

CITY OF ANDERSON

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THE CITY OF ANDERSON

ORDINANCE 03-01

AN ORDINANCE REPEALING TITLE 1, CHAPTER 1.08 OF THE CITY OF ANDERSON CITY CODE PERTAINING TO ELECTIONS IN IT'S ENTIRETY AND REPLACING IT WITH TITLE 4 ELECTIONS.

TITLE 4 - ELECTIONS

Section 1. This ordinance repeals Title 1, Chapter 1.08 - Elections in it's entirety and replaces it with Title 4 - Elections and shall become a part of the permanent City Code.

Section 2. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Title 4 - Elections.

Chapter 1 - Municipal Elections
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Chapter 4.01 MUNICIPAL ELECTIONS

Section 1 - Municipal Elections

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4.01.010 Voter Qualification. A person may vote only if he is qualified to vote in state elections and has been a resident of the city for thirty days immediately preceding the election and who is registered to vote in state elections and is not disqualified under Article V of the State Constitution.

4.01.020 Residence Criteria. When determining residence for the purpose of qualifying voters, the following criteria will apply:

A) No person may be considered to have gained residence solely by the reason of his/her presence nor may he/she lose it solely by reason of his/her absence while in the civil or military service of the state or of the United States; or of his/her absence because of marriage to a person engaged in the civil or military service of the state or the United States; while a student at an institution of learning; while confined in public prison; while engaged in the navigation of waters of the state, of the United States, or of high seas; while residing upon an Indian, Native Alaskan, or military reservation; or while residing in the Alaska Pioneers' Home.

B) The residence of a person is that place in which his/her habitation is fixed, and to which, whenever her/she is absent, he/she had the intention to return. If a person resides in one place, but does business in another, the former is his/her place of residence. Temporary construction camps do not constitute a dwelling.

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

D) A person does not lose his/her residence if he/she leaves his/her home and goes to another country, state, or place in Alaska for temporary purposes only and with the intent of returning.

E) A person does not gain residency by coming to the municipality without the present intention to establish his permanent dwelling in the municipality.

F) A person loses his residence in the municipality if he/she votes in an election of another municipality or state, either in person or by absentee ballot, and will not be eligible to vote in this municipality's election until he/she qualifies under this section.

G) The term of residence is computed by including the day of which the person's residence begins and excluding the day of the election.

H) The address of a voter as it appears on his/her official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his/her voting residence, this presumption is negated only by the voter executing as affidavit on a form prepared by the supervisor of elections setting out his/her new voting residence.

4.01.030 Qualification of Candidate for Office. To be eligible to file a Declaration of Candidacy for election to a city office, a person shall be an elector of the city and shall have been a resident of the city for a period of not less than one year preceding the date of the election. The candidate must not be disqualified under Article V of the Constitution of the State of Alaska. A city council member who ceases to be a resident of the city immediately forfeits his or her office.

4.01.040 Regular City Elections.

A. A regular city election shall be held on the first Tuesday after the first Monday in November or any other date to coincide with the state election. The date of holding regular city elections may not be changed by the council at any time less than one year prior to the date of the first regular city election affected.

B. Election notices shall be prepared and posted in three public places by the city clerk for fourteen days preceding the date of the regular election or special election, and shall contain the following, as is appropriate:

1. Whether the election is regular or special;
2. Date of the election
3. Location of the municipal polling places;
4. Time the polling places will open and close;
5. Offices to be filled;
6. A statement describing voter qualifications;
7. A list of candidates; and
8. A statement of any questions or propositions to be placed on the

ballot.

C. A vote on the question of whether or not intoxicating liquor should be sold in the city may be taken only once a year and is to be taken at the same time as the regular city election.

4.01.050 Special City Elections.

A. If a petition by voters for an initiative, referendum, or recall election is certified sufficient by the city clerk and submitted to the city council, the city council shall resolve that a special election be held on the question within 75 days, but not sooner than 45 days following submission of the petition to the council.

B. If a special election is required by an act of the city council, the city council shall resolve that a special election on the question proposed by the city council's ordinance or resolution be held within 75 days, but not sooner than 45 days following the council's action.

C. If the regular election held each year occurs within seventy-five (75) days but not sooner than 45 days of the date of submission to the city council of a petition by voters for an initiative, referendum, or recall election; or if the regular election occurs within seventy-five (75) days but not sooner than 45 days of council action which requires an election, then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.

