candidate accepts the nomination and a statement that the candidate shall serve if elected,
 - e. That if the candidate chooses to withdraw, the withdrawal will be submitted to the city clerk in writing and signed by the candidate by the last day of the filing period,
 - f. That the information in the nominating petition is true and accurate, and
 - g. The date and notarized signature of the candidate.

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 _____, 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.
or Lot
and
Block

Name (Print) legibly Signature etc. Address from which
Last Registered, if Different Date of 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. 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, shall be preserved by the clerk and eventually destroyed as provided 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.

18.15.025 Nominations—Notice of offices to be filled.

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.

18.15.026 Nominations of candidates – procedures.

- A. Packets containing nominating petitions shall be available from the clerk's office on the day the filing period opens and the packets shall remain available throughout the filing period. Nominating petitions shall be completed and filed with the clerk no earlier than eight a.m., seventy-eight calendar days before a regular election and no later than five p.m., sixty-seven calendar days before a regular election; and no earlier than eight a.m., sixty-four calendar days before a special election and no later than five p.m., fifty-three calendar days before a special election. Nominating petitions shall be submitted in original form and shall not be submitted by facsimile. All nominating petitions in proper form which are not withdrawn by the candidate shall be preserved by the clerk and eventually destroyed as provided by the records schedule adopted by the city.
- B. Persons seeking elective office shall request a nominating petition from the clerk for the specific seat, which they are seeking. If the person chooses to run for a different seat, a nominating petition for that seat shall be filed with the clerk's office. A nominating petition for a particular seat may not be substituted for another office or seat.
- C. Within four business days after filing a nominating petition the clerk shall notify the candidate named in the nominating petition as to whether it is in proper form. If not, the clerk shall immediately return the nominating petition to the candidate, with a statement certifying how the nominating petition is deficient.

18.15.030 Corrections, amendments and withdrawal of nominating petitions.

- A. 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 has closed, no nominating petition may be corrected, amended or withdrawn.
- B. If a candidate desires to file for a different office or seat, the candidate shall request a new form from the clerk and abide by Section 18.15.020.

18.15.035 18.15.033 Eligibility of candidate.

- A. The clerk, ~~subject to review by the council,~~ shall determine whether each candidate for city 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 must be received by the clerk no later than five p.m., on the third city business day after the filing ~~deadline for the office for which the candidate seeks election closes.~~
- 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 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. ~~E. Upon receipt of a complaint, or if the clerk questions the eligibility of the candidate, the clerk will send written notification 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.~~
- F. The clerk will review any evidence relevant to the candidate's qualifications, including the candidate's registration, nominating petition, and 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.
- G. If the clerk determines ~~that a~~ the preponderance of evidence supports the eligibility of the candidate, the clerk will issue a final determination supporting the candidate's eligibility.
- H. If the clerk determines ~~that a~~ the preponderance of evidence does not support the ~~eligibility of the candidate,~~ candidate's eligibility, 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 must receive the requested information no later than three city business days from the date of notice. The clerk will consider any additional information provided by the candidate in issuing a final determination and issue a final determination as to the candidate's eligibility no later than three city business days from receipt of the additional information.
- I. If the information requested by the clerk in subsection H of this section is not received by the specified deadline, the clerk will issue a final determination regarding the candidate's eligibility based on the information initially reviewed.
 - J. The clerk will send notice of final determination in writing to the person making the complaint, if applicable, and to the candidate. The determination of the clerk is final.
 - 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.~~

18.15.036 Restrictions on number of nominating petitions.

A qualified person may file a nominating petition for only one elective office at any given election.

Section 7. Chapter 18.20 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.20

ELECTION ORGANIZATION

Sections:

- ~~18.20.010 Time of election.~~
- 18.20.015 Notice of offices to be filled.
- 18.20.020 Notice of election.
- 18.20.030 Election officials.
- 18.20.045 Ballots – Forms.
- 18.20.050 Ballots – Distribution.
- 18.20.060 Election materials.
- 18.20.070 Reporting voting information to the state.
- 18.20.080 Expenses.

