

Code Ordinance

By: Office of the City Clerk  
Introduced: June 13, 2016  
Public Hearing: June 27, 2016  
Adopted: June 27, 2016

Vote: Burney, Graham, O'Barr, Sullivan-Leonard, Wall, and Wilson in favor

**City of Wasilla  
Ordinance Serial No. 16-15**

**An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Title 4, Elections.**

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**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

**Section 2. Amendment of section.** WMC 4.04.010, Definitions, is hereby amended to read as follows:

**BALLOT. Any document provided by the Clerk on which votes may be cast for candidates, propositions, or questions.**

**DAY OF CERTIFICATION OF THE ELECTION. The day of the certification of the election is the date the city council is scheduled to certify the entirety of the election results or 14 days after the date of the election, whichever is earlier.**

**ELECTION OFFICIAL. Includes election officials approved by the Council under WMC 4.16.030, canvass board, review board, counting teams, receiving teams, the Clerk, and the Clerk's office staff.**

**IMMEDIATE FAMILY OF A PERSON. The person's spouse, or another person cohabiting with the person in a conjugal relationship that is not a legal marriage, and any person related to the foregoing as biological or adoptive parent or step-parent, sibling or step-sibling, or child or step-child.**

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*PRECINCT REGISTER.* A list of persons eligible to vote in each precinct for each election pursuant to the official state registration list described in AS 15.07.125. ~~The register maintained by the director of the State Division of Elections.~~

*REGULAR BALLOT.* A ballot voted at the polls ~~that~~ which is not a questioned, early, special needs, or an absentee by-mail ballot.

*VOTER.* A person who presents oneself for the purpose of voting ~~votes a ballot either in person or by mail.~~

**Section 3. Amendment of subsection.** WMC 4.04.120, Use of Public Moneys to Promote Passage of Ballot Propositions-Prohibited, is hereby amended to read as follows:

(D) No posters, fliers, or other printed material advocating ~~or opposing~~ for or against 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 posting access designated by the building supervisor. Except that no posters, fliers, or other printed material for or against a ballot proposition or bond issue may be displayed during the hours the polls are open in accordance with WMC 4.24.020, if the city-owned facility is a polling location. Both proponents and opponents of the ballot proposition or bond issue ~~item~~ shall be accorded reasonably equal access to the space.

**Section 4. Amendment of section.** WMC 4.16.010, Time of Election, is hereby amended to read as follows:

(A) The date of the rRegular elections shall be held annually on the first Tuesday of October under WMC ~~at the times specified by 4.04.040.~~

Special elections may be held in accordance with WMC 4.04.050.

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(B) **On the day of any election,** ~~The polls in each voting precinct shall be open for voting at from 7:00 a.m. and shall close at until 8:00 p.m. on all election days for the purpose of voting.~~

**Section 5. Amendment of section.** WMC 4.16.030, Election Officials, is hereby amended to read as follows:

(A) Before each election, **the Clerk shall determine the number of election officials required to serve.** The Clerk, **subject to approval by the council,** shall **appoint a number of** ~~recommend to the council for approval the names of election officials that the clerk determines to be sufficient to properly~~ **necessary to** conduct **an orderly** the election, **unless otherwise noted in this section.** ~~After Council approval, the Clerk may assign election officials as required for proper conduct of the election.~~

(1) *Precinct Election Officials.* The Clerk shall **appoint** ~~assign~~ at least three election officials to constitute the election board for each precinct. **At least one election official shall be a voter in the precinct for which he or she is appointed unless no voter is willing to serve.** The Clerk shall designate one election official at **in** each precinct as **the** chairperson, **who shall be** ~~of the election board for that precinct. The chairperson shall be primarily responsible for administering the election at in that precinct. If no chairperson is appointed or the chairperson is unable to fulfill his or her the chairperson's duties, the other election officials shall perform the chairperson's duties.~~

(2) *Early Voting Officials.* The Clerk shall ~~designate the number of election officials~~ **appoint** necessary **at least two election officials** to conduct voting at early voting **locations** ~~stations.~~

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(3) *Review Board.* The Clerk shall appoint at least two election officials to the review board. The review board is responsible for testing the vote tabulation system used in the election pursuant to WMC 4.28.050. ~~When the city uses ballot tabulation equipment to count ballots, the Clerk shall either designate at least three election officials as a review board, or use the review board that the Borough Clerk has designated for a borough election held on the same date. The review board shall ensure that all ballots are programmed and counted accurately.~~

