

Vote: Katkus, Harris, Holler, Sullivan-Leonard, Wall and Woodruff in favor.

**CITY OF WASILLA
ORDINANCE SERIAL NO. 12-20**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING PROVISIONS OF WMC TITLE 4, ELECTIONS, REGARDING DEFINITIONS, POWERS AND DUTIES OF THE CLERK, VOTER QUALIFICATIONS, CANDIDATES, ADMINISTRATION OF ELECTIONS, METHODS OF VOTING, VOTING PROCEDURES, AND BALLOT COUNTING.

* **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.** The definition of "immediate family" in WMC 4.04.010, Definitions, is amended to read as follows:

"Immediate family" **of a person** means **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.**

~~candidate's grandparents, parents, children, grandchildren, siblings, spouse, spouse's children, spouses of children, or a regular member of the candidate's household.~~

* **Section 3. Amendment of section.** WMC 4.04.010, Definitions, is amended by adding a definition of "qualified voter" to read as follows:

"Qualified voter" means a person who is qualified to vote in city elections under Section 4.08.010.

Bold and underline, added; Strikethrough, deleted

* **Section 4. Amendment of section.** WMC 4.04.030, Powers and duties of the clerk, is amended to read as follows:

4.04.030 Powers and duties of the clerk.

The clerk shall **administer** supervise all **city** municipal elections and shall determine whether candidates for **city** municipal office are qualified in accordance with this title.

* **Section 5. Amendment of section.** WMC 4.08.020, Rules for determining residence of voter, is amended to read as follows:

4.08.020 Rules for determining residence of voter.

A voter's residence shall be determined under the rules in AS

15.05.020.

~~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~~

Bold and underline, added; Strikethrough, deleted

~~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 in the Alaska Pioneers Home:~~

~~4. 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.~~

~~5. A person does not gain a residence in any place to which the person comes without a present intent to establish a permanent dwelling at that place.~~

~~6. 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. 15.05.010.~~

~~7. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.~~

* **Section 6. Repeal of section.** WMC 4.08.030, Registration, is repealed:

~~4.08.030 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 4.08.010.~~

~~B. The precinct election officials at any election shall allow a person to vote whose name is on the official precinct registration list for that precinct and who is~~

Bold and underline, added; Strikethrough, deleted

~~qualified under this chapter and A.S. 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot.~~

* **Section 7. Amendment of section.** WMC 4.12.010, Candidate qualifications, is amended to read as follows:

4.12.010 Candidate qualifications.

A. A candidate for **council or mayor** ~~an elected city office~~ shall have the qualifications required in **Section 2.04.020 or Section 2.16.030, respectively,** Chapter 2.04 as of the date of the election.

B. A candidate shall provide proof of qualification for office as required by the clerk.

* **Section 8. Amendment of section.** WMC 4.12.010, Declaration of candidacy – For elected office, is amended to read as follows:

4.12.020 Declaration of candidacy –~~For elected office.~~

A. A candidate for **council or mayor** ~~an elected city office~~ shall file a declaration of candidacy **under oath** ~~with the clerk on a form provided for by the clerk,~~ **accompanied by the public financial disclosure statement required by Section 2.12.020.**

B. The declaration of candidacy shall ~~be executed under oath before an officer authorized to take acknowledgments,~~ and shall include:

1. The full **legal** name of the candidate, **and the manner in which the candidate wants the candidate's name to appear on the ballot;**
2. The full residence and mailing address of the candidate;

Bold and underline, added; ~~Strikethrough, deleted~~

3. The day and evening telephone numbers and other contact information of the candidate;

4. The office for which the candidate **declares, and the date of the election at which the candidate seeks election** ~~is declaring, including the specific seat in the case of a candidate for council;~~

5. **A statement that the candidate is qualified for the office as provided by law, and will serve if elected;**

6. The candidate's certification before an official authorized to administer oaths that the information in the declaration of candidacy is true and accurate, with the date and the candidate's signature ~~The name of the candidate as the candidate wishes it to appear on the ballot;~~

~~6. The date of the election at which the candidate seeks election;~~

~~7. A certification by the candidate which shall include statements:~~

~~a. That the candidate is a qualified city voter,~~

~~b. That as of the date of the election the candidate will have resided in the city or in territory annexed to the city for the period required to qualify for office;~~

~~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 shall serve if elected, and~~

~~e. That the information on the declaration of candidacy is true and accurate; and~~

Bold and underline, added; ~~Strikethrough, deleted~~

~~8. The date and notarized signature of the candidate.~~

~~C. To remove the candidate's name from the ballot, a written withdrawal signed by the candidate shall be submitted to the city clerk no later than the time that the filing period closes.~~

* **Section 9. Amendment of section.** WMC 4.12.050, Declaration of candidacy – Notice of offices to be filled, is amended to read as follows:

4.12.050 Declaration of candidacy - Notice of offices to be filled.

~~At least ten (10) calendar days before the filing period for declarations of candidacy opens for each regular or special election, the The clerk shall **post on the city's website and** publish **at least** twice in one or more newspapers of general circulation in the city a notice of offices to be filled at **each regular or special** the election and the manner of declaring candidacy. **The posting and first publication shall occur not less than 10 calendar days before the filing period for declarations of candidacy opens.**~~

* **Section 10. Amendment of section.** WMC 4.12.060, Financial disclosure statement and campaign reporting, is amended to read as follows:

4.12.060 Financial disclosure statement and campaign Campaign reporting.

A **candidate for** person seeking an elected city office shall file a financial disclosure statement in compliance with Section 2.12.020 and comply with the Alaska Public Offices Commission campaign reporting requirements in accordance with AS 15.13.