D. Notice of a special election must be posted in at least three (3) public places.

4.01.060 Notice To File For Election.

A. Notice to File for Election shall be prepared and posted in three public places by the city clerk for thirty days preceding the date of the regular election, and shall contain the following:

1. Date of regular election;
 2. Offices to be filled;
 3. Time for filing declarations of candidacy and nominating petitions.
- B. A sample election notice that may be used is shown in the Appendix of Forms, 4-1.

4.01.070 Place of Holding Election. All municipal and special elections shall be held at the place designated by the city council in the notice of election.

4.01.080 Election Procedure. All elections of the city officers shall be nonpartisan. The council shall provide for:

- A. The filing of candidates for elective city offices;
- B. The printing and custody of ballots;
- C. The conduct of city elections;
- D. The counting and canvassing of ballots cast;
- E. The procedure for recounting of ballots cast in the event a recount is demanded;
- F. The declaration of results of elections;
- G. All other matter necessary for the holding of city elections

4.01.090 Candidates—Declaration of candidacy. All candidates for election to office of the city council shall file a declaration of candidacy at least twenty-one days prior to the municipal election to which such candidate seeks to be elected. No more than one municipal office may be filed for by any one candidate.

Declaration of Candidacy form is included in the Appendix of Forms, 4-2.

4.01.100 Publishing Names of Candidates. The city clerk shall cause to be posted in at least three public places in the city, at least fourteen days prior to the day of the election, the name of all candidates who have declared their candidacy as provided in this title. A sample Notices of Offices to be Filled that may be used is shown in the Appendix of Forms, 4-3.

4.01.110 Withdrawal of Candidates. Any candidate who has complied with the provisions of this chapter may at any time prior to the last day to file candidacy cause his name to be withdrawn by a writing to that effect, signed and acknowledged by him before the city clerk and by filing the same with the city clerk.

4.01.120 Notice of Death or withdrawal. If any candidate for office is provided in this chapter dies or withdraws before the day of election and the fact of his death becomes known to the satisfaction of the city clerk, the city clerk shall forthwith give notice by posting a certificate of that fact in a conspicuous place in the place of election.

4.01.130 Election Board. It shall be in the duty of the city council, at a regular meeting prior to the holding of any general or special election, to appoint from the qualified electors of the city, three judges of election, one of whom shall be designated

as chairman; and two alternates. The chairman so designated shall, in addition to his/her general duties as judge of election, have the power to administer all oaths that may be required in the progress of the election and perform the duties of chairman as prescribed in this chapter. In case one or more of the judges of election is unable to act, then the judges who are present and acting shall notify one or both of the alternates appointed by the city council. No candidate for election or current council member may serve as a member of the election board.

Chapter 4.02
ELECTION MATERIAL AND EQUIPMENT

Sections:

- 4.02.010 Ballots - Requirements
- 4.02.020 Other Materials
- 4.02.030 Ballots - Delivery to Polls - Ballot Box
- 4.02.040 Ballots - Printing, Sample Ballots
- 4.02.050 Furnishing Instruction Cards

4.02.010 Ballots—Requirements.

- A. The ballots shall state at the top whether the election is a regular or special election.
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure secrecy and to prevent fraud. The clerk shall assure that there is an adequate supply of ballots printed and numbered, in order to provide ballots for all voters, to provide replacement ballots for ballots that may be spoiled by voters and those persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be placed the words "vote for not more than three" or "vote for not more than one" or such other number (s) as there are to be elected.
- F. Under the title of each office and before the printed names of the candidates, there shall be printed "Vote for One" or such other number (s) as are to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office arranged under alphabetical order according to surnames, and by a blank line or lines for write-in candidates. In regular and special elections, the number of blank lines provided for each office, shall be equal to the number of persons who are to be elected to the office.
- G. The names of the candidates shall be printed in capital letters the same size. On each line on which the name of the candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side shall be printed.

H. The names of candidates shall be printed as they appear on the Declaration of Candidacy Form filed with the clerk, except that any honorary or assumed title or prefix shall be omitted.

I. Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon, if any. Provisions shall be made for marking the propositions or questions "Yes" or "No."

J. Somewhere on the ballot, so as to be clearly visible, will be printed the words:

1. "OFFICIAL BALLOT"
2. The date of the election; and
3. An example of the signature of the clerk who had the ballots

printed.