(4) *Canvass Board.* The Clerk shall designate **appoint** at least three election officials as the canvass board. The canvass board is responsible for performing ~~to tally ballots and perform the duties provided in WMC 4.28.080 through 4.28.100.~~

(5) *Counting Teams.* The Clerk shall appoint election officials to a counting team. A counting team ~~The Clerk shall either designate counting teams, each consisting~~ consist ~~of at least four election officials, as necessary for hand counting of ballots, or use the same counting teams that the Borough Clerk has designated for a borough election held on the same date. The Clerk may appoint more than one counting team. The counting team shall only be appointed as necessary for a hand count of ballots and may be appointed by the Clerk without approval of the council to expedite the counting process.~~

(B) *Qualifications.* All election officials shall be registered voters of the city, unless there is an insufficient number of City voters to conduct an orderly election. All election officials must be registered voters of the Matanuska-Susitna Borough. ~~Each election official shall be a qualified voter;~~  
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~~unless no qualified voter is willing to serve. There shall be no inquiry into an election official's political party as a prerequisite to service. Unless excused by the Clerk, all election officials shall attend a training sessions offered by the Clerk or Borough Clerk.~~

(C) *Oath.* **Before serving as an election official, each election official must subscribe to an oath in a manner prescribed by the Clerk.** ~~Before commencing to serve, each election official shall subscribe to an oath administered by either the Clerk or the Borough Clerk.~~

(D) *Failure To Serve Replacement Election Officials.* **If any election official fails or refuses to serve, the Clerk or Borough Clerk shall appoint a person eligible under this section to serve in place of the absent official without approval of the council.** ~~The Clerk or Borough Clerk shall appoint a person eligible under this section to serve in place of an absent election official.~~

(E) *Familial Relationship to Candidate.* **No candidate shall serve as an election official. Certain familial relationships may not exist between a candidate and an election official in any election. Those familial relationships are:**

- (1) **Mother, mother-in-law, stepmother;**
- (2) **Father, father-in-law, stepfather;**
- (3) **Sister, sister-in-law, stepsister;**
- (4) **Brother, brother-in-law, stepbrother;**
- (5) **Spouse; or**
- (6) **Person sharing the same living quarters.**

Underline, added. ~~Strikethrough, deleted~~

**If the Clerk knows or learns that any of these relationships exist, the election official shall be notified and replaced by the Clerk.** ~~No person who has filed a declaration of candidacy for election to city office, or who campaigns as a write-in candidate for city office, or a member of the person's immediate family, may serve as an election official at the same election. If the Clerk determines that a person is disqualified under this subsection, the Clerk shall notify the person of the disqualification, and replace the person by appointing another person who is eligible to serve under this section.~~

**Section 6. Amendment of section.** WMC 4.16.040, Ballots - Form, is hereby amended to read as follows:

(B) The Clerk shall determine the size of the ballot, the type of print, necessary additional instructions, notes to voters, and other similar matters of form not **otherwise** provided by law. ~~The ballots shall be numbered in series to ensure simplicity and secrecy and to prevent fraud.~~

(C) **The ballot shall be designed by the Clerk with the position of names of the candidates set out in the same order in each section on each ballot used in the election.** The name of each candidate shall be printed as it appears upon the declaration of candidacy filed with the Clerk, except that any honorary or assumed title or prefix shall be omitted. A candidate's name appearing on the ballot may include a nickname or familiar form of the proper name of the candidate. The names of candidates shall be arranged **on the ballot** alphabetically by last name ~~on the ballot.~~

(D) **The title of the office to be filled (e.g. Mayor or Council Seat "A") shall be followed by** ~~The words "Vote for one no more than";~~ **in parentheses**

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(e.g. (Vote for one)) followed by the printed names of the candidates for such office, below which by the number of seats to be filled for the office, shall appear before the list of candidates for each office. ~~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 names of persons not listed on the ballot.~~

(E) Propositions and questions to be voted on shall follow the candidates for office or may be on a separate ballot as determined by the ~~be placed on the ballot in the manner prescribed by the Clerk. The words "yes" and "no" shall appear below each proposition or question.~~

(F) Each ballot shall state "City of Wasilla," "Official Ballot," the type of election (e.g. Regular, Special, Run-Off), and the date of the election.

(G) The ballot stubs shall be consecutively numbered in series to ensure simplicity, secrecy, and to prevent fraud.