Bold and underline, added; ~~Strikethrough, deleted~~

* **Section 11. Amendment of section.** WMC 4.12.070, Corrections, amendments and withdrawal of declarations of candidacy, is amended to read as follows:

4.12.070 Corrections, and amendments and withdrawal of declarations of candidacy.

A. ~~Except as provided in subsection B of this section, a~~ **A** candidate may correct, ~~or amend or withdraw~~ a declaration of candidacy at any time during the period for filing declarations of candidacy, by written notice, ~~signed by the candidate,~~ to the clerk **signed by the candidate.** After the filing period has closed, no declaration of candidacy may be corrected, ~~or amended, or withdrawn.~~

B. **A candidate may submit to the clerk a new declaration of candidacy** ~~person who has filed a declaration of candidacy may declare candidacy for a different elected city office~~ **or seat,** including a different council seat, **at any time during the period for filing declarations of candidacy, but** ~~only by submitting a new declaration of candidacy form to the clerk under Section 4.12.030, only after filing with the clerk a written withdrawal of~~ **the** ~~a former declaration of candidacy,~~ **signed by the candidate.**

C. **A person may withdraw as a candidate for office only by filing with the clerk a written withdrawal of the declaration of candidacy signed by the candidate no later than 4:00 p.m. on the seventh calendar day following the closing of the candidacy filing period.**

Bold and underline, added; Strikethrough, deleted

* **Section 12. Amendment of chapter title.** The title of WMC 4.16, Election Dates and Administration, is amended to read as follows:

Chapter 4.16

~~Election Dates and Administration~~ **of Elections**

* **Section 13. Amendment of section.** WMC 4.16.020, Notice of election, is amended to read as follows:

4.16.020 ~~Notice of election~~ Election notices.

A. Notice of Voter Registration. **Before each election that is not a runoff election, the** ~~The clerk shall~~ **post on the city's website and publish at least twice in one or more newspapers of general circulation in the city** a notice of voter registration. **The posting and first publication shall occur** not less than sixty (60) calendar days before **the** ~~each election that is not a runoff 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.

B. Notice **of Election**, ~~Publication, and Posting.~~ The clerk shall **post on the city's website and** ~~publish a notice of each election~~ at least twice in one or more newspapers of general circulation in the city **a notice of each election.** ~~The clerk shall also post the notice in City Hall. The~~ **posting and** ~~first publication and the posting~~ shall occur at least ~~thirty (30)~~ **thirty (30)** calendar days before a regular election, ~~twenty (20)~~ **thirty (30)** calendar days before a special election, and ~~ten (10)~~ **thirty (30)** calendar days before a run-off election. Each notice of election, ~~shall include:~~

1. The type of election: regular, special, or run-off;

Bold and underline, added; ~~Strikethrough, deleted~~

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 **and questions** to be voted upon;
6. Instructions for absentee **by mail and** /early voting; and
7. Notification that anyone needing special assistance in casting **a ballot** ~~their vote~~ due to a disability or bilingual need shall contact the clerk for assistance at least ~~twenty-four (24)~~ hours before the time of casting **a** ~~their~~ ballot.

C. Notice of Bonded Indebtedness. **The clerk shall post on the city's website and publish a notice of bonded indebtedness before** ~~Before a general obligation bond issue election, **as required by AS 29.47.190** 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 (20) 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.~~

* **Section 14. Amendment of section.** WMC 4.16.030, Precinct election officials, is amended to read as follows:

Bold and underline, added; ~~Strikethrough, deleted~~

4.16.030 Precinct election ~~Election~~ officials.

A. ~~Appointment, Number.~~ Before each election, the clerk shall recommend to the council for approval **the names of the number of election officials that the clerk determines to be sufficient to properly conduct the election. After council approval, the clerk may assign election officials as required for the proper conduct of the election.**

1. Precinct Election Officials. The clerk shall assign at least three election officials for ~~each polling place~~ to constitute the election board for **each precinct** that polling place, and the number of election officials that the clerk considers necessary to conduct absentee voting and early voting. **The clerk shall designate one** ~~One~~ election official at each **precinct as** polling place shall be designated chairperson **of the election board for that precinct. The chairperson** and shall be primarily responsible for administering the election at that **precinct** polling place. If no chairperson is appointed or the chairperson is unable to fulfill the chairperson's duties, the other election officials shall perform the chairperson's duties. ~~After council approval, the clerk may adjust the assignments of election officials as required for the proper conduct of the election.~~

2. Early Voting Officials. The clerk shall designate the number of election officials necessary to conduct voting at early voting stations.

3. Review Board. 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

Bold and underline, added; Strikethrough, deleted

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 at least three election officials as the canvass board to tally ballots and perform the duties provided in Section 4.28.080 - 4.28.100.

5. Counting Teams. The clerk shall either designate counting teams, each consisting 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.

B. Qualifications. Each election official shall be a **qualified** registered voter, unless no **qualified** 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 of the candidate's immediate family may not serve as an election official for that election. Unless excused by the clerk, all election officials shall attend training sessions offered by the clerk or borough clerk.~~

C. Oath. Before commencing to serve, each election official shall subscribe to **an** the oath **administered by either the clerk or the borough clerk** ~~required of all public officers by the Alaska State Constitution, in the manner prescribed by the clerk.~~

Bold and underline, added; Strikethrough, deleted

D. **Replacement Election Officials.** ~~Failure to Serve. If any election official fails or refuses to attend and serve, **The** the clerk or borough clerk shall appoint a person eligible under this section to serve in place of **an** the absent election official.~~

E. Relationship to Candidate. 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 15. Amendment of section.** WMC 4.16.040, Ballots - Form, is amended to read as follows:

4.16.040 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 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

Bold and underline, added; ~~Strikethrough, deleted~~

or prefix shall be omitted. ~~A~~ However, the 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 alphabetically by last name on the ballot.

D. The words "Vote for no more than", followed 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 shall be placed on the ballot in the manner prescribed by the clerk. The words "yes" and "no" shall appear below each proposition or question.

* **Section 16. Amendment of section.** WMC 4.16.050, Ballots - Distribution, is amended to read as follows:

4.16.050 Ballots – Preparation and distribution ~~Distribution.~~

A. The clerk shall have ballots printed for each election. **The clerk may contract for the preparation and printing of ballots without competitive bidding.**

B. Early, absentee **by-mail** and sample ballots shall be in the clerk's possession at least ~~sixteen~~ (16) calendar days before a regular or special election and nine calendar days before a runoff 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** ~~Any~~ candidate or the candidate's authorized agent may inspect the

Bold and underline, added; Strikethrough, deleted

ballots upon their receipt by the clerk, and any mistake discovered shall be immediately corrected.

CB. 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 ballots shall be delivered Sufficient ballots and sample ballots shall be distributed to each 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. **An election official at the precinct shall sign and date a** A receipt for the ballots, including the number and type of ballots, shall be signed and dated by an election official. The clerk shall keep the receipt as part of the election record.

DC. No ballots shall be taken from the **precinct** 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 officials of the ballots removed from a **precinct** polling place.

E. The clerk shall have sample ballots available to voters which are identical in form to the official ballots, and which are printed on colored paper and marked "sample."