K. The sample ballot appearing in the Appendix of Forms illustrates the ballot format, 4-4.

4.02.020 Other Materials. At least five days prior to the day of the election the clerk shall prepare the following materials:

- A. An updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;
- B. A poll register in which voters may sign their names and in which the election official may note the number of ballot issued to the voter, Appendix of Forms, 4-5;
- C. Tally Sheet, Appendix of Forms, 4-6;
- D. A form for the Report of Preliminary Election Results, Appendix of Forms, 4-7;
- E. Envelopes bearing the Oath of Affidavit of Residency for questioned ballots.
- F. Two large envelopes for each polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballot", and.
- G. Copies of the Notice of Election and the municipality's elections ordinances.

4.02.030 Ballots—Delivery to Polls—Ballot Box.

Before receiving any ballots the election board must, in the presence of all persons present at the polling place, open and exhibit the ballot box to be used at the polling place. After showing the box, the box will be sealed and not opened again until the polls are finally closed. At the close of the polls and after deposit into the ballot box of all ballots properly voted upon, the ballot box will be personally opened by the election judges.

4.02.040 Ballots, Printing, Sample Ballots. In all municipal elections, the election supervisor will be responsible for the printing of the ballots. The ballots shall be printed and in the possession of the city clerk, at least fourteen days before the date set for a regular or special election. There shall be at least three ballots printed on colored paper, with the words, "SAMPLE BALLOT."

4.02.050 Furnishing Instruction Cards. The election supervisor shall prepare for each polling place instructions for the guidance of voters covering the following:

- A. How to obtain a ballot;
- B. How to mark a ballot;
- C. How to obtain additional information; and

D. How to obtain a new ballot to replace any ballot destroyed or spoiled. The election supervisor shall furnish a necessary number of these instruction sheets to the election judges in the voting place.

Chapter 4.03
Election Procedures

Sections:

4.03.010	Voting Booths
4.03.020	Distribution of Ballots
4.03.030	Distribution of Other Materials
4.03.040	Voting, General Procedure
4.03.050	Voting; Spoiled Ballots
4.03.060	Voting; Questioned Ballots
4.03.070	Assisting Voter by Judge
4.03.080	Administration of Oaths
4.03.090	Majority Decision of Election Board
4.03.100	Tie Votes
4.03.110	Hours of Opening and Closing of Polls
4.03.120	Poll List
4.03.130	Ballots: Counting and Tallying
4.03.140	Rules for Counting Ballots
4.03.150	Report of Election Results
4.03.160	Posting Certificate of Preliminary Election

4.03.010 Voting Booths. The election supervisor shall provide booths at each polling place, with enough supplies and materials to enable each voter to mark his/her ballot hidden from observation. At least three sides of each booth shall be within plain view of the judges and clerks, voters, and other persons at the polling place.

4.03.020 Distribution of Ballots.

A. Before the polls open on election day, the election supervisor shall deliver the official and sample ballots prepared pursuant to Election Materials and Supplies, to an election judge at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed for by the election board to whom the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.

B. The election supervisor shall keep the following records:

1. The number of ballots delivered to the polling place;
2. The time the ballots were delivered to the polling place;
3. The name of the persons to whom the ballots were delivered, and,
4. The receipt given for the ballots by the election board.

C. When the ballots are returned, the election supervisor shall record the following:

1. The number of ballots returned;

2. The time the ballots are returned;
3. The name of the person returning the ballots; and,
4. The condition of the ballots.

A sample Ballot Statement that may be used is shown in the Appendix of Forms, 4-8.

4.03.030 Distribution of Other Election Materials.

A. Before the polls open on election day, the election supervisor shall furnish the election board judges at each polling place voting booths and ballot boxes with locks or sealing materials; and the following materials; the updated Master Voter Registration List; a Poll Register; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election; the Municipality's elections ordinances; a sufficient number of instruction sheets; and a sufficient supply of pens, pencils, and envelopes. A sample Election Materials List that may be used is shown in the Appendix of Forms, 4-9.

B. The election supervisor shall supply the election board chairperson with tally sheets and forms for the Report of Preliminary Election Results.

4.03.040 Voting, General Procedure.

A. A voter shall give the judges or clerks his/her name, sign his/her name in the precinct register. The signing of the register is a declaration by the voter that he is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce state voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt as to whether the person is registered or qualified to vote, he/she shall immediately question the voter.