**Section 7. Amendment of section.** WMC 4.16.050, Ballots – Preparation and Distribution, is hereby amended to read as follows:

(B) Early, absentee by-mail, and sample ballots shall be in the Clerk's possession at least 16 calendar days before a regular or special election and nine calendar days before a run-off election. All other ballots shall be in the Clerk's possession at least seven calendar days before the election. ~~At the time ballots are received by the Clerk, any candidate or the candidate's authorized agent may inspect the ballots, and any mistake discovered shall be immediately corrected.~~

(C) The Clerk shall arrange for delivery of ballots to each election board prior to or on the date of the election before the opening of the polls. The

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ballots shall be delivered in containers, marked with the number ~~and type~~ of ballots enclosed. An election official ~~at the precinct~~ shall sign and date a receipt for the ballots, ~~including the number and type of ballots.~~ **The receipt shall include the number of ballots issued to the precinct and shall be held by the Clerk** ~~The Clerk shall keep the receipt as part of the election record.~~

(D) No ballots shall be taken from the precinct before the **polls close at 8 p.m. on Election Day** ~~closing of the polls~~, unless the Clerk, for good cause, directs that the ballots be removed. A record shall be kept by the election officials of the ballots removed from a precinct.

(E) The Clerk shall have sample ballots **printed and** available to voters **at the times described in section (B) above. The sample ballots shall be identical** ~~which are identical~~ in form to the official ballots, ~~and which are~~ printed on colored paper, and marked "sample."

**Section 8. Amendment of section.** WMC 4.16.060, Election Materials, is hereby amended to read as follows:

(A) The Clerk shall equip each precinct **and** ~~or~~ voting **location** ~~station~~ with sufficient materials and supplies for the election.

(B) The Clerk shall provide **written** instructions to voters on how to mark **the** ballots, and how to obtain new ballots to replace those destroyed or spoiled.

(C) The Clerk shall provide **polling** booths and ballot boxes at each ~~precinct or~~ **polling place and** voting **location** ~~station~~, with appropriate supplies and conveniences to enable each voter to mark the ballot **while** screened from observation. At least three sides of each **polling** booth shall be enclosed. Ballot Underline, added. Strikethrough, deleted



boxes shall be placed outside of the ~~voting~~ **polling** booths within plain view of the election officials, voters, and other persons at the polling places.

**Section 9. Amendment of section.** WMC 4.16.080, Expenses, is hereby amended to read as follows:

The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, ~~voting~~ **polling** booths, ~~screens~~, national and state flags, and other supplies, and any wages due to election officials; however, all expenses **related to** ~~of making~~ a recount shall be apportioned pursuant to WMC Chapter 4.34.

**Section 10. Amendment of section.** WMC 4.20.020, Absentee By Mail Voting, is hereby amended to read as follows:

(A) A qualified voter may apply to the Clerk for an absentee by mail ballot to be mailed to the voter. The Clerk must receive the application not earlier than the first of the year in which the election is to be held **and not later than 5:00 p.m. Alaska time** ~~nor less than~~ seven calendar days before the ~~an~~ election. A request **for an absentee by mail ballot** may be made by facsimile or by electronic means.

(B) All applications for an absentee by mail ballot 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 **full Alaska** ~~place of residence~~ **residential address**;

(2) The address ~~the applicant desires~~ **to which** the absentee ballot **is to be mailed. If no ballot mailing address is provided, the ballot will be sent**

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to the voter's permanent mailing address on file with the State of Alaska

Division of Elections;

(3) The applicant's signature; and

(4) A voter identifier such as voter number, a social security number, or date of birth.

(C) Once **the** ballots are in the Clerk's possession and ready for distribution, and upon timely receipt of an application for absentee by mail ballot, the Clerk shall **send** deliver an official ballot and other absentee voting material to the applicant **by first class mail** ~~either by mail to the mailing address given on the application, or by hand to an applicant who applies in person.~~

**Section 11. Amendment of section.** WMC 4.20.050, Special Needs Voting, is hereby amended to read as follows:

(A) A **qualified** voter **with a** whose disability **who, because of that disability, is** ~~makes the voter~~ unable to go to a **polling place** ~~precinct~~ to vote may vote a special needs ballot.