* **Section 17. Amendment of section.** WMC 4.16.060, Election materials, is amended to read as follows:

Bold and underline, added; Strikethrough, deleted

4.16.060 Election materials.

A. The clerk shall equip each precinct or voting station ~~polling place~~ with sufficient materials and supplies ~~needed for the election.~~

B. The clerk shall provide instructions to voters on how to ~~obtain ballots, how to~~ mark ballots ~~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 and which are printed on colored paper and marked "sample."~~

~~D.~~ The clerk shall provide booths and ballot boxes at each precinct or voting station ~~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. Ballot boxes shall be placed outside of the voting booths within plain view of the election officials, voters and other persons at the polling places.

~~DE.~~ The clerk may arrange ~~make arrangements~~ with the borough clerk or the state of Alaska for the use of voting equipment ~~machines and other equipment~~ and supplies ~~relating to voting.~~

* **Section 18. Amendment of chapter title.** The title of WMC 4.20, Absentee Voting, is amended to read as follows:

Chapter 4.20

ABSENTEE VOTING METHODS

Bold and underline, added; ~~Strikethrough, deleted~~

* **Section 19. Amendment of section.** WMC 4.20.010, Absentee/early voting – Eligible persons – Liberal construction, is amended to read as follows:

4.20.010 Voting methods ~~Absentee/early voting~~ - Eligible persons - Liberal construction.

A. Any **qualified** registered-voter may vote an absentee **by mail**, ~~or early~~ **or questioned** ballot at any election for any reason, ~~if provided by the clerk.~~

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

* **Section 20.** Amendment of section. WMC 4.20.020, Absentee voting – by mail, is amended to read as follows:

4.20.020 Absentee by mail voting ~~–By mail.~~

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, nor less than seven calendar days before an election. A request may be made by facsimile **or by electronic means.**

B. All applications for an absentee **by mail** 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

Bold and underline, added; Strikethrough, deleted

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 by mail ballot ~~by mail~~, the clerk shall deliver ~~mail~~ an official ballot and other absentee voting material to the applicant either by mail to at the mailing address given on the application, or by hand to an applicant who applies in person .

D. A voter who applies for and receives an absentee by mail ballot ~~by mail~~ may vote the ballot at any time on or before the day of the election. The voted ballot shall then be placed in a secrecy sleeve, which is then placed in a return envelope. The voter shall sign the certification on the return envelope and ~~have it witnessed~~ in the presence of either of the following, who shall attest to the voter's signature by signing the certification ~~an authorized official such as:~~

1. A person qualified to administer oaths, such as 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 WMC 4.04.010; or

2. One witness ~~Two witnesses~~ who is ~~are~~ at least eighteen ~~(18)~~ years of age may ~~witness the voter's signature~~ if a person qualified to administer oaths ~~an authorized official~~ is not reasonably accessible.

E. After the witnessing of the absentee voter's signature, the voter shall mail or otherwise deliver the ballot to the clerk. The voted absentee by mail ballot shall be

Bold and underline, added; Strikethrough, deleted

received by mail **within the time prescribed by** as defined in Section 4.28.080(A), or returned to an election official no later than **8:00** eight p.m. on election day. **A** The precinct election official shall deliver **to the clerk all** the voted absentee **by mail** ballots **that are delivered to the precinct** to the clerk. The clerk shall deliver the voted absentee ballots to the canvass board for canvassing.

F. **Before the opening of the polls on election day, or as soon as is practicable thereafter,** 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 an** absentee **by mail ballot** ballots. **A voter on the list may not vote a regular ballot at a precinct on election day, but may vote a questioned ballot.** If a **A** voter who was issued **but has not voted** an absentee **by mail** ballot by mail returns to the voter's precinct on election day, the voter may not vote a regular ballot at **a precinct on election day** the polling place unless the voter first surrenders **the absentee by mail ballot** to the election board the absentee ballot issued to the voter. If the absentee voter does not have the absentee **by mail** ballot to surrender, the absentee voter may vote a questioned ballot. Surrendered absentee **Absentee by mail** ballots **surrendered to** collected by the election board shall be returned to the clerk.

* **Section 21. Amendment of section.** WMC 4.20.031, Early voting, is amended to read as follows:

4.20.031 Early voting.

A. A qualified voter who meets the requirements **of** set out in this section may vote early at the city clerk's office or at another location designated by the clerk, **from**

Bold and underline, added; Strikethrough, deleted

15 calendar days ~~on or after the fifteenth calendar day~~ before a regular or special election and **eight calendar days** ~~the eighth calendar day~~ before a run-off election, **until 5:00** ~~and up to five p.m.~~ on the day before the election.

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

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

2. The voter's signing the early voting register.

C. If the qualification of the voter is subject to question, the voter shall vote a questioned ballot as provided in Section **4.20.041** ~~4.24.070~~.

D. If the voter is not required to vote a questioned ballot, the voter shall mark the ballot in private, place the ballot in a secrecy sleeve, and deposit the ballot in an envelope that bears the name of the voter 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.

~~E. 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 cast ballots in another manner in the election.~~

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** ~~polling place~~ a list of the voters who have voted an early ballot. ~~A~~ **If** a voter on the list

Bold and underline, added; ~~Strikethrough, deleted~~

~~attempts to vote on election day,~~ the voter may not vote a regular ballot **at a precinct on election day,** but may vote a questioned ballot.

* **Section 22. Adoption of section.** WMC 4.20.041, questioned voting, is adopted to read as follows:

4.20.041 Questioned voting.

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. 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 questioned or whose name does not appear on the official voter register shall execute a certification on a form provided by the election official attesting to the fact the person is at least 18 years of age, is a United States citizen, has been a resident of the city for at least 30 days before the election, is not registered to vote in a different state or has taken the necessary steps to cancel that registration, has been registered to vote in state elections at a residence address within the city for at least 30 days before the election, is not disqualified from voting, and has not voted at the same election. The person may vote a questioned ballot after executing the certification.

Bold and underline, added; Strikethrough, deleted

D. 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.

* **Section 23. Amendment of section.** WMC 4.20.050, Special needs voting, is amended to read as follows:

4.20.050 Special needs voting.

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

B. The voter, through a representative, may request **for** a special needs ballot **may be made to** from:

1. The clerk **from 15 calendar days** on or after the fifteenth calendar day before a regular or special election and **eight calendar days** the eighth calendar day before a run-off election, **until 5:00** and up to five p.m. on the day before the election; or

2. An **election** absentee voting official at an **early** absentee voting station designated by the clerk at a time when the absentee voting station is in operation; or

3. **An election official at a** member of the precinct election board on election day.