B. If the voter is not questioned, the judge or clerk shall give the voter a single ballot and note its number in the precinct register next to the voter's name. The voter shall then retire alone to a voting booth. There the voter without delay shall prepare his/her ballot by marking the boxes opposite the names of candidates of his/her choice, whether printed on the ballot or written by him/her on the blank lines provided for that purpose. The voter also marks the boxes to indicate his/her vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold his/her ballot in a manner displaying the number on the ballot and deliver it to one of the judges or clerks, who shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the judges and clerks. The voter shall then himself/herself in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his/her behalf. Separate ballot boxes may be used for separate ballots.

C. If a voter is questioned, the voter may cast a questioned ballot pursuant to Section 4.03.060.

4.03.050 Voting; Spoiled Ballots.

If a voter improperly marks or otherwise damages a ballot, and discovers his/her mistake before the ballot is placed in the ballot box, he/she shall return it to an election official, concealing from view the manner in which it is marked, and request a new ballot. The election official shall write the words "Spoiled Ballot" on the outside of the folded

ballot, record its number, and place it in an envelope with other spoiled ballots for return to the election supervisor. The judge or clerk shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than three (3) times.

4.03.060 Voting; Questioned Ballots.

A. Every election judge and election clerk shall question, and any other person qualified to vote in the Municipality 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 qualifications to vote shall be made in writing setting out the reason the person has been questioned.

B. If a voter's name is not on the Master Voter Registration List or a voter's eligibility to vote is questioned, or there is some other question regarding a voter's eligibility, and the voter believes that he/she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility 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. After the questioned person has executed the Oath and Affidavit of Eligibility, the person shall cast a questioned ballot. If the questioned person refuses to execute the Oath and Affidavit of Eligibility, the person shall not vote.

C. A voter who casts a questioned ballot shall vote his/her ballot in the same manner as prescribed for other voters. After the election judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement the voter previously signed is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, sealed in the questioned ballots envelope and delivered to the election supervisor along with other election materials and the ballot statement when the election board completes the tally and count of the ballots. The canvass committee at the first regular meeting following the election shall determine the merits of the questioned ballot.

4.03.070 Assisting Voter by Judge.

A qualified voter who cannot read, mark the ballot, or sign his/her name, or who because of blindness or other physical disability, or who because of unfamiliarity with the system of voting needs assistance, may request an election judge, a person, or not more than two persons of his/her choice to assist him/her. If the election judge is requested, he/she shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he/she shall not divulge the vote cast by the person whom he/she assists or change the voting wishes of the person he/she assists.

4.03.080 Administration of Oaths.

Any election judge shall administer to a voter any oath that is necessary in the administration of the election.

4.03.090 Majority of Decision of Election Board.

The decision of the majority of judges determines the action that the election board shall take regarding any question which arises during the course of the election.

4.03.100 Tie Votes. If two or more persons have the highest and an equal number of votes, the council shall give notice to these persons having the highest and equal number of votes to attend the council meeting held especially for this purpose. There shall be no run off. In the event of a tie vote, and after a recount of the ballots that confirms the tie vote, the council shall in its first meeting after the election call in the candidates receiving the tied votes and have the candidates draw straws or flip a coin to determine the winner, and a certificate of election shall be issued to the person thus declared elected. This provision exercises the discretionary statutory powers of the City of Anderson to prevent a run off election as would otherwise be required by AS 29.26.060.

4.03.110 Hours of Opening and Closing Polls.

A. At all elections held under the provisions of this chapter the polls shall be opened at seven a.m. and closed at eight p.m.

B. Fifteen minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce the time when the polls closed. When the polls are closed no ballots shall be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.

C. The normal voting place shall be the City Hall in Anderson and Rochester's Lodge. If for some reason beyond the control of the council, the location is unusable, the council shall by resolution designate a different location. Such location shall be included in all Notices of Election.

4.03.120 Poll List. The name of each elector whose ballot has been received shall be entered by one of the election judges on a poll list headed "Name of Voters," numbering each name as it is taken down so that it may be seen at any time whether the voter's registration form and the poll list agree.

4.03.130 Ballots; Counting and Tallying.

A. Immediately after the polls close and the last vote has been cast the election judges shall open the boxes containing the ballots and count the ballots. Ballots shall not be counted before 8:00 p.m. on the day of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public shall not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials shall handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.

B. The election board shall account for all ballots by completing a ballot statement containing (1) the number of ballots received; (2) the number of ballots voted; (3) the number of ballots spoiled; and (4) the number of ballots unused. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist

between the ballots received and those accounted for, it shall be explained in detail on the ballot statement and the explanation signed by the election judges.

C. The forms in the Appendix of Forms illustrate Tally Sheets and Ballot Statement forms that may be used, Forms 4-6 and 4-8.