~~18.20.010 Time of election.~~

- A. ~~Regular elections shall be held at the times specified by the laws of the state of Alaska or by the council. The council by resolution may call special elections at any time in accordance with the notice provisions of this title.~~
- B. ~~The polls shall be open from seven a.m. until eight p.m. on all election days for the purpose of voting.~~

18.20.015 Notice of offices to be filled.

At least ten but not more than twenty calendar days before nominations are open for each regular or special election, the clerk shall publish twice in one or more newspapers of general circulation in the city a notice of offices to be filled at the election and the manner of making nominations.

18.20.020 Notice of election.

- A. Notice of Voter Registration. The clerk shall publish a notice of voter registration at least sixty calendar days before each election. The notice shall include the qualifications required of voters, the deadline for registering to vote in the election, and places where voters may register.
- A. B. Notice, Publication, and Posting. The clerk shall publish a notice of each election at least ~~twice~~ three times in one or more newspapers of general circulation in the city. The clerk also shall also post ~~such a~~ the notice ~~on the city hall bulletin board~~ in city hall. The first ~~such~~ publication and the posting shall ~~be accomplished not less than forty-five days occur at least thirty calendar days before a regular election and twenty calendar days before a special election.~~ Each notice of election shall include:
 1. The type of election: regular or special;
 2. The date of election;
 3. The location 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 to be voted upon;
 - ~~6. The qualifications required of voters, and the manner, time and place of registration;~~

7. 6. Instructions for absentee/early voting; and
 8. 7. Notification that anyone needing special assistance in casting ~~his or her~~ their ballot due to a disability or bilingual need, ~~should~~ shall contact the clerk for assistance at least twenty-four hours before the time of casting ~~his or her~~ their ballot.
- 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 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.

18.20.030 Election officials.

- A. Appointment. Number. ~~The council shall appoint election judges.~~ Before each election, the clerk shall recommend to the council at least three election judges officials for each precinct to constitute the election board for ~~the city~~ that precinct. The council shall, by resolution appoint the election officials. One election judge official shall be designated chairperson and shall be primarily responsible for administering the election in that precinct. If no chairperson is appointed for the ~~city~~ precinct or the chairperson is unable to fulfill the chairperson's duties, the other election judges officials shall perform the chairperson's duties. The clerk may make necessary adjustments to the election boards as required to conduct a properly held election.
- B. Qualifications. Each election judge official shall be a registered and qualified voter of the ~~city~~ precinct for which the election official is appointed, unless no voter is willing to serve. Absentee and ~~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. A person who appears on the ballot as a candidate or a member ~~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.
- ~~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. After council approval, the clerk may make necessary adjustments to election officials as required to conduct a properly held election.~~
- ~~D. C.~~ Oath. The election judge official designated as chairperson in a precinct 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 officials. The city authorizes the borough clerk or deputy borough clerk to administer an oath of office to borough election officials on behalf of the city.
- ~~E. D.~~ Failure to Serve. If any election judge official fails or refuses to attend and serve, the ~~election chairperson of the city clerk~~ shall appoint a person eligible under this section to serve in place of the absent election judge official. ~~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.

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

G. E. Borough Officials. In addition to the city clerk, the borough clerk, borough clerk's staff and borough clerk's appointees are designated absentee and early-voter officials on behalf of the city for regular city elections, subject to city council confirmation.

F. Annexed Areas. "Voters who vote in a precinct that is split because of an annexation not yet resolved by the Division of Elections, the city will accept election officials appointed by the borough. The ballots in the affected precincts shall be subject the city canvass board and the procedures set forth in 18.35.100."

18.20.045 Ballots – Form.

- A. The clerk shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of elections.
- B. The clerk shall determine the size of the ballot, the type of print, necessary additional instruction notes to voters, and other similar matters of form not provided by law. The ballots shall be numbered in series to ensure simplicity and secrecy and to prevent fraud.
- C. The names of candidates shall be printed as they appear upon the nominating petitions filed with the clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of the proper name. The names of candidates shall be arranged alphabetically or as required from time to time by the laws of the state. 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.
- D. Propositions and questions shall be placed on the ballot in the manner prescribed by the clerk. Provision shall be made for marking the proposition "Yes" or "No."

18.20.050 Ballots – Distribution.

- 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, absentee and sample ballots shall be in the clerk's possession sixteen 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 official. The clerk shall keep the receipt as part of the election record.
- C. No ballots shall be taken from the polling place before the closing of the polls, unless the clerk for good cause directs that the ballots be removed. A record shall be kept by the election judges officials of the ballots removed from a polling place.