Bold and underline, added; Strikethrough, deleted

~~C. A representative requesting a special needs ballot shall sign a register provided by an election official. The register must include the following information:~~

~~1. The representative's name; and~~

~~2. The name of the voter on whose behalf the representative is requesting a ballot and voting materials.~~

~~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 **enter the voter's name and the name of the representative** provide the information on the envelope and shall sign the voter's certificate in the presence of the representative. The representative shall witness the voter's signature, and sign and date the representative's oath as provided on the envelope.~~

~~**DE.** If a voter's disability precludes the voter from performing any of the requirements of subsection **CD** of this section, the representative may perform those requirements, except making the voting decision, on the voter's behalf.~~

~~**EF.** The representative shall deliver the ballot envelope to **an** city election official at a city precinct not later than **8:00** eight p.m. on election day. 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.~~~~

Bold and underline, added; Strikethrough, deleted

FG. No person who is a candidate for office at the election, an immediate family member of the candidate, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union may act as a representative for a voter.

* **Section 24. Amendment of section.** WMC 4.24.040, Ballot box security, is amended to read as follows:

4.24.040 Ballot box security.

Before **issuing** ~~receiving~~ any ballots, **an election official** ~~the election board~~ shall, in the presence of any persons assembled at the **precinct or voting station** ~~polling place~~, open and exhibit **each** ~~the~~ ballot box, **and then close and seal the** ~~to be used at the polling place~~. The ballot box shall be sealed with a security device. **No person may open, remove from the precinct or voting station, or remove** ~~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~~ **precinct or voting station, any ballot box** ~~polling place~~, until after the polls have finally closed.

* **Section 25. Amendment of section.** WMC 4.24.050, Keeping of register, is amended to read as follows:

4.24.050 Keeping of Voter register.

A. The clerk shall order from the State of Alaska Division of Elections an 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.

Bold and underline, added; Strikethrough, deleted

B. 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 the space provided of the names of persons who offered to vote but who actually ~~did~~ not vote, and a brief statement of explanation. **A voter's** The signing of the register shall constitute a declaration that the voter is qualified to vote.

C. A voter whose name does not appear on the official voting register may vote a questioned ballot as provided in Section 4.20.041.

* **Section 26. Adoption of section.** WMC 4.24.055, Voter identification, is adopted to read as follows:

4.24.055 Voter identification.

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.

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 satisfactory form of identification shall be allowed to vote a questioned ballot.

* **Section 27. Amendment of section.** WMC 4.24.060, Providing ballot to voter and procedure for voting, is amended to read as follows:

4.24.060 Providing ballot to voter and procedure for voting.

Bold and underline, added; Strikethrough, deleted

A. **When a voter is qualified to vote, an** An election official shall provide **the** each ~~qualified voter~~ with an official ballot, and the voter shall mark the ballot in private. After the voter has marked the ballot, the voter may deposit the ballot in the ballot box.

B. A voter may not leave the **precinct or voting station** ~~polling place~~ with the official ballot that the voter received to mark. Subject to Section 4.24.090, a voter may not exhibit the voter's ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot.

* **Section 28. Repeal of section.** WMC 4.24.070, Questioned ballots - Issuance, is repealed:

~~4.24.070 Questioned ballots - Issuance.~~

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

~~B. Every election official and any other person qualified to vote 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 election official's custody and shall be delivered to the clerk. The clerk shall deliver the questioned ballots and statements to the canvass board for canvassing.~~

~~C. Before voting, a person whose qualification to vote is questioned or whose name does not appear on the official register shall execute a certification on a form provided by the election official attesting to the fact the person is at least eighteen (18)~~

Bold and underline, added; Strikethrough, deleted

~~years of age, is a United States citizen, is a resident of Alaska, is not registered to vote in a different state or has taken the necessary steps to cancel that registration, is or has been a registered voter in Alaska at some time in the last four years or is newly registering, is not disqualified, and has not voted at the same election. The person may vote after executing the certification.~~

~~D. After voting, the questioned voter shall deliver the ballot to the election official. The person must take an oath before an election official not to divulge how the voter cast the ballot.~~

* **Section 29. Amendment of section.** WMC 4.24.080, Ballots damaged by voter, is amended to read as follows:

4.24.080 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 official shall provide another ballot upon the voter returning the damaged ballot to the election official. **Without examining the spoiled ballot, the** ~~The~~ election official shall **return the ballot to the voter, who shall destroy and discard it immediately in the presence of an election official. The election official then shall issue to the voter a new ballot of the same type that was spoiled, and shall record that there was a spoiled ballot** ~~record the replacement ballot number on the ballot accountability form and return the spoiled ballot unexamined to the voter who shall destroy and discard it immediately in the presence of an election official.~~ A voter may obtain a maximum of three replacements for each ballot under this **section** procedure.

Bold and underline, added; Strikethrough, deleted

. * **Section 30. Amendment of section.** WMC 4.24.090, Assistance to voters, is amended to read as follows:

4.24.090 Assistance to voters.

Non-English speaking voters, **and** 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 before an election official, to assist the voters in casting their ballots. **No person** ~~The persons~~ assisting the voter may not be a candidate for office in that election, an immediate family member of ~~a~~ the candidate for office in that election, **the voter's employer, an agent of the voter's employer, or an officer or agent of** the voter's union. If an election official is requested, the election official shall assist the voter. If a person, other than an election official is to provide assistance, the person must take an oath before an election official not to divulge how the voter cast the ballot.

* **Section 31. Adoption of section.** WMC 4.24.095, Placing ballot in ballot box, is adopted to read as follows:

4.24.095 Placing ballot in ballot box.

Immediately after the voter has marked the ballot, either the voter shall deposit the ballot in the ballot box in the presence of an election official, or if the voter so requests, the election official shall deposit the ballot in the ballot box in the presence of the voter.

* **Section 32. Amendment of section.** WMC 4.24.100, Closing of polls, is amended to read as follows:

Bold and underline, added; Strikethrough, deleted

4.24.100 Closing of polls.

Fifteen (15) minutes before and ~~at the time of closing of the polls~~ close, an election official shall announce the current time and the time of ~~closing the polls~~ close. **Failure to make the announcement at 15 minutes before closing time shall not in any way invalidate the election or extend the time for closing of the polls. After closing, no person will be allowed to enter the precinct for purposes of voting.** Every qualified voter present and in line at the time prescribed for ~~closing the polls~~ close may vote.