(B) The request **for** a special needs ballot may be made to:

~~(1) The Clerk from 15 calendar days before a regular election or special election, and eight calendar days before a run-off election, until 5:00 p.m. on the day before the election; or~~

~~(12)~~ An election official at an early voting **location** ~~station~~ designated by the Clerk at a time when the voting **location** ~~station~~ is in operation; or

~~(23)~~ An election official at a **polling place** ~~precinct~~ on election day.

Underline, added. ~~Strikethrough, deleted~~

(C) 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 enter the voter's name and the name of the representative on the envelope and shall sign the voter's certificate in the presence of the representative. The representative shall sign and date the representative's **certificate** ~~oath~~ as provided on the envelope.

(D) If a voter's disability precludes the voter from performing any of the requirements of subsection (C) of this section, the representative may perform those requirements, except making the voting decision **and signing the certificate on the ballot envelope**, on the voter's behalf.

(E) The representative shall deliver the ballot envelope to an election official at a **polling place** ~~precinct~~ not later than 8:00 p.m. on Election Day. An election official shall deliver the voted special needs ballot to the Clerk **as directed by the Clerk**.

**Section 12. Amendment of section.** WMC 4.20.035, Early Voting, is hereby amended to read as follows:

(A) A qualified voter who meets the requirements of this section may vote early at ~~the Clerk's office or at another~~ **a** location designated by the Clerk, from 15 calendar days before a regular or special election and eight calendar days before a run-off election, until 5:00 p.m. on the day before the election.

(B) An election official shall issue a ballot to the voter under this section upon:

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(1) Exhibition of proof of identification as required by WMC 4.24.055 ~~The voter providing the voter's name, residence address within the city and a voter identifier such as a voter number, social security number, or date of birth; and~~

(2) Verification that the voter's residence address appearing on the official registration list is current and within Wasilla city limits;

(3) ~~2~~ The voter's signing the early voting register and early ballot envelope.

(C) If the ~~qualification of the voter~~ does not meet the requirements of subsection (B) of this section, or the voter's qualifications to vote are in question ~~is subject to question,~~ the voter shall vote a questioned ballot as provided in WMC 4.20.045.

(D) On receipt of ~~If the voter is not required to vote a questioned~~ ballot, the voter shall proceed to mark the ballot in private, place the ballot in the a secrecy sleeve, enclose the secrecy sleeve ~~and deposit the ballot in an envelope~~ that bears the name of the voter. The voter must sign and date the voter's certificate on the envelope in the presence of an election official who shall sign and date the envelope as attesting official. The voter shall deposit the ballot envelope in the ballot box in the presence of an election official. The early ballots shall remain in the election official's custody and shall be delivered to the Clerk before election day as directed by the Clerk.

Underline, added. ~~Strikethrough, deleted~~

(E) Each election official shall keep a record of the names and signatures of voters who cast an early ballot before the election official and the date on which the ballots were cast.

~~(F)~~ Before the opening of the polls on election day, or as soon as is practicable thereafter, the Clerk shall give to the election board at each precinct a list of the voters who have voted an early ballot. A voter on the list may not vote a regular ballot at a precinct on election day, but may vote a questioned ballot.

**Section 13. Amendment of section.** WMC 4.20.045, Questioned Voting, is hereby amended to read as follows:

(A) If a person's qualification to vote is in question, the person may vote a questioned ballot after complying with subsection (C) of this section.

(B) Every election official and any other person qualified to vote may question a person attempting to vote if the questioner has good reason to suspect that the person is not qualified to vote under WMC 4.08.010. All questions regarding a person's qualification to vote shall be made in writing, setting out the reason that the person has been questioned.

(C) ~~Before voting, a person whose qualification to vote is~~ **The** questioned **person shall, before voting,** ~~or whose name does not appear on the official voter register shall~~ execute a **declaration** ~~certification~~ on a form provided by the **Clerk** ~~election official~~ **attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election, and certifying that the person understands that a false statement on the declaration may subject the person to prosecution for a**

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misdeemeanor under state law. After the questioned The person has executed  
the certificate, the person may vote a questioned ballot after ~~executing such~~  
certification.

(D) A voter who casts a questioned ballot shall mark the ballot in  
private, place the ballot in the secrecy sleeve, and enclose the secrecy sleeve  
in an envelope on which the declaration the voter previously signed is  
located. The ballot envelope shall be deposited in the ballot box. ~~After voting,~~  
~~the questioned voter shall deliver the ballot to the election official. Each~~  
~~questioned ballot and related statement questioning the person's qualification to~~  
~~vote shall remain in the election official's custody until delivered to the Clerk.~~

(E) Each election official shall keep a record of the names and  
signatures of voters who cast a questioned ballot before the election official  
and the date on which the ballots were cast.