18.20.060 Election materials.

- A. The clerk shall equip each polling place with sufficient materials and supplies needed for the election, including all necessary registration materials before the opening of the polls.
- B. The clerk shall provide instructions to voters on how to obtain ballots, how to mark them, and how to obtain new ballots to replace those destroyed or spoiled.
- 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."
- D. The clerk shall provide booths at each polling place, with appropriate supplies and conveniences to enable each voter to mark the ballot screened from observation. At least three sides of each booth shall be enclosed.
- E. Ballot boxes shall be placed outside of the voting booths within plain view of the election judges, voters and other persons at the polling places.
- F. The clerk may make arrangements with the borough or the state of Alaska or both for the use of voting machines and other equipment and supplies relating to voting.

18.20.070 Reporting voting information to the state.

Within sixty days after each city election 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.

18.20.080 Expenses.

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 Section 18.45.060.

Section 8. Chapter 18.25 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.25

ABSENTEE/EARLY VOTING

Sections:

18.25.010 Absentee/early voting – Eligible persons – Liberal construction.

18.25.020 Absentee voting – By mail.

18.25.025 Absentee voting – In person.

18.25.035 Early voting—~~In person.~~

~~18.25.040 Absentee voting—By personal representative.~~

18.25.041 Special needs voting.

18.25.010 Absentee/early voting – Eligible persons – Liberal constructions.

- A. At any election, any registered qualified voter may for any reason vote an absentee ballot or early ballot at any election for any reason, if provided by the clerk.
- B. The provisions of this chapter effectuating the constitutional guarantee to early/absentee voting shall be liberally construed.

18.25.020 Absentee voting – By mail.

- A. A registered voter may apply to the clerk for an absentee ballot to be mailed to the voter not earlier than ~~ninety~~ the first of the year in which the election is to be held, nor less than seven calendar days before an election. A request may be made 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.
- C. Once ballots are in the clerk's possession and ready for distribution and ~~Upon~~ timely receipt of an application for 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.
- 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. Two witnesses who are at least eighteen years of age may witness the voter's signature if an authorized official is not reasonably accessible.
- 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 Section 18.35.080(A) or returned to an election board member official or clerk no later than eight p.m. on election day. ~~The election board~~ A precinct election official shall deliver the voted absentee ballots to the clerk. The clerk shall deliver 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.
- G. If a voter who was issued an absentee ballot by mail ~~presents him or herself~~ returns to the voter's precinct on election day, ~~to vote 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. If the absentee voter does 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.

18.25.025 Absentee voting – In person.

- A. Absentee voting in-person before an election official, including the clerk, shall not begin prior to fifteen calendar days before a regular or special election, up to and including the day of the election. The absentee voter shall appear before an election official, provide his or her name, residence address, and a voter identifier such as a voter number, social security number, or date of birth. The voter shall complete the required information and sign the certification on the ballot oath and affidavit envelope and have it witnessed by an election official. 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 the completed ballot oath and affidavit envelope and the envelope will be sealed. An election 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 in each precinct a list of voters from the precinct who have voted absentee ballots. If a voter who voted an absentee ballot in-person returns to the voter's precinct on election day, the voter may not vote a regular ballot but may vote a questioned ballot.

18.25.035 Early voting--In-person.

- A. Early-voter voting in-person before the city's designated an election official(s) including the clerk, 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 Section 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:
1. The voter provides 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 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 Section 18.30.070.
- F. ~~If electronic counting is used, 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 eight p.m. on election day and shall be tabulated in accordance with Section 18.35.081. If electronic counting is not used, the clerk shall deliver the voted early voter ballots to the canvass board for canvassing.~~
- F. The clerk shall deliver the voted early ballots to the canvass board for canvassing. The tabulation of early ballots may not begin until the canvass board has identified and segregated ballots voted early by voters who also case ballots in another manner in the election.
- G. ~~Prior to the election, Before the opening of the polls on election day,~~ the clerk shall give to the election board in each precinct 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.