4.03.140 Rules for Counting Ballots.

A. The election board shall count ballots according to the following rules.

1. A voter shall mark his/her 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 placed in the square opposite the name of the candidate the voter desires to designate.
2. A 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 candidates to that office shall not be counted.
5. The mark specified in subsections "A" (1), of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.
6. Improper marks on the ballot shall not be counted and shall not validate marks for candidates properly made.
7. An erasure or correction invalidates only that section of the ballot in which it appears.
8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.
9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written in as a write-in vote.
10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.

B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot shall not be counted unless marked in compliance with these rules.

C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection "A" of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.

D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion or portions of the ballot to which the objection applies.

E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots", which shall be delivered to the election supervisor.

4.03.150 Report of Election Results.

A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate, for and against each proposition, "yes" or "no" on each question, and any additional information the election board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the Report of Preliminary Election in a safe place and present it to the election review committee following the election when the committee meets.

B. The election supervisor shall place all election materials received from the election board in the office safe, or other lockable container until the canvass of election returns is held on the first regular meeting following the election. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates.

C. The chairman shall call the City Clerk immediately after the signing of the certificate, in the presence of the other election officials, and report the results of the election to the City Clerk. The Clerk shall repeat each election result to the chairman. In the event the items specified in "B" above are unavailable to the canvass committee, the affidavit of the Clerk as to the results telephoned in, and the affidavit of the chairman and other election officials present at the telephone conversation are presumptive evidence, absent fraud, as to the results.

4.03.160. Posting Certificate of Preliminary Election Results. The Clerk shall post copies of the Certificate of Preliminary Election Results in at three public places one of which shall be the City Hall the day after the preliminary election results are known. The notice shall include:

- A. The time and place of the council meeting to be convened to consider the election results;
- B. That the results do not reflect the votes of absentee and questioned ballots and are not final until the council formally certifies the election; and,
- C. That anyone has the opportunity to contest the election at the meeting

Chapter 4.04 ABSENTEE VOTING

Sections:

prepaid return envelope. The ballot provided to absentee voters shall be identical to the ballot prepared for regular voters.

B. The Clerk shall not issue an absentee ballot sooner than 30 days before the election.

C. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the Clerk shall enter in the blank register the following information: the number of the ballot issued, the name of the voter to whom it was issued, and the date on which the ballot was issued. Before the opening of the polls on Election Day the Clerk shall deliver to the election judges a list of the voters who have requested to vote absentee.

D. The Clerk may deliver an absentee ballot to a disabled person living within the City at any time until the polls close on Election Day.

E. To be counted, an absentee voter's ballot must be executed before the polls close in the City and be received by the Clerk prior to the time the ballots are canvassed by the election review committee.

4.04.050 Absentee Ballots; Delivery. Upon receipt of an application for an absent voter's ballot, the Clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with Alaska Statutes 15.07. If the applicant is properly registered, the Clerk shall deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, a ballot envelope and a return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter votes. The voter shall fold the ballot and seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the face of the return envelope and deliver it to the Clerk. The Clerk shall certify to the affidavit on the return envelope, write or stamp his name across its seal, and retain the envelope in his/her custody to be delivered to the canvass committee for canvassing.

4.04.060. Absentee Voting at Clerk's Office; Absentee Voter's Ballot. Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear at the office of the City Clerk, and there cast his/her ballot in the following manner: The voter first shall show the City Clerk that his/her ballot has not been marked, then shall secretly mark the ballot with a pen and ink or indelible pencil in the presence of the City Clerk, in such a manner that the City Clerk cannot see how it is marked. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the face of the return envelope, and deliver it, properly sealed, to the City Clerk. The City Clerk shall certify to the affidavit printed on the return envelope, write or stamp his name across its seal, and retain the envelope in custody to be delivered to the canvass committee for canvassing.

4.04.070 Absentee Ballots; Executing Outside Municipality. At any time on or before the day of the election, any voter issued an absentee ballot may appear before any person authorized by law to administer oaths, and in the presence of such office cast his/her ballot in the same manner he would cast it in the office of the City Clerk under this section. After writing or stamping his name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the City Clerk.