(F) The questioned ballots shall remain in the election official's  
custody until delivered to the Clerk as directed by the Clerk.

Section 14. Amendment of section. WMC 4.24.050, Voter Register, is hereby amended  
to read as follows:

4.24.050 ~~VOTER REGISTER~~ OFFICIAL VOTER REGISTRATION LIST.

(A) The Clerk shall order from the State of Alaska Division of  
Elections ~~an~~ a list of persons qualified to vote under WMC 4.08.010 in each  
precinct in the election from the official voter registration list maintained by  
the State. The list shall include the name of the voter, the residential address,  
and the mailing address of the voter. The list shall serve as the precinct

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~~register~~ official voter register showing the persons registered to vote in state elections at a residence address within the city at least 30 calendar days before the date of the election.

(B) The election board shall keep a register in which each voter, before receiving a ballot, shall sign his or her name ~~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 the space provided of the names of persons who were offered to vote but who actually did not vote, and a brief statement of explanation. A voter's signing of the register shall constitute a declaration that the voter is qualified to vote.

(C) If a voter's name ~~voter whose name~~ does not appear on the official voting register registration list in the precinct in which the voter seeks to vote, the election official shall affirmatively advise the voter that he or she may cast a questioned ballot and the voter shall be allowed to vote a questioned ballot under ~~may vote a questioned ballot as provided in section~~ WMC 4.20.045.

**Section 15. Amendment of section.** WMC 4.24.055, Voter Identification, is hereby amended to read as follows:

(A) Before being allowed to vote, each voter shall exhibit to an election official one form of identification, including: ~~but not limited to a State of Alaska voter registration card, driver's license, passport, or hunting or fishing license.~~

Underline, added. ~~Strikethrough, deleted~~

(1) an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or

(2) an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document; an item exhibited under this paragraph must show the name and current address of the voter.

(B) An election official may waive the identification requirement if another election official knows the identity of the voter.

(C) A voter who cannot exhibit a **required** satisfactory form of identification shall be allowed to vote a questioned ballot **as described in WMC 4.20.045.**

**Section 16. Amendment of section.** WMC 4.28.085, Counting Early Ballots, is hereby amended to read as follows:

(A) The Clerk shall deliver all early ballots to the canvass board for **counting as determined by the Clerk** ~~review~~. The tabulation of early ballots may not begin until the canvass board has identified and segregated ballots voted early by voters who also cast ballots in another manner in the election.

(B) Early ballot envelopes shall be reviewed by the canvass board **to** ~~who shall~~ determine whether the voter is qualified to vote **in** at the election and whether the ballot has been properly cast.

(C) An early ballot shall be counted despite failure of the election official to properly sign and date the voter's certificate as attesting official.

Underline, added. ~~Strikethrough, deleted~~



**(D) An early ballot shall be counted despite the voter's failure to sign the voter certificate on the early ballot envelope, provided the voter signed the certificate on the early voting register and the canvass board has determined the voter is qualified to vote and the ballot has been properly cast.**

**(1) The certificate the early voter signs on the register shall be the same certificate the voter signed on the early ballot envelope.**

**(E)** If the voter is qualified **to vote** and the ballot has been properly cast, the early ballot envelope shall be opened and the secrecy **sleeve** envelope shall be mixed with the other secrecy **sleeves** envelopes.

**(F)** The ballots shall **then** be removed from the secrecy **sleeves** envelopes and shall be mixed with the other ballots for counting.

**(GB)** If an early voter is not qualified **to vote** or the voter's ballot has not been properly cast, the Clerk shall notify the voter in writing of the reason the ballot was not counted. The rejected ballot shall be placed in a container which shall be labeled "no count" and shall be preserved and destroyed as provided in WMC 4.28.060.

**Section 17. Amendment of section.** WMC 4.24.120, Opening Ballot Box and Accounting of Ballots, is hereby amended to read as follows:

**(A) The Clerk shall establish procedures prescribing the manner in which the ballot count is accomplished to ensure accuracy in the count and to expedite the process.**

**(B)** After the polls are closed and the last vote has been cast, the election officials shall **tabulate the results of the regular ballots cast.** follow ~~Underline, added. Strikethrough, deleted~~

~~the ballot tabulation system procedures for counting ballots. After the tabulation is~~  
~~complete~~ performed, election officials shall open the secured ballot boxes and  
segregate the regular poll, questioned, absentee by mail, and special needs  
ballots. Each segregated group of ballots shall be placed in a ballot container and  
sealed. The container shall bear the date of the election, the type of ballots  
enclosed, and the precinct name and number.