~~18.25.040 Absentee voting—By personal representative.~~

- 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 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 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 ballot by personal representative, the clerk, early voter voting official or election judge shall deliver to the personal representative a ballot for the election.~~
- D. ~~The personal representative shall deliver the 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 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 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 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.~~

18.25.041 Special needs voting.

- A. A voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote a special needs ballot 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.
- B. The request for a special needs ballot may be made:
1. To the clerk on or after the 15th calendar day before a regular election or special election, up to and including the day before the election; or
 2. From an absentee voting official at an absentee voting station designated by the clerk at a time when the absentee voting station is in operation; or
 3. From a member of the precinct election board on election day.
- C. If the request for a special needs ballot is made through a representative, the representative shall sign the special needs voting envelope provided by an election official. The envelope must include the following information:
1. The representative's name;
 2. The representative's residence and mailing address;
 3. The representative's social security number, voter number, or date of birth;
 4. The name of the voter on whose behalf the representative is requesting a ballot and voting materials;
 5. An oath that the representative:
 - (a) Is receiving a ballot and voting materials on behalf of the voter;
 - (b) Will not vote the ballot for the voter;
 - (c) Will not coerce the voter;
 - (d) Will not divulge the vote cast by the voter; and
 - (e) Has been notified that unlawful interference with voting is punishable under A.S. 15.56.030.
 - (6) The representative's signature.
- D. The representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in a secrecy sleeve, and place the secrecy sleeve in the envelope provided. The voter shall provide the information on the envelope that would be required for absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the presence of the representative. The representative shall sign as attesting official and date voter's signature.
- E. The representative shall deliver the ballot and voter certificate to an election official not later than 8 p.m. Alaska time on election day.
- F. If a qualified voter's disability precludes the voter from performing any of the requirements of (D) of this section, the representative may perform those requirements, except making the voting decision, on the voter's behalf.
- G. An election official shall deliver the voted special needs ballot to the clerk. The clerk shall deliver the voted special needs ballot to the canvass board for canvassing.

Section 9. Chapter 18.30 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.30

VOTING PROCEDURE

Sections:

- 18.30.010 Prohibition of political discussion by election official.
- 18.30.020 Prohibition of political persuasion near polls.
- 18.30.025 Poll watchers and observers.
- 18.30.030 Ballot box security.
- 18.30.040 Keeping of register.
- 18.30.051 Providing ballot to voter.
- ~~18.30.060 Voting paper ballot (not to be electronically counted).~~
- 18.30.070 Questioned ballots – Issuance.
- 18.30.080 Ballots damaged by voters.
- 18.30.090 Assistance to voters.
- 18.30.100 Closing of polls.
- 18.30.110 Forms completion – Unused ballots.
- 18.30.120 Opening ballot box.
- 18.30.130 Ballot container delivery.

18.30.010 Prohibition of political discussion by election official.

During the hours that the polls are open, no election official may discuss any political party, candidate or issue while on duty.

18.30.020 Prohibition of political persuasion near polls.

- A. During the hours the polls are open, no person who is in the polling place or within two hundred feet of any entrance of the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. For the purposes of this section, the entrance to a polling place is the entrance to the building. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. The election board shall post warning notices in the form and manner prescribed by the clerk.
- B. Any literature that a candidate, group, or person intends to distribute at a polling place or within two hundred feet of any entrance of a polling place shall have the literature reviewed and approved for distribution by the clerk thirty calendar days prior to a regular or special election.

18.30.025 Poll watchers and observers.

- 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; and
 4. The precinct the poll watcher wishes to observe.
- C. The poll watcher or observer must present authorization as defined in subsection B of this section 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.

18.30.030 Ballot box security.

Before receiving any ballots, the election board shall, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box shall be sealed with a security device. The box shall not be opened again, and shall not be removed from the polling place, nor from the presence of persons assembled at the polling place, until after the polls have finally closed.

18.30.040 Keeping of register.

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 that the voter is qualified to vote.

18.30.051 Providing ballot to voter.

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

~~18.30.060 Voting paper ballots (not to be counted electronically).~~

~~If paper ballots (that are not to be counted electronically) are used, 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 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 officials shall tear the number off and hand the ballot back to the voter who shall deposit the ballot in the ballot box.~~

18.30.070 Questioned ballots – Issuance.

A. ~~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.~~
- ~~—The voter may vote a questioned ballot after complying with subsection C of this section.~~

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

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 ~~eustody of the clerk, early voter officials or election board~~ election official's custody and shall be delivered to the clerk. 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 ~~on a form~~ provided by the ~~clerk, early voter official or an election judge~~ election official 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 deliver the ballot to the ~~clerk, early voter official or election judge.~~ election official.

