

Code Ordinance

By: City Clerk
Introduced: May 10, 2021
Public Hearing: May 24, 2021
Adopted: May 24, 2021
Yes: Brown, Burney, Harvey, Johnson, Rausa, Velock
No: None
Absent: None

**City of Wasilla
Ordinance Serial No. 21-10**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Section 4.04.090, Propositions And Questions, Relating To When An Ordinance Placing Propositions Or Questions Before The Voters Must Be Adopted Before A Regular Election; Amending Subsection 4.20.020(E), Within Absentee By Mail Voting, To Clarify The Process For Delivering Absentee By-Mail Ballot Return Envelopes; Amending Subsection 4.28.020(C), Within Write-In Votes, To Establish When Write-In Votes Are Tallied; Amending Subsection 4.28.080(A), Within Counting Absentee By-Mail Ballots, Relating To The Counting Of Absentee By-Mail Ballots Returned To An Election Official Or Via The Drop Box; And Amending Section 4.34.040, Procedure For Recount, To Establish That Write-In Votes Are Not Invalidated By Writing In The Name Of A Candidate Whose Name Is Printed On The Ballot In A Recount.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Wasilla Municipal Code.

Section 2. Amendment of Section. WMC 4.04.090, Propositions and questions, is hereby amended to read as follows:

An ordinance placing propositions and questions before the voters must be adopted not later than 67 53 calendar days before a regular election, or 60 calendar days before a special election.

Section 3. Amendment of Subsection. WMC 4.20.020(E), within Absentee by mail voting, is hereby amended to read as follows:

E. After the witnessing of the absentee voter's signature, the voter shall mail or otherwise deliver the ballot return envelope as described in this subsection ~~to the clerk.~~ If returned by mail, ~~t~~The voted absentee by mail ballot return envelope shall be received by ~~mail~~ within the time prescribed by WMC 4.28.080(A), or returned delivered to an election official or drop box location

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designated by the clerk, no later than 8:00 p.m. on election day. **Ballot return envelopes returned to a precinct or early voting site**. ~~A precinct election official shall **remain in the election official's custody and shall be delivered to the clerk as directed by the clerk** deliver to the clerk all voted absentee by mail ballots that are delivered to the precinct.~~

Section 4. Amendment of Subsection. WMC 4.28.020(C), within Write-in votes, is hereby amended to read as follows:

C. **Except as provided in WMC 4.34.040(B)**, ~~w~~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. No votes for a write-in candidate may be counted unless that candidate has filed a letter of intent with the clerk in accordance with WMC 4.12.045.

Section 5. Amendment of Subsection. WMC 4.28.080(A), within Counting absentee by mail ballots, is hereby amended to read as follows:

A. To be counted in the election;~~;~~

1. An absentee by mail ballot **return envelope** shall be postmarked on or before election day and be received by the clerk no later than three calendar days following the election. If no readable postmark appears on the absentee by mail ballot **return** envelope, the enclosed absentee by mail ballot shall be counted only if the voter's signature is dated on or before election day. Absentee by mail ballot **return** envelopes received after the third calendar day following the election shall not be opened, but shall be marked "no count" with the date of receipt noted on the ballot **return** envelope; ~~or~~

2. **Received in the manner prescribed in WMC 4.20.020(E).**
Absentee by-mail ballot return envelopes delivered to an election official or

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drop box location designated by the clerk after 8:00 p.m. on election day, shall not be opened, but shall be marked "no count" with the date of receipt noted on the ballot return envelope.

Section 6. Amendment of Section. WMC 4.34.040, Procedure for recount, is hereby amended to read as follows:

A. The clerk shall have the canvass board or counting teams perform the recount using the ballot tabulation system designated by the clerk.