4.04.010	Absentee Voting; Eligible Persons
4.04.020	Absentee Ballots; Applications; Filing
4.04.030	Ballot and Envelope Form
4.04.040	Absentee Voting Procedure
4.04.050	Absentee Ballots; Delivery
4.04.060	Absentee Voting at Clerk's Office; Absentee Voter's Ballot
4.04.070	Absentee Ballots; Executing Outside Municipality
4.04.080	Voting at the Polls; Absentee Voters; Surrender of Materials
4.04.090	Retention of Absentee Ballots; Delivery
4.04.100	Liberal Construction

4.04.010 Absentee Voting; Eligible Persons. Any qualified voter, who expects to be absent from the city or who will be unable to vote by reason of physical disability on the day of any election, may cast an absentee ballot.

4.04.020 Absentee Ballots; Applications; Filing.

A. A person who seeks to vote by absentee ballot may file either in person or by mailing his/her written application to the City Clerk.

B. An application made by mail must be received by the Clerk not more than forty-five days, nor less than three days before the day of the election. An application made in person must be filed with the Clerk not more than forty-five days before the day of the election and no later than noon on the day preceding the election. The application must be signed by the applicant and show his/her place of residence.

C. Upon timely receipt of an application for an absentee ballot the Clerk shall file the application and then verify the residence of the applicant by any means the Clerk deems proper.

D. Nothing in this section is intended to limit the City Clerk from personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City Clerk's office for an absent voter's ballot. The City Clerk may deliver an absentee ballot to a disabled person living within the City at any time until the polls close on Election Day.

E. The form appearing in the Appendix of Forms illustrates this application, 4-10.

4.04.030 Ballot and Envelope Form. The ballot provided to absentee voters shall be identical to the ballots to be used on Election Day. The ballot envelope and the return envelope shall be of heavy opaque paper. The ballot envelope shall be marked "Ballot Envelope" and have no other marks upon it. The return envelope shall have printed upon its back the affidavit and certification as illustrated in the Appendix of Forms, 4-11.

4.04.040 Absentee Voting Procedure.

A. The Clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with this ordinance together with a ballot envelope and a

4.04.080 Voting at the Polls, Absentee Voters; Surrender of Materials. If a voter issued an absentee ballot returns to the City on election day, he/she shall not vote at the polling place unless he/she first surrenders to the election board the absentee ballot, ballot envelopes and return envelopes, which shall be returned to the election supervisor by the election board with other ballots not used at the polling place.

4.04.090 Retention of Absentee Ballots; Delivery. The City Clerk as election supervisor shall retain all absentee ballots received in the office until the time the Canvass Committee meets to canvass the election. At this time the Clerk shall deliver all absentee ballots received to the Canvass committee to be counted and included in the final vote tally of the election. Absentee ballots must be received by the time of the meeting to be counted.

4.04.100 Liberal Construction. This Chapter shall be liberally interpreted, so as to accomplish the purposes set forth.

Chapter 4.05 REVIEW OF ELECTION RETURNS

Sections:

4.05.010	Canvass Committee, Meeting, Postponing Canvass
4.05.020	Canvass to be Public
4.05.030	Procedure for Question Ballot Review
4.05.040	Questioned Ballots; Subpoenas
4.05.050	Absentee Ballots
4.05.060	Counting Absentee and Questioned Ballots
4.05.070	Defective Ballots
4.05.080	Canvass Committee, Report Contents
4.05.090	Certifying Results
4.05.100	Contest of Election
4.05.110	Certificate of Election
4.05.120	Retention of Election Records
4.05.130	Canvassing of Election Results
4.05.140	Tie Votes

4.05.010 Canvass Committee, Meeting, Postponing Canvass. The canvass committee will meet on or before the first regular meeting of the city council after the election and canvass all absentee and challenged ballots executed in the election.

4.05.020 Canvass to be Public.

A. The canvass of all absentee and challenged ballots will be made in public by opening the returned ballots, and announcing the results thereof in front of whomever may be present.

B. Absentee ballots shall be counted using the same procedure as 4.05.030. Procedure for questioned ballot review.

C. The canvass shall include a review and comparison of the tallies of the paper ballots with the precinct election certificates to correct any mathematical error in the count of paper ballots.

D. If the City Clerk finds an unexplained error in the tally of paper ballots in any precinct election tally, he/she may count the ballots from the precinct. The City Clerk shall certify in writing to the state canvass board any changes resulting from the count.

4.05.030 Procedure for Questioned Ballot Review.

A. The election supervisor shall contact the State Division of Elections and the local voter registrars prior to the first regular meeting following the election and determine if persons casting questioned ballots because of failure of their names to appear on the Master Voter Registration List were in fact registered to vote in state elections. The election supervisor shall record the names of those questioned voters in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures established herein.