18.30.080 Ballots damaged by voter.

If a voter mutilates, improperly marks, spoils or otherwise damages the voter's ballot, the voter may request and the election ~~judge~~ official shall provide another ballot upon the voter returning the damaged ballot to the election ~~judge~~ official, with a maximum of three ballots of each type. The election ~~judge~~ official shall record the replacement ballot number on the ballot accountability form. ~~of the improperly marked or damaged ballot~~ Without examining it and the spoiled ballot, give the ~~damaged ballot~~ it back to the voter who shall destroy and discard it immediately in the presence of an election ~~judge~~ official.

18.30.090 Assistance to voters.

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 early ballot, or~~ 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~~ the 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.

18.30.100 Closing of polls.

Fifteen minutes before and at the time of closing of the polls, an election ~~judge~~ official shall announce the time and the time of closing the polls. 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~~ official.

18.30.110 Forms completion – unused ballots.

- 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~~ official. 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~~ official to the clerk.
- B. All supplies, completed forms, and other papers shall be delivered to the clerk.

18.30.120 Opening ballot box.

- A. ~~After destroying the unvoted ballots, an~~ The election ~~judge~~ officials shall, in full view of all persons assembled at the polling place, open the secured ballot boxes and shall segregate the questioned ballots, the absentee ballots and the ~~personal representative~~ special needs ballots from the regular ballots voted at the election.
- B. Each segregated group of ballots shall be compared with the register or form appropriate to that group to ensure that the correct number of ballots is in each group.
- C. Each segregated group of ballots shall be placed in a ballot container and sealed. The seal shall bear the date of the election ~~and the election judges' signatures.~~ , the type of ballots, the precinct name and number and elections official's signatures.

18.30.130 Ballot container delivery.

~~If the city uses a computer count,~~ Two election ~~judges~~ officials from ~~the precinct 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~~ precinct uses hand-counting, the election board shall tally the votes, pursuant to PMC Section 18.35.012, shall seal the ballots in ballot containers, and shall, within twenty-four hours of closing the polls, deliver the ballot containers to the clerk.

Section 10. Chapter 18.35 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.35

BALLOT COUNTING

Sections:

- 18.35.012 Counting ballots – General.
- 18.35.015 Write-in votes.
- 18.35.020 Ballot boards and teams.
- 18.35.030 Ballot counting – Use of computers.
- 18.35.040 Ballot counting – Tests and security.
- 18.35.060 Preserving and destroying ballots.
- 18.35.070 Certificate of election.
- 18.35.080 Counting absentee ballots.
- 18.35.081 Counting early ballots.
- 18.35.085 Questioned voter notification.
- 18.35.090 Counting questioned ballots.
- 18.35.100 Counting and canvass of returns, certificate of election.
- 18.35.110 Determination of tie votes.

18.35.012 Counting ballots – General.

- 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 any one 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.

18.35.015 Write-in votes.

- 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 opposite the candidate's name. Stickers may not be used on ballots.

- B. Write-in votes shall be tallied only if the total number of write-in votes for an office ~~exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.~~ affects the election results.

18.35.020 Ballot boards and teams.

- A. Receiving Team. The clerk shall appoint as many receiving teams as needed or city shall use the receiving team designated by the borough clerk. ~~The Each~~ 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.
- B. (Repealed by 546)
- C. Counting Team. The clerk shall appoint counting teams as necessary or use the city shall use the counting team designated by the borough clerk.
- D. Review Board. The clerk shall appoint a review board or use the same review board designated by the borough clerk. ~~shall appoint a~~ The review board shall consisting of at least three members. The review board shall ensure that all ballots are completely and accurately counted.
- E. ~~(Repealed by 546)~~ Canvass Board. The clerk shall appoint a canvass board consisting of a minimum of three election officials approved by the council under section 18.20.030. The canvass board shall tally absentee, early voting and questioned ballots and perform the duties as stated in section 18.35.100.
- F. ~~Oath.~~ The borough clerk shall administer on behalf of the city an oath to election officials serving in the election. A vacancy on a board or team shall be filled by the borough clerk.
- G. ~~For purposes of city ballots, no member of the teams or boards described in this section shall be a candidate for city office or an immediate family member thereof. The clerk shall coordinate with the borough clerk to provide substitute team or board members if necessary.~~
- F. Failure to Serve. A vacancy on a board or team shall be filled by the clerk or borough clerk.