~~(C)~~ The election board shall account for all ballots by completing a  
ballot accountability report containing: (1) the number of official ballots  
received; (2) the number of official ballots voted; (3) the number of official  
ballots spoiled; and, (4) the number of official ballots unused and returned  
for destruction to the Clerk. Election officials shall account for all by  
comparing the number of ballots issued to the number of voters who signed the  
precinct register, and completing a ballot accountability report, in a manner  
prescribed by the Clerk. The election officials shall account for the number of  
official ballots supplied, voted and spoiled, and unused and either destroyed or  
returned to the Clerk for destruction, and the number and type of ballots issued,  
and shall note discrepancies on the ballot statement.

~~(D)~~ The election board shall compare the number of regular  
ballots cast to the precinct register and the number of questioned ballots cast  
to the questioned voter register. Discrepancies shall be noted and included in  
the ballot accountability report.

~~(E)~~ All voting supplies, materials, and completed forms shall be  
returned to the Clerk.

Underline, added. ~~Strikethrough, deleted~~

**Section 18. Amendment of section.** WMC 4.28.060, Preserving and Destroying Ballots, is hereby amended to read as follows:

**(A)** The Clerk shall preserve all official ballots in a secure manner, unopened and unaltered, for not less than 30 calendar days after the date of the election certification, or in cases where the election is contested, until 30 calendar days after the final resolution of the contest. ~~The Clerk may permit the inspection of the ballots upon order of a court of competent jurisdiction.~~ Upon the expiration of the preservation period, the Clerk shall completely destroy the ballots in compliance with city records management procedures.

**(B) The Clerk may only permit the inspection of the ballots (used or not) and materials:**

- (1) upon the call of the city council;**
- (2) upon the call of a court of competent jurisdiction;**
- (3) upon the call of the canvass board or counting teams pursuant to a recount if the board or teams deem it necessary to inspect the ballots and materials; and**
- (4) upon the call of the Clerk and city attorney during an inquiry to an election contest if the Clerk and city attorney deem it necessary to inspect the ballots and materials.**

**Section 19. Amendment of section.** WMC 4.28.090, Counting Questioned Ballots, is hereby amended to read as follows:

**(A)** The Clerk shall deliver all questioned ballots ~~and related statements questioning the person's qualification to vote~~ to the canvass board **for counting as determined by the Clerk** ~~for review.~~ **The tabulation of questioned**

Underline, added. ~~Strikethrough, deleted~~

ballots may not begin until the canvass board has identified and segregated ballots voted questioned by voters who also cast ballots in another manner in the election and in no event may begin before the third day following the election.

**(B) Questioned ballot envelopes shall be reviewed by the canvass board to determine whether the voter is qualified to vote at the election and whether the ballot was properly cast.**

**(C B)** After research, the canvass board by majority vote may refuse to accept the question and count the ballot of a person who **was qualified to vote under WMC 4.08.010 and** properly cast a questioned ballot. A questioned ballot shall be counted despite failure of the election official to properly sign and date the voter's certificate as attesting official.

**(D) A questioned ballot shall be counted despite the voter's failure to sign the questioned voter's certificate, provided the voter signed the certificate on the questioned voter register and the canvass board has determined the voter is qualified to vote and the ballot has been properly cast.**

**(1) The certificate the questioned voter signs on the register shall be the same certificate the voter signed on the questioned ballot oath and affidavit envelope.**

**(E)** If the **voter is qualified to vote and the** ballot has been properly cast ~~and is accepted~~, the ballot envelope shall be opened and the secrecy **sleeve** envelope shall be mixed with the other secrecy **sleeves envelopes**.

Underline, added. Strikethrough, deleted

(F) The ballots shall be removed from the secrecy ~~sleeves envelopes~~ and shall be mixed with the other ballots for counting.

(G) If the question is accepted and the ballot is refused, the Clerk shall notify the voter in writing of the reason the ballot was not counted. The rejected ballots shall be placed in a container which shall be labeled "no count" and shall be preserved and destroyed as provided in WMC 4.28.060.