* **Section 33. Repeal of section.** WMC 4.24.110, Forms completion - Unused ballots, is repealed:

~~4.24.110 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 official. The top portions of all unvoted ballots, including 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 the election official to the clerk.~~

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

* **Section 34. Amendment of section.** WMC 4.24.120, Opening ballot box, is amended to read as follows:

4.24.120 Opening ballot box and accounting of ballots.

Bold and underline, added; Strikethrough, deleted

A. After the polls are closed and the last vote has been cast, the election officials shall follow the ballot tabulation system procedures for counting ballots. After the tabulation is performed, election officials shall open the secured ballot box and segregate the 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 and the precinct name and number. ~~destroying the unvoted ballots, an election official shall, in full view of all persons assembled at the polling place, open the secured ballot box and segregate the questioned ballots, the absentee ballots, and the special needs ballots from the regular ballots voted at the election.~~

B. Election officials shall account for all ~~Each segregated group of ballots 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~~ 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. All voting supplies, materials and completed forms shall be returned to the clerk. ~~Each segregated group of ballots shall be placed in a ballot container and~~

Bold and underline, added; ~~Strikethrough, deleted~~

sealed. The container shall bear the date of the election, the type of ballots and the precinct name and number.

* **Section 35. Amendment of section.** WMC 4.24.130, Ballot container delivery, is amended to read as follows:

4.24.130 Ballot container delivery.

On election day after the polls have closed and ballots have been accounted for, two Two election officials from the precinct shall together act as a delivery team and shall deliver the sealed ballot containers to the clerk unless otherwise directed.

* **Section 36. Adoption of chapter.** WMC 4.26, Issuance, Voting and Counting of Alternate Ballots, is adopted to read as follows:

Chapter 4.26
ISSUANCE, VOTING AND COUNTING OF ALTERNATE BALLOTS

4.26.010 Ballot shortage.

A. Under no circumstance shall a precinct close due to ballot shortage. The election board chairperson for the precinct shall monitor the ballot supply at the precinct throughout election day and apprise the clerk of any projected shortage in the number of available ballots.

B. Upon being informed by an election official that there is a projected shortage of ballots at a precinct, the clerk promptly shall supply the precinct with additional printed ballots. If insufficient additional printed ballots are not available, the clerk promptly shall supply the precinct with additional

Bold and underline, added; Strikethrough, deleted

alternate ballots in the form prescribed by Section 4.16.040 that are prepared by the clerk's office for hand tabulation.

4.26.020 Voting of alternate ballots.

A. Voters on the precinct register. Voters whose names appear on the precinct register shall sign the precinct register and be given an alternate ballot.

1. The election official shall mark the precinct register in a manner designated by the clerk to show that the voter received an alternate ballot.

2. The voter shall vote the alternate ballot and shall place the ballot in the ballot box provided by the clerk.

B. Questioned voters. If a voter is not on the precinct register or the voter's qualification to vote is questioned as provided in WMC 4.20.041, the voter shall vote a questioned alternate ballot.

1. The election official shall mark the questioned voter register in a manner designated by the clerk, to show the voter received an alternate ballot.

2. The voter shall be given an alternate ballot and shall vote the ballot as provided in Section 4.20.041.

C. Special needs voters. A representative requesting a special needs ballot shall be given an alternate ballot and shall complete the process for special needs voting with the voter as provided in Section 4.20.050.

Bold and underline, added; Strikethrough, deleted

4.26.030 Alternate voting report.

The election board shall account for all alternate ballots by completing a ballot report in the manner prescribed by the clerk, containing the total number of alternate ballots voted, total number of unused alternate ballots, alternate spoiled ballots, alternate questioned, and alternate special needs ballots.

4.26.040 Counting alternate ballots.

Alternate ballots shall be counted by hand in accordance with Chapter 4.28.

* **Section 37. Amendment of section.** WMC 4.28.010, Counting ballots, general, is amended to read as follows:

4.28.010 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 anyone but the election officials handle the ballots. The ballots shall not be marked in any way by anyone during the tallying.

C. **Ballots may not be counted before 8:00 p.m. on election day.** The following rules apply to hand-counted ballots:

- ~~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,~~

Bold and underline, added; Strikethrough, deleted

~~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 or propositions 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. An erasure or correction invalidates only that section of the ballot in which it appears, unless the intent of the voter is clear.~~

* **Section 38. Adoption of section.** WMC 4.28.015, Hand counting of ballots, is adopted to read as follows:

4.28.015 Hand counting of ballots.

A. The following rules apply to the hand counting of ballots:

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. The mark specified in this subsection shall be counted only if it is substantially inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval to be designated.

Bold and underline, added; Strikethrough, deleted

2. Failure to properly mark a ballot as to one or more candidates or propositions 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. An erasure or correction invalidates only that section of the ballot in which it appears, unless the intent of the voter is clear.

6. Improper marks on the ballot may not be counted and do not invalidate marks for candidates properly made.

* **Section 39. Amendment of section.** WMC 4.28.020, Write-in votes, is amended to read as follows:

4.28.020 Write-in votes.

A. To vote for a write-in candidate, the voter must write the candidate's name, ~~in the form that the candidate's letter of intent specified for use on the ballot,~~ in the space provided and, ~~in addition,~~ **fill in** mark the oval opposite the candidate's name **in accordance with Section 4.28.015.A.** Stickers may not be used on ballots.

B. Write-in votes shall be counted according to the following rules:

1. A write-in vote that is not marked in accordance with subsection A of this section may not be counted under any circumstances.

2. Writing in the name of a candidate whose name is printed on the ballot does not invalidate a write-in vote unless the canvass board

Bold and underline, added; Strikethrough, deleted

determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.

3. In counting votes for a write-in candidate, the canvass board shall disregard any abbreviation, misspelling, or other minor variation in the form of the name of a candidate if the intention of the voter can be ascertained. A write-in vote using a form or spelling of a candidate's name different than the candidate's letter of intent specified for use on the ballot shall not be counted as a vote for that candidate, but shall be counted as a vote for another person having the name that was written by the voter.

CB. 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 Section 4.12.045.