18.35.030 Ballot counting – Use of computers.

The borough clerk shall designate the computers to be used in the counting of the ballots or use the same computers designated by the borough clerk. ~~and~~ The clerk may negotiate and contract with the state or a private computer service for the needed computer services or use the same contract as designated by the borough clerk.

18.35.040 Ballot counting – Tests and security.

No later than one week before the election, the vote tabulation system shall be tested in the presence of, and to the satisfaction of, the review board. Upon completion of the testing, a security seal shall be placed on the tabulation system for delivery to the city precincts.

18.35.060 Preserving and destroying ballots.

The clerk shall preserve all official ballots in a secure manner, unopened and unaltered, for not less than thirty days from the date of election certification or in cases where the election is contested, until thirty days after the final resolution of the contest. ~~all ballots that have been voted at an election in a secure, sealed container for not less than thirty days after the later of the date of the elections certification, and the final resolution of any~~

~~contest of the election. The clerk may permit the inspection of the ballots upon 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, 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.~~

18.35.070 Certificate of election.

- A. Hand Count. When all the votes have been counted, the election board officials shall prepare a certificate of election, stating the number of votes each candidate received for each office. Each election board member official shall sign the certificate. The certificate and tally sheets shall be placed in envelopes by the election board 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.

18.35.080 Counting absentee ballots.

- 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 third calendar day following the election. If no postmark or readable postmark is contained on an absentee by-mail ballot envelope, the date of the voter's signature, as attested to by the official witness or other witnesses, will be used in determining if the ballot was voted on or before election day. 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 as set out in PMC Section 18.35.060.
- B. Absentee ballot envelopes shall be examined by the canvass board who shall determine whether the absentee voter is qualified to vote at the election and whether the ballot has been properly cast. An absentee ballot shall not be counted if the voter's certification on the return envelope is not signed and attested as required by law. If the voter is qualified and the ballot has been properly cast, the return envelope shall be opened and the ballot envelope shall be mixed with the other ballot envelopes. The ~~mixed~~ ballot envelopes shall be counted according to the rules for determining properly marked ballots.
- C. If the voter is not qualified or the ballot has not been properly cast, the clerk shall notify the absentee 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 with other voted ballots.

18.35.081 Counting early ballots.

- A. ~~The early ballots For counting early voter voted ballots using electronic tabulations, the early voter voted ballots shall be delivered to the borough clerk for counting, as determined by the clerk. city canvass board 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 eight 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 five p.m. on the third day following the election, and shall serve as the city's early voting precinct certificate of election. The city or borough canvass board shall print results tapes, sign the tapes, and return the tapes and memory card to the city or borough clerk as determined by the clerk. The results tapes shall serve as the early voting precinct certificates 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 Section 18.35.060

18.35.085 Questioned voter notification.

~~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: (A) the voter voted a questioned ballot at the election; (B) the time, date and location of the canvass board meeting; (C) the manner in which the canvass board will conduct the counting of the ballots; and (D) the canvass board meeting in a public meeting. The clerk shall prepare and make available at every precinct a "Notice to Questioned Ballot Voters". This notice shall be given to every questioned voter. The notice shall contain information as to how the questioned voter's ballot will be counted and the date, time and place where the canvass board will meet. The notice shall also contain a statement notifying the voter that within thirty days after election certification, a written notification will be sent to the voter informing them if their ballot was rejected or partially rejected. The notice will further state that if the voter does not receive notification, the ballot was counted.~~

18.35.090 Counting questioned ballots.

- A. A canvass board by majority vote may refuse to accept the question and count the ballot of a person properly questioned.
- B. If the question is refused and the ballot is accepted, the large envelope shall be opened and the ballot envelope shall be mixed with other ballot envelopes for counting. A questioned ballot shall be counted despite failure of the questioned voting official to properly sign and date the voter's certificate as attesting official. The mixed ballots envelopes shall be counted according to the rules for determining properly marked ballots.
- 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 Section 18.35.060.