**Section 20. Enactment of section.** WMC 4.28.105, Challenge of Absentee By Mail, Early, Special Needs, and Questioned Voter, is hereby enacted to read as follows:

**Challenge of Absentee By Mail, Early, Special Needs, and Questioned Voter**

(A) **Only a person approved by the Clerk to observe the canvass board may be present and challenge an absentee by mail, early, special needs, and questioned voter during canvassing:**

(B) **Any person present at the canvass board review may challenge the name of a voter when read from the ballot envelope, if the person has good reason to suspect that the voter is not qualified to vote under WMC 4.08.010, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing on a form prepared by the Clerk.**

**Section 21. Amendment of section.** WMC 4.32.020, Contest Application and Procedure, is hereby amended to read as follows:

(A) ~~An application~~ **Notice of** to contest ~~of~~ an election shall be submitted in writing to: **the Clerk by noon on the day of the certification of the election and shall include a \$1,000 payment by cash, certified check, or credit card.**

Underline, added. ~~Strikethrough, deleted~~

~~(1) The Clerk no later than noon on the day of the certification of the election by the Council; or~~

~~(2) The Council at the commencement of its meeting to certify the election.~~

(B) An application to **The notice of** contest an election shall **be filed in person and** contain:

**(1) The election being contested;**

~~(2)~~ A summary of the grounds for the contest;

~~(3)~~ The contact information of a representative ~~and an alternate~~ who will receive communications from the city regarding the **contest** application; and

~~(4)~~ The **legal** name, residence address, contact information, and notarized signature of each candidate or city voter who is an applicant.

(C) Upon receipt of ~~an application~~ **the notice** to contest an election, the Clerk shall submit it to the Council. The Clerk and City Attorney shall investigate the grounds of the contest and submit a report **of findings** to the Council ~~outlining their findings~~. The Clerk may request the canvass board, or ~~employ~~ additional personnel **as** necessary, ~~to~~ assist with the **investigation** review. The Council shall defer the certification of the contested election results pending receipt of the report, but **shall** ~~may~~ proceed with certification of all election results that are not contested.

(D) If the Council determines that ~~any~~ of the grounds of the contest are valid and would change the results of the election, the Council shall proceed in a manner that is consistent with its determination. If the Council finds that the

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grounds for the contest are not sufficient to change the election results, it **shall declare the election valid and** may certify the contested election results.

**(E) Should the contestant prevail with the election contest, the \$1,000 shall be refunded to the contestant.**

**Section 22. Amendment of section.** WMC 4.34.010, Recount Application, is hereby amended to read as follows:

(A) A defeated candidate or 10 qualified city voters may apply for a recount of the votes from any particular precinct, or for any particular office, proposition or question by filing the application in person **with the Clerk by noon on the day of certification of the election by the council.**

~~(1) With the clerk no later than noon on the day of the certification of the election by the council; or~~

~~(2) To the Council at the commencement of its meeting to certify the election.~~

**Section 23. Amendment of section.** WMC 4.34.020, Form of Application, is hereby amended to read as follows:

(A) A recount application shall contain:

(1) **The basis of the belief that a mistake has been made;**

~~(2)~~ (4) The precinct, office, proposition, or question for which the recount is requested;

~~(3)~~ The contact information of a representative ~~and an alternate~~ who will receive communications from the City regarding the application; and

~~(4)~~ The name, residence address, contact information and notarized signature of each candidate or city voter who is an applicant.

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(B) The application shall include a deposit in cash, by certified check, or credit card ~~if the application is filed during business hours~~. The amount of the deposit shall be \$1500 for each precinct. If all precincts are to be counted, there shall be no additional charge to recount early voter, absentee by-mail, questioned or special needs ~~personal representative~~-ballots.

**Section 24. Amendment of subsection.** WMC 4.34.030(B), Date of Recount - Notice, is hereby amended to read as follows:

(B) The Clerk shall provide notice to the representative ~~and alternate~~, and to each candidate and sponsor of a proposition or question for which the vote will be recounted of the time, date and place of the recount.