* **Section 40. Repeal of section.** WMC 4.28.030, Other election boards and teams, is repealed:

~~4.28.030 Other election boards and teams.~~

~~A. Counting Team. The clerk may appoint counting teams as necessary or use the same counting teams designated by the borough clerk. Each counting team shall consist of at least four members and shall count ballots as needed.~~

~~B. Review Board. When using computers to count the ballots the clerk shall appoint a review board or use the same review board designated by the borough clerk.~~

Bold and underline, added; Strikethrough, deleted

~~The review board shall consist of at least three members. The review board shall ensure that all ballots are programmed and counted accurately.~~

~~C. Canvass Board. The clerk shall appoint a canvass board consisting of a minimum of three election officials. The canvass board may tally all ballots and shall perform the duties as stated in Section 4.28.100.~~

~~D. Oath. The clerk shall administer an oath to all election officials serving on boards or teams for the election. The borough clerk is authorized to administer the oath to all boards and teams shared by the city and borough, on behalf of the city.~~

~~E. Failure to Serve. A vacancy on a board or team shall be filled by the clerk or borough clerk.~~

* **Section 41. Amendment of section.** WMC 4.28.040, Counting - Use of computers, is amended to read as follows:

4.28.040 Counting – Automated ballot tabulation ~~Use of computers.~~

The clerk shall designate the **ballot tabulation system** ~~computers~~ to be used in the counting of the ballots or use the same **system** ~~computers~~ designated by the borough clerk. The clerk may negotiate and contract with the state, **another municipality** or a private **company** ~~computer~~ service for **ballot tabulation** ~~the~~ needed ~~computer~~ services or use the same **contractor** ~~contract~~ as designated by the borough clerk.

* **Section 42. Amendment of section.** WMC 4.28.060, Preserving and destroying ballots, is amended to read as follows:

4.28.060 Preserving and destroying ballots.

Bold and underline, added; Strikethrough, deleted

The clerk shall preserve all official ballots in a secure manner, unopened and unaltered, for not less than ~~thirty (30)~~ calendar days after ~~from~~ the date of the election certification, or in cases where the election is contested, until ~~thirty (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 ~~upon direction of the council,~~ and ~~make and keep a written certificate that the ballots have been destroyed.~~

* **Section 43. Amendment of section.** WMC 4.28.070, Certificate of election, is amended to read as follows:

4.28.070 Certificate of election.

Upon closing the polls, the election officials shall count the votes in accordance with the rules for counting votes in this chapter ~~print result tapes, sign the tapes, and return the tapes and memory card to the clerk as set out in the election procedures. The result tapes serve as the precinct certificate of election. If the precinct is a hand-counted precinct, when~~ When all votes have been counted, the election officials shall prepare a precinct certificate of election, stating the number of votes each candidate, proposition or question ~~received for each office. Each election official shall sign the certificate. The certificate and counting material shall be delivered to the clerk.~~

Bold and underline, added; Strikethrough, deleted

* **Section 44. Amendment of section.** WMC 4.28.080, Counting absentee ballots, is amended to read as follows:

4.28.080 Counting absentee by mail ballots.

A. To be counted in the election, an absentee by mail ballot shall be postmarked on or before election day and be received by the clerk no later than **three** ~~the third~~ calendar days ~~day~~ following the election. If no readable postmark appears on the absentee by mail ballot envelope, the enclosed absentee by mail ballot shall be counted only if the voter's signature is dated on or before election day. ~~The clerk shall give the canvass board a list of voters who have been issued absentee ballots.~~ Absentee by mail ballot 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 envelope. ~~The envelopes shall be retained with the other election records and destroyed as set out in Section 4.28.060.~~

B. The clerk shall deliver all absentee by mail ballots to the canvass board for review. The tabulation of absentee by mail ballots may not begin until the canvass board has identified and segregated ballots voted absentee by mail by voters who also cast ballots in another manner in the election.

Absentee by mail 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 by mail 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

Bold and underline, added; Strikethrough, deleted

shall be opened and the ~~secretary~~ ballot-envelope shall be mixed with the other ~~secretary~~ ballot-envelopes. The ballots shall be **removed from the secretary envelopes and shall be mixed with the other ballots for counting** ~~counted according to the rules for determining properly marked ballots.~~

C. If **an absentee by mail** ~~the~~-voter is not qualified or the ~~voter's~~ 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 **"no count"** ~~"rejected ballots"~~ and shall be preserved **and destroyed as provided in WMC 4.28.060** ~~with other voted ballots.~~

* **Section 45. Amendment of section.** WMC 4.28.081, Counting early ballots, is amended to read as follows:

4.28.081 Counting early ballots.

A. ~~The early ballots shall be delivered to the city or borough canvass board for counting as determined by the clerk.~~

B. ~~The~~ **The clerk shall deliver all** ~~The early ballots shall be delivered to the city or borough canvass board for~~ **review** ~~counting as determined by the clerk.~~ **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. Early ballot envelopes shall be reviewed by the canvass board who shall determine whether the voter is qualified to vote at the election and whether the ballot has been properly cast.** ~~If an early ballot is found to be sufficient after research by a canvass board, the canvass board by~~

Bold and underline, added; Strikethrough, deleted

majority vote may accept the ballot for counting. An early ballot shall be counted despite failure of the election early voting official to properly sign and date the voter's certificate as attesting official. If the voter is qualified and the ballot has been properly cast, is accepted, the early ballot envelope shall be opened and the secrecy envelope shall be mixed with the other secrecy envelopes for counting. The ballots shall be removed from the secrecy envelopes and shall be mixed with the other ballots for counting counted using a counting method determined by the clerk.

BC. If an early voter is not qualified 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. At least two members of the city or borough canvass board and one member of the city or borough review 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 result tapes shall serve as the early voting certificate of election.

* **Section 46. Amendment of section.** WMC 4.28.090, Counting questioned ballots - Uncounted ballots, is amended to read as follows:

4.28.090 Counting questioned ballots ~~–Uncounted ballots.~~

A. **The clerk shall deliver all questioned** ~~Questioned ballots~~ **and related statements questioning the person's qualification to vote** shall be delivered to the city or borough canvass board for review counting as determined by the clerk.

Bold and underline, added; Strikethrough, deleted

B.—After research, ~~the~~ a canvass board by majority vote may refuse to accept the question and count the ballot of a person who properly cast a questioned ballot. A questioned ballot shall be counted despite failure of the ~~election~~ questioned voting official to properly sign and date the voter's certificate as attesting official. If the question is refused and the ballot **has been properly cast and** is accepted, the ~~ballot~~ large envelope shall be opened and the ~~secrecy~~ ballot envelope shall be mixed with ~~the~~ other ~~secrecy~~ ballot envelopes for counting. The ballots shall be removed from the ~~secrecy~~ ballot envelopes and shall be **mixed with the other ballots for counting** counted using a counting method determined by the clerk.