18.35.100 Counting and canvass of returns, certificate of election.

- A. Not later than the ~~Tuesday~~ Monday following each election, ~~the city council, sitting also as the canvass board, shall meet and shall: tally absentee, questioned, and early-voter ballots 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, early, questioned~~ absentee and ~~questioned~~ special needs ballots, open and tally accepted ballots, and compile the total votes cast in the election;
 2. Review the precinct certificates of results for accuracy;
 3. Correct all obvious errors, ~~and;~~
 4. Recommend a recount of the results of the precinct 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.~~
 5. Report any irregularities in the election or discrepancies in the count of the ballots in its report to the council; and
 6. Certify the validity of all votes cast and sign a certification of results of the count.
- B. After ~~completing the above process, receiving the canvass board report~~ and as soon as practicable after the counting of the ballots, but not later than the second Tuesday after the election, the council shall meet in public session and examine all election returns. The examination may be postponed for cause from day to day, but there shall be no more than three postponements.
- C. If the ~~council determines the existence of~~ canvass board reports irregularities in the election, the council shall determine whether the irregularities are so serious as to deny a meaningful vote of the citizens of the city. If the ~~council finds~~ canvass board reports a discrepancy in the count of the ballots, ~~it the council~~ may order a recount of the votes. The council may order an investigation of any irregularities or discrepancies. The council may exclude votes cast or declare the entire election invalid if necessary to assure a fair election. If the council concludes that the election is not valid, it shall order another election. The election shall be conducted promptly as a special election and according to procedures established by the council.
- D. Unless the council orders an investigation or unless a contest has been previously filed pursuant to Section 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, The council shall certify results not in question immediately and shall complete an investigation or the contest procedures or investigation shall be completed~~ as soon as practicable to assure prompt certification.
- 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 special needs 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 proposition voted upon.
- F. Upon certification of the election by the council, the clerk shall deliver to each person elected a copy of the council's certificate of election.

18.35.110 Determination of tie votes.

- A. If two or more candidates tie in having the highest number of votes for the same office for which there is to be elected only one candidate, the clerk shall notify the candidates who are tied. The clerk shall immediately proceed with the recount of votes in the manner provided by Chapter 18.45.
- B. If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the clerk shall notify the candidates who are tied. The clerk shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by coin toss if two are tied, and by lot if more than two are tied. After the determination has been made by coin toss or lot, the clerk shall certify the election winner.

Section 11. Chapter 18.40 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.40

CONTEST OF ELECTION

Sections:

18.40.010 Grounds for election contest.

18.40.020 Contest procedure.

18.40.030 Appeal or judicial review.

18.40.010 Grounds for election contest.

A ~~defeated~~ candidate or ten qualified voters may contest the election of any person ~~the position for which the defeated candidate ran, and ten qualified city voters may contest the election of any person~~ or the approval or rejection of any question or proposition upon one or more of the following grounds:

- A. Malconduct, fraud or corruption by an election official sufficient to change the result of the election;
- B. The person elected is not qualified under law or ordinance; or
- C. Existence of a corrupt election practice as defined by the laws of the state of Alaska sufficient to change the result of the election.

18.40.020 Contest procedure.

- A. Notice of contest of an election shall be submitted in writing to the clerk before five p.m. on the day of the certification of the election or to the council at its meeting to certify the election returns. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

The undersigned contest(s) the regular (or special) election of the City of Palmer held on the _____ day of _____, _____. The grounds for the contest are as follows:

Signature of candidate or persons contesting election and date.

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public signature and seal.

- B. Upon receiving a notice of contest, the council shall order an investigation be conducted by the clerk and city attorney. Those contesting the election, those whose

- election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.
- C. If the contest involves the eligibility of voters, the council shall direct the clerk to recheck the voter qualification pursuant to PMC Section 18.10.010. After considering the report provided by the clerk 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.
 - D. If the contest involves other prohibited election practices which are shown to have taken place, the council shall exclude the vote of the precincts where the practices occurred. If it is determined that the exclusion could not affect the election results, the council shall declare the election valid and certify the election ~~returns only if it determines such practices could not affect the election~~ results.
 - E. The contestants shall pay all costs and expenses incurred in a recount of an election as provided by Section 18.45.060.