**Section 25. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on June 27, 2016.

  
BERT L. COTTLE, Mayor

ATTEST:

  
JAMIE NEWMAN, MMC, City Clerk

[SEAL]

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CITY OF  
**WASILLA**  
 • ALASKA •

**CITY COUNCIL LEGISLATION STAFF REPORT**

**Ordinance Serial No. 16-15: An Ordinance Amending Wasilla Municipal Code Title 4, Elections.**

Originator: City Clerk  
 Date: 6/1/2016                      Agenda of: 6/13/2016

Route to:	Department Head	Signature	Date
X	Deputy Administrator		6/6/16
X	City Attorney		6/6/16
X	City Clerk		6/6/16

Reviewed by Mayor Bert L. Cottle:  06:06:2016

**Fiscal Impact:**  yes or  no

**Attachments:** Ordinance Serial No. 16-15 (24 pages)

**Summary Statement:** Provided below is a summary of the proposed changes to Title 4, Elections. The changes are technical in nature and do not affect process, rather memorialize and expand on current practice.

A change is proposed to require a \$1,000 filing fee for an election contest. The \$1,000 would be refunded to the contestee if the contest is upheld.

**Section 2.**

- Adds a definition of *ballot*.
- Adds a definition of *day of certification of the election*. The definition is provided to specify that there is only one date of certification. The date of certification is the deadline by which a contest or recount must be filed. As it is now, the certification is normally 2 weeks after the election date. In situations where there is a contest filed or recount requested, that portion of the election is not certified. Then, after the contest or recount is resolved, that portion of the election results are certified. This current process is not intended to extend or allow for multiple dates of certification of election and multiple deadlines for the same or different people to file multiple and/or recurring challenges and recount requests. This definition will make it clear that there is only one day of the certification of the election and the filing of a recount or contest does not change that date for those precincts or polling locations. Should any confusion remain, the code sets an outside time limit of 14 days as a deadline to file any recount or contest.
- Strikes the definition of *immediate family of a person* as the term is proposed for deletion and a new term *familial relationship to candidate* is provided in WMC 4.16.030(E).
- Amends the definition of *election official* by striking "receiving teams," as the term is not used in Title 4.

- Amends definitions to better define the terms *precinct register*, *regular ballot*, and *voter*.

### **Section 3**

- Provides that displaying any political material in a city-owned facility during voting hours is prohibited in accordance with electioneering laws. Both City Hall and the Menard Center serve as voting locations.

### **Section 4.**

- Clerical update.

### **Section 5.**

- Clerical update to reflect practice and terminology.

### **Section 6.**

- Clerical update.

### **Section 7.**

- Provides that only election officials are permitted to handle ballots. The Clerk is responsible for ensuring that ballots are accurately printed in a manner prescribed by code. (WMC 4.16.050(B))
- Clerical update.

### **Section 8.**

- Clerical update.

### **Section 9.**

- Clerical update.

### **Section 10.**

- Provides that absentee by-mail ballot applications must be received in the Clerk's Office by 5 p.m. Alaska time (close of business) seven calendar days before the election.
- Provides that if a voter does not give a ballot mailing address on his or her absentee by-mail ballot application, the ballot will be mailed to the voter's permanent mailing address on file with the State of Alaska Division of Elections.
- Requires the Clerk to mail ballots by first class mail.

### **Section 11.**

- Clerical update.
- Clarifies that a special needs voter must sign the certificate on the ballot envelope. A voter who has difficulty signing, may make a mark or an "x" in lieu of signature.

### **Section 12.**

- Clerical update to reflect practice and terminology.

### **Section 13.**

- Clerical update to reflect practice and terminology.

### **Section 14.**

- General clerical update.

**Section 15.**

- Clerical update.
- Spells out acceptable forms of identification pursuant to State Statute and practice.

**Section 16.**

- Provides that an early ballot (properly cast by a qualified voter) shall be counted despite the voter's failure to sign the certificate on the ballot envelope, provided the voter signed the certificate on the register.

**Section 17.**

- Clerical update and reflect practice and terminology.

**Section 18.**

- Clerical update.

**Section 19.**

- Clerical update.
- Provides that a questioned ballot (properly cast by a qualified voter) shall be counted despite the voter's failure to sign the certificate on the ballot envelope, provided the voter signed the certificate on the register.

**Section 20.**

- Establishes the process for challenging a voter during the canvassing process.

**Section 21.**

- Requires a \$1,000 fee for a contest of election. The money would be refunded if the person filing the contest prevails.
- Establishes that the deadline for filing a contest is noon on the day of certification.

**Section 22.**

- Establishes that the deadline for filing a recount is noon on the day of certification.

**Section 23.**

- Increases the deposit required in a recount from \$100 per precinct to \$150.
- Clerical update.

**Section 24.**

- Clerical update.

**Staff Recommendation:** Introduce and set the ordinance for public hearing.