B. The canvass committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the canvass committee may request the assistance of the Clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other municipal resident who has information useful to the canvass committee decision. If the canvass committee determines that the voter was eligible to vote, the oath and affidavit envelope shall be opened and the ballot removed. If the canvass committee upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.

A questioned ballot may not be counted if:

1. the voter has failed to properly execute the certificate;
2. an official authorized by law to attest the certificate failed to execute the certificate;
3. the voter did not enclose the marked ballot inside the small envelope.

C. Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The canvass committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (1) of this subsection.

D. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe or lockable container.

E. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots. The questioned ballots shall then one by one be removed from the ballot box, taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted.

4.05.040 Questioned Ballots; Subpoenas. The canvass committee may order testimony of witnesses and issue subpoenas while investigating questioned ballots. The subpoenas may be enforced by the court upon certification as provided by the state code of civil procedure concerning the enforcement of administrative and state agency subpoenas.

4.05.050 Absentee Ballots.

A. The canvass committee shall examine each absentee ballot return envelope. Upon the committee's satisfaction that:

1. the voter is registered to vote;
2. a resident of the City;
3. did so certify and cast his/her ballot before a person authorized by law to administer oaths, while person did so sign and seal; and,
4. the ballot was cast before the close of the polls in the City; the return envelope shall be opened and the blank envelope containing the absentee ballot shall be placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots.

B. If the canvass committee determines that a voter voting absentee was not in fact a qualified voter, or did not follow absentee voting procedures, the canvass committee by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened but rather the reasons for rejection shall be noted on the envelope. The election supervisor shall place all such rejected absentee ballots in an envelope marked "rejected absentee ballots" to be saved with other election materials. The election supervisor shall notify the voter in writing why his absentee ballot was rejected.

4.05.060 Counting Absentee and Questioned Ballots. The questioned ballots and absentee ballots shall then one by one be removed from the ballot box taken out of the ballot envelopes and counted by the canvass committee in the same manner in which ballots cast at the polls are counted.

4.05.070 Defective Ballots. Canvass committee members shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote.

4.05.080 Canvass Committee-Report-Contents. The canvass committee will submit a report of its findings on or before the first regular city council meeting following the election. The report will show:

1. The number of ballots cast in the election;
2. The names of the person voted for and the proposition voted upon;
3. The offices voted for;
4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;

5. A proposed disposition of all challenged, absentee, write-in, and voided ballots; and,
6. Other matters which the canvass committee may determine to be necessary.

4.05.090 Certifying Results. If no contest of election is begun after all absentee, defective and questioned ballots are counted or rejected the council shall:

- A. Certify a report that shows:
 1. The total number of ballots cast in the election;
 2. The names of the persons voted for (including write-ins) and the propositions voted upon;
 3. The offices voted for;
 4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
 5. The disposition of all absentee, questioned, and defective ballots; and,
 6. Any other matters which the assembly deems necessary to preserve a complete record of the election.
- B. Record the results of the election in the minutes of the meeting;
- C. Authorize the results to be certified;
- D. Publicly declare the results of the election.

4.05.100 Contest of Election. If a contest of election is declared and resolved, the procedures of Chapter 04.06 shall be followed at a special meeting held on or before the first Monday after resolution of the contest.

4.05.110. Certificate of Election.

A. Upon authorization of certification of the election results by the council the Clerk shall prepare two Certificates of Election for each office, proposition, or question considered. The certificates shall be signed by the Mayor and attested by the Clerk. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful question or proposition named thereon, and the other original of each certificate shall be kept by the Clerk.

B. The forms appearing in the Appendix of Forms illustrate the Certificate of Election, 4-12.

4.05.120 Retention of Election Records. The Clerk shall preserve all election certificates, tallies and registers for four years after the election. All ballots and stubs may be destroyed 30 days after the certification of the election unless an appeal of the election has been filed in the Superior Court in Fairbanks, in which case the ballots and stubs may be destroyed 30 days after conclusion of the appeal unless stayed by an order of the court.