18.40.030 Appeal or judicial review.

A person qualified to file an election contest may not appeal or seek judicial relief of an election for any cause 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 12, Chapter 18.45 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

Chapter 18.45

ELECTION RECOUNT

Sections:

- 18.45.010 Recount application.
- 18.45.020 Form of application.
- 18.45.030 Date of recount – Notice.
- 18.45.040 Procedure for recount.
- 18.45.050 Certification of recount result.
- 18.45.060 Return of deposit and apportionment of expenses upon recount.
- 18.45.070 Appeal

18.45.010 Recount application.

- A. A defeated candidate or ten qualified voters may file an application with the clerk for a recount of the votes from any particular precinct, or for any particular office, proposition or question for the office for which the candidate ran and ten qualified voters may file an application with the clerk for a recount of the votes for any particular office or for any proposition by filing the application with the clerk at any time before five p.m. on the day of the certification of the election results or by delivering the application for recount to the council at its meeting to certify the election returns. ~~second Tuesday immediately following the election.~~ The date on which the clerk receives an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under this subsection.
- B. If two or more candidates tie in having the highest number of votes for the same office, to which only one candidate is to be elected, the clerk shall initiate a recount.

18.45.020 Form of application.

- A. A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular precinct, office, or proposition, or question for which the recount is to be held and shall state that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two qualified voters who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by ten qualified voters shall also include the designation of one of the number as ~~chairperson~~ contact person. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.
- B. The application shall include a deposit in cash, ~~or by certified check~~ or by bond with a surety approved by the clerk. The amount of the deposit shall be one hundred dollars for each precinct. If less than all precincts are requested for recount, absentee and questioned ballots shall be considered one combined precinct for the purposes of the recount. If all precincts are included in the request, there shall be no charge for the recount of absentee and questioned ballots.

18.45.030 Date of recount – notice.

- 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.
- B. The clerk shall give the recount applicant and other directly interested parties notice of the time, date and place of the recount by certified mail, personal service by a process server, telegraph, or fax. The clerk may notify parties by telephone and email to give additional notice.

18.45.040 Procedure for recount.

- A. If a recount of ballots is demanded, the ~~election board shall count manually the ballots.~~ the clerk shall have the canvass board perform the recount.
- B. In conducting the recount, the ~~election~~ canvass 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 all documentation provided by the election officials. The canvass board shall check the number of ballots and questioned ballots cast in a precinct 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.
- C. The ballots and other election materials shall remain in the custody of the clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within ten days. The clerk may employ additional personnel necessary to assist in the recount.

18.45.050 Certification of recount result.

Upon completing the recount, the ~~election~~ canvass board shall provide a report of the results of the recount for submission to the council. The council shall issue a certificate of election as set forth in PMC Section 18.35.070.

18.45.060 Return of deposit and apportionment of expenses upon recount.

- A. If, upon recount, a different candidate or position on a proposition or question is certified or if the vote on recount is two percent or more in excess of the vote originally certified for the candidate or position on a proposition or question supported by the recount applicant, the entire deposit shall be refunded to the recount applicant.
- B. ~~If this section does not require that the entire deposit be refunded, none of the requirements of subsection A are met, the clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If the deposit posted is insufficient to cover the costs of the recount, If it is determined that the contestant shall bear the costs of the recount pursuant to this section and the deposit posted is insufficient to cover the costs, the city may recover the excess costs from the contestant. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such the expenses.~~

18.45.070 Appeal.

~~A qualified voter or candidate aggrieved by the result of a recount~~ person qualified to request a recount who is aggrieved by the result of a recount or decision not to grant a recount may appeal the recount to the superior court. The appeal shall be filed within ten

calendar days of council action certifying the election. Upon order of the court, the clerk shall furnish the record of the recount, including all ballots, registers, and other election material and papers pertaining to the recount. The appeal shall be heard by the court sitting without a jury. The inquiry and the appeal shall extend to the questions whether or not the clerk has properly determined what ballots, parts of ballots, or marks for candidates on ballots, are valid, and to which candidate or division on the proposition or question the vote should be attributed. 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 13. 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 with the objection period.

Passed and approved this 11th day of May, 2004.


Jim Cooper, Mayor


Janette M. Persinger, City Clerk