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 **"no count"** ~~"rejected ballots"~~ and shall be preserved **and destroyed** as **provided** set out in Section 4.28.060.

D.—At least two members of the city or borough canvass board and one member of the city or borough review 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 result tapes shall serve as the questioned voting certificate of election.

* **Section 47. Adoption of section.** WMC 4.28.095, Counting special needs ballots, is adopted to read as follows:

4.28.095 Counting special needs ballots.

Bold and underline, added; Strikethrough, deleted

A. The clerk shall deliver all special needs ballots to the canvass board for review. After research, the canvass board by majority vote may accept a special needs ballot. A special needs ballot shall be counted despite failure of an election official to properly sign and date the voter's certificate as attesting official. If the ballot has been property cast and is accepted, the ballot envelope shall be opened and the secrecy envelope shall be mixed with the other secrecy envelopes. The ballots shall be removed from the secrecy envelopes and shall be mixed with other ballots for counting.

B. If a special needs voter is not qualified 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 Section 4.28.060.

* **Section 48. Amendment of section.** WMC 4.28.100, Counting and canvass of returns - Certificate of election, is amended to read as follows:

4.28.100 Counting and canvass of returns - Certificate of election.

A. Not later than the Monday following each election, the canvass board shall meet and shall:

1. In full view of those present, judge the validity of absentee **by mail**, early, **special needs** and questioned ballots, open and tally accepted ballots, and compile the total votes cast in the election;

2. Review the precinct certificates ~~or tapes~~ of results for accuracy;

Bold and underline, added; ~~Strikethrough, deleted~~

3. Correct all obvious errors;
4. Recommend a recount of the results of the precinct for that portion of the returns where a mistake has been made which cannot be corrected under **paragraph 3** ~~subsection (A)(3)~~ of this **sub**section;
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 **counted** ~~east~~ and sign a certification of the results of the count.

B. After receiving the canvass board report and as soon as practicable after the counting of the ballots, but not later than the second Monday 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 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 canvass board reports a discrepancy in the count of the ballots, the council may order a recount of the votes in the affected precincts. 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 **in this chapter** ~~established by the council~~.

Bold and underline, added; ~~Strikethrough, deleted~~

D. Unless the council orders an investigation or unless a contest has been previously filed pursuant to Section 4.32.020, the council **by resolution** shall declare the election valid and certify the election results. The council shall certify results not in question immediately and shall complete investigation or contest procedures as soon as practicable to assure prompt certification.

E. **The council resolution certifying** ~~To certify the election results the council shall **by accompanied by** enter the determination in the minutes along with the following information:~~

1. The total number of poll, absentee **by mail**, early, questioned, and special needs ballots cast in the election;

2. **For each office, the** ~~The offices, names and number of votes counted for each candidate **for the office** at the election;~~

3. **For each proposition or question, the number of votes counted for and against the proposition or question** ~~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 to office a copy of the council's certificate of election.~~

* **Section 49. Renumbering of chapters and sections in title.** The clerk is authorized to approve a renumbering of chapters and sections in Title 4 of the Wasilla Municipal Code by the publisher of the Code.

Bold and underline, added; Strikethrough, deleted

* **Section 50. Effective date.** This ordinance shall take effect upon the earlier to occur of the following: (i) the date on which the United States Department of Justice issues its non-objection under the Voting Rights Act of 1965 to the changes effected by this ordinance; and (ii) the date immediately following the last date on which the United States Department of Justice could object to the changes effected by this ordinance under the Voting Rights Act of 1965, provided that no objection to any such change has been issued before that date. The clerk is authorized to determine the effective date of this ordinance, which shall be set forth in the permanent records of City ordinances and in the Wasilla Municipal Code.

ADOPTED by the Wasilla City Council on June 25, 2012.


VERNE E. RUPRIGHT, Mayor

ATTEST:


KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

Bold and underline, added; Strikethrough, deleted



Ordinance Serial No. 12-20: AMENDING PROVISIONS OF WMC TITLE 4, ELECTIONS, REGARDING DEFINITIONS, POWERS AND DUTIES OF THE CLERK, VOTER QUALIFICATIONS, CANDIDATES, ADMINISTRATION OF ELECTIONS, METHODS OF VOTING, VOTING PROCEDURES, AND BALLOT COUNTING, AND DIRECTING THE CODIFIER TO RENUMBER TITLE 4, ELECTIONS IN ITS ENTIRETY.

Agenda of: June 11, 2012

Date: May 30, 2012

Originator: Kristie Smithers, City Clerk *KS*

Route to:	Department	Signature	Date
X	Finance Director	<i>[Signature]</i>	6/4/12
X	Interim Deputy Administrator	<i>[Signature]</i>	6/5/12
X	City Clerk	<i>[Signature]</i>	6/4/12

REVIEWED BY MAYOR VERNE E. RUPRIGHT: *[Signature]*

FISCAL IMPACT: yes or no Funds Available Yes or No

Account name/number: N/A

Attachments: Ordinance Serial No. 12-20 (43 pages)

SUMMARY STATEMENT:

The proposed ordinance is sponsored by Deputy Mayor Holler behalf of the City Clerk. This ordinance serves as the annual revision to Title 4, Elections. The following sectional analysis is provided to detail the proposed amendments:

Section 2 and 3: WMC 4.04.010, Definitions: The definition of "immediate family" has been revised to conform to the definition used in state election law. The definition of "qualified voter" has been added to identify a person who is qualified to vote in City elections.

Section 4: WMC 4.04.030, Powers and Duties of the Clerk: This amendment is proposed for consistency as other areas of the code refer to the Clerk as the "administrator" of elections instead of "supervisor."

Section 5: WMC 4.08.020, Rules for Determining Residence of Voter, subsections 1 - 7 are repealed. The proposed amendment does not change the requirements for determining residency, rather the amendment proposes to clarify that the City follows State statute in this regard.

Section 6: WMC 4.08.030, Registration, is repealed as it is already addressed in WMC 4.08.010.

Section 7: WMC 4.12.020, Candidate Qualifications is updated to include the qualification of the Office of Mayor and 2.16; currently only includes City Council qualifications.

Section 8: WMC 4.12.020, Declaration of Candidacy for Elected Office, includes amendments that do not change current practice; rather it is proposed for clarity.

Section 9: WMC 4.12.050, Declaration of Candidacy – Notice of Offices to be Filled, amends our practice to now require the notice to be posted on the City's website.