B. The canvass board or counting teams 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. Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot and shall be counted consistent with WMC 4.28.020. For administrative convenience, the clerk may join and include two or more applications in a single review and count of votes. Marked ballots that are damaged or otherwise not accepted by the ballot tabulation system used in the recount, will be hand-counted, and the rules governing the hand counting of ballots in WMC 4.28.015 shall be followed.**

~~1. Check the accuracy of the original count and all documentation provided by the clerk and election officials;~~

~~2. Compare the number of ballots issued and cast to the numbers distributed to each precinct and early voting location and issued for other methods of voting.~~

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.

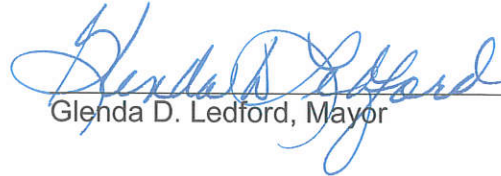
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D. The recount shall be completed within 10 calendar days.

E. The clerk may employ additional personnel necessary to assist in the recount.

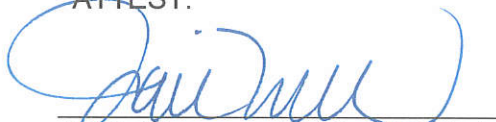
Section 7. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Wasilla City Council on May 24, 2021.



Glenda D. Ledford, Mayor

ATTEST:



Jamie Newman, MMC, City Clerk

[SEAL]

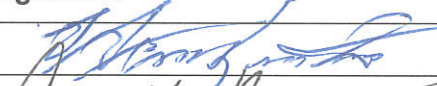

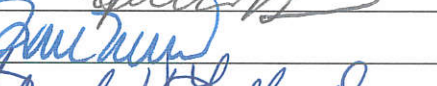


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**City of Wasilla
Legislative Staff Report
Ordinance Serial No. 21-10
(Code Ordinance)**

Amending Wasilla Municipal Code Section 4.04.090, Propositions And Questions, Relating To When An Ordinance Placing Propositions Or Questions Before The Voters Must Be Adopted Before A Regular Election; Amending Subsection 4.20.020(E), Within Absentee By Mail Voting, To Clarify The Process For Delivering Absentee By-Mail Ballot Return Envelopes; Amending Subsection 4.28.020(C), Within Write-In Votes, To Establish When Write-In Votes Are Tallied; Amending Subsection 4.28.080(A), Within Counting Absentee By-Mail Ballots, Relating To The Counting Of Absentee By-Mail Ballots Returned To An Election Official Or Via The Drop Box; And Amending Section 4.34.040, Procedure For Recount, To Establish That Write-In Votes Are Not Invalidated By Writing In The Name Of A Candidate Whose Name Is Printed On The Ballot In A Recount.

Originator: City Clerk Jamie Newman
Date: 4/14/2021

Agenda of: 5/10/2021

Route to:	Department Head	Signature	Date
X	Finance Director		4/18/21
X	Deputy Administrator		4/28/21
X	City Attorney		5-10-21
X	City Clerk		4/28/2021
X	Mayor		4/28/21

Fiscal Impact: yes or no

Attachments: Ordinance Serial No. 21-10 (4 pages)

Summary Statement: Ordinance Serial No. 21-10, is proposed to:

1. Align the date the council must adopt ballot questions for a regular election to the close of the candidate filing period due to ballot printing and memory card programming deadlines imposed by service providers.
2. Clarify that Absentee By-Mail ballots may be returned to a secure drop box location designated by the clerk by 8:00 p.m. on Election Day. Currently, code provides that “after the witnessing of the absentee voter’s signature, the voter shall mail or otherwise deliver the ballot to the clerk by 8:00 p.m. on Election Day.” The proposed amendment leaves no ambiguity as to the use of the City Hall ballot drop box designated by the clerk.
3. Establish that in a recount, write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot. Additionally, for administrative efficiency, the clerk may join and include two or more applications for a recount in a single review and count of votes. Under current code, 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. If this code change is adopted, write-in votes for a candidate for that office whose name is printed on the ballot would be tallied in a recount. While it may seem counterintuitive, occasionally a voter will write-in the name of a candidate whose name is printed on the ballot.

Proposed Action: Introduce and set the Ordinance for public hearing.