Section 10: WMC 4.12.060, Financial Disclosure Statement and Campaign Reporting, is revised as financial disclosure is required under WMC 2.12.020.

Section 11: WMC 4.12.0705, Corrections, Amendments, and Withdrawal of Declarations of Candidacy: This section is amended to extend, by a week, the timeframe in which a candidate may withdraw his/her name from the ballot. The City Clerk is unable to finalize the ballot until the deadline for the City Council to place questions on the ballot has been met. Extending the timeframe in which a candidate may withdraw his/her name falls within this timeframe and does not interfere with ballot printing.

Section 12: Chapter 4.16, Election Dates and Administration is renamed "Administration of Elections."

Section 13: WMC 4.16.020, Notice of Election, is amended to require the notices of election to be posted on the City's website and in Subsection C, refers to A.S. 29.27.190 which is a requirement of Title 29 when posting notices of bonded indebtedness.

Section 14: WMC 4.16.030, Precinct Election Officials, is renamed "Election Officials." The section also places language from WMC 4.29.030 (Section 40) into this section of the code which will allow for all election officials to be appointed to be listed in one place in the code. This section also adds a section on relationship to candidates and will not allow an immediate family member to serve as an election official.

Section 15: WMC 4.16.040, Ballots – Form, simply cleans up the language and follows the practice we currently use when printing ballots.

Section 16: WMC 4.16.040, Ballots Distribution, is renamed to be "Preparation and Distribution." This also allows for clarity of the process we use when preparing and distributing ballots to polling places and early voting stations.

Section 17: WMC 4.16.060, Election Materials, simply clarified the language in this section.

Section 18: Chapter 4.20, Absentee Voting, is renamed "Voting Methods." Now all forms of voting will be shown within one chapter in the code.

Sections 19: WMC 4.20.010, Absentee Early Voting – Eligible Persons – Liberal Construction, is renamed "Voting Methods – Eligible Persons – Liberal Construction" and paragraph B is deleted as it is obsolete.

Section 20: WMC 4.20.020, Absentee Voting, this amendment is proposed to reduce the witness requirement on the absentee by-mail ballot envelope from two to one. The State, Borough and City of Palmer only requires one witness and City of Houston plans to introduce this code amendment as well. This amendment is proposed for consistency across jurisdictions. This section also includes grammatical edits.

Section 21: WMC 4.20.031, Early Voting, includes grammatical edits.

Section 22: WMC 4.20.041, Question Voting, is now included in this chapter and moved from WMC 4.24.070 (Section 28).

Section 23: WMC 4.20.050, Special Needs Voting, includes grammatical edits.

Section 24: WMC 4.24.040, Ballot Box Security, clarifies the language and includes the practice that is currently used.

Section 25: WMC 4.24.050, Keeping of Register, is renamed "Voting Register" and includes the practice we currently use into the code.

Section 26: A new section added, WMC 4.24.055, Voter Identification, which includes the current practice used into the code.

Section 27: WMC 4.24.060, Providing Ballot to Voter and Procedure for Voting, includes grammatical edits.

Section 28: WMC 4.24.070, Questioned Ballots – Issuance, is repealed and moved to WMC 4.20.041 (Section 22).

Section 29: WMC 4.24.080, Ballots Damaged by a Voter, this amendment is proposed because ballot sequence numbers are printed on the ballot stub and not on the actual ballot. For ballot accountability, we need to track how many ballots were issued.

Section 30: WMC 2.24.090, Assistance to Voters, clarifies the language and includes the practice that is currently used.

Section 31: WMC 4.24.095, Pacing Ballot in Ballot Box, is added to include our current practice into the code.

Section 32: WMC 4.24.100, Closing the Polls, is amended to include the current practice used.

Section 33: WMC 24.110, Forms Completion – Unused Ballots, is repealed as this process is now going to be included in WMC 4.24.120 (Section 34).

Section 34: WMC 4.24.120, Opening Ballot Box, is amended to alter the title of this section Opening Ballot Box and Accounting of Ballots. This section includes our current practice into the code.

Section 35: WMC 4.24.130, Ballot Container Delivery, amendment to add clarity.

Section 36: WMC 4.26, Alternate Voting Process, a new Chapter of the code is requested to outline the process in the case the City depletes their ballot supply during an election. Although the City has and will always plan for a circumstance like this not to happen during an election, if it were to happen, this chapter would give guidance to the City Clerk and Election Officials on the process to use. The City of Palmer has also adopted provisions like these into their code.

Section 37: WMC 4.28.010, Counting Ballots - General, includes the requirement that ballots cannot be counted until 8 p.m. on Election Day and breaks out the process for counting hand-counted ballots into its own section. This amendment expands on our hand-count procedures in accordance with the State Statute.

Section 38: WMC 4.28.015, Hand Counting of Ballots, this is a new section to be added to the code which was moved from WMC 4.28.010.C (Section 37).

Section 39: WMC 4.28.020 Write-in Votes, this section includes expanded procedures related to counting write-in votes in accordance with State Statute.

Section 40: WMC 4.28.030, Other Election Boards and Teams, is repealed and moved to WMC 4.16.030, Section 14.

Section 41: WMC 4.28.040, Counting – Use of Computers, includes clarity to language.

Section 42: WMC 4.28.060, Preserving and Destroying the Ballots, is amended to allow for ballots to be destroyed in compliance with records management procedures. The Council adopts the records retention schedule which determines how long ballots are kept.

Section 43: WMC 4.28.070, Certificate of Election, clarifies current practice.

Section 44: WMC 4.29.080, Counting Absentee Ballots, is renamed "Counting Absentee "By-Mail Ballots" and the content is amended to include the current practice of counting absentee by-mail ballots.

Section 45: WMC 4.28.081, Counting Early Ballots, is amended to include the current practice of counting early ballots.

Section 46: WMC 4.28.090, Counting Questioned Ballots – Uncounted Ballots, is amended to include the current practice of counting questioned ballots. Subsection D is repealed as it is covered in WMC 4.28.040.

Section 47: WMC 4.28.095, Counting Special Needs Ballots, is added as no provisions for counting special needs ballots has been included in the code. This includes our current practice in counting special needs ballots.

Section 48: WMC 4.28.100, Counting and Canvass of Returns – Certificate of Election, includes grammatical edits and updates current practice.

Section 49. This not to codifier authorizes American Legal Publishing to renumber Title 4, Elections, in its entirety.

STAFF RECOMMENDATION: Introduce and set for public hearing Ordinance Serial No. 12-20.