4.05.130 Canvassing of Election Results. At the first regular meeting of the city council after the election, the returns thereof shall be canvassed by the city council and a written statement of such canvass shall be made and signed by the council president and attested by the city clerk; such written statement shall contain the whole number of

votes cast at such election, the number given for any person for any office and the names of the persons elected by the highest number of votes and to what office; provided, if two or more persons have the highest and an equal number of votes, the council shall give notice to these persons having the highest and equal number of votes to attend the council meeting held especially for this purpose. In the event of a tie vote, reference 4.05.140. That candidate receiving the greatest cast for his or her respective office shall be the winner. There shall be no run off. This provisions exercises the discretionary statutory powers of the City of Anderson to prevent a run off election as would otherwise be required by AS 29.26.060

4.05.140 Tie Votes: In the event of a tie vote, and after a recount of the ballots that confirms the tie vote, the council shall in its first meeting after the election call in the candidates receiving the tied votes and have the candidates draw straws or flip a coin to determine the winner, and a certificate of election shall be issued to the person thus declared elected. After such canvass and the filing of such statement the city clerk shall, within five days thereafter, make and sign a certificate of election for each person declared thereby elected, and shall deliver the same to him. A certificate of election is prima facie evidence of the facts therein contain.

Chapter 04.06 CONTEST OF ELECTIONS

Sections:

4.06.010	Contest of Elections; Contestant
4.06.020	Contest of Election; City Council
4.06.030	Ballot Recount
4.05.040	Prohibited Practices Alleged
4.06.050	Sustained Charges; Recount
4.06.060	Recounted Expenses; Appeal

4.06.010 Contest of Election; Contestant.

A. Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.

B. Any qualified voter who believes that prohibited practices occurred at an election may contest the election by:

1. Filing a written affidavit with the Clerk specifying with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct;

2. This affidavit must be filed with the Clerk before or during the first review of the ballots by the canvass committee following the election. The Clerk shall acknowledge the date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given the contestant.

3. The sample affidavit in the Appendix of Forms shows the form this affidavit should take, 4-13.

4.06.020. Contest of Election; Council. The Council may order an investigation or a recount of the ballots or declare the election, as to one or more offices or propositions or in its entirety, invalid, and order a new election; or declare the affidavit of election contest without merit and certify the results of the election.

4.06.030. Ballot Recount. If only a recount of ballots is demanded, the election board where the error allegedly occurred, shall recount the ballots.

4.06.040. Prohibited Practices Alleged. When the contestant alleges prohibited practices, the Council shall direct the Clerk to produce the original register books for the election.

4.06.050 Sustained Charges; Recount. If the charges alleged by the contestant are upheld, the canvass committee shall make a recount within twenty-four hours excluding any Saturday, Sunday or holiday. The recount shall proceed as rapidly as practicable, and the results thereof declared. The Clerk shall promptly issue another election certification if a change in the results require it. The Council shall then certify the correct election returns.

4.06.060. Recount Expenses; Appeal.

A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election, or the difference between the winning and losing vote on the result contested is more than two percent.

B. A person may appeal the decision of the Council in Section 4.06.020 to the Superior Court, however, no person may appeal or seek judicial review of a municipal election for any cause or reason unless the person is qualified to vote in the City, has exhausted his administrative remedies before the Council and has commenced, within 10 days after the Council has finally declared the election results, an action in the Superior Court. If no such action is commenced within the 10 day period, the election and election results shall be conclusive, final, and valid in all respects.

Chapter 04.07
INITIATIVE AND REFERENDUM PETITIONS

Sections:

4.07.010	Authority to Act
4.07.020	Application for Petition
4.07.030	Contents of Petition
4.07.040	Signature Requirements
4.07.050	Sufficiency of Petition

- 4.07.060 Protest
- 4.07.070 New Petition
- 4.07.080 Initiative Election
- 4.07.090 Referendum Election

4.07.010 Authority to Act. The voters of the City may propose and enact ordinances by the initiative and may approve or reject ordinances by the referendum.

4.07.020 Application for Petition.

A. An initiative or referendum is proposed by filing an application with the City Clerk containing the ordinance to be initiated or the ordinance to be referred and the name and address of a contact person and an alternate to whom all correspondence relating to the petition may be sent. An application shall be signed by at least 10 voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the signature of the sponsor to the Clerk. Within two weeks the Clerk shall certify the application if the Clerk finds that it is in proper form and that the matter:

1. does not concern one of the subjects listed in Art. XI, Sec. 7 of the Alaska Constitution; and
2. includes only a single subject; and
3. relates to a legislative rather than to an administrative matter; and
4. would be enforceable as a matter of law.

Otherwise, the application shall not be certified. If the application is not certified, a signer of the application may file a protest with the Mayor within seven (7) days after the contact person and alternate have been notified. The Mayor shall present the protest at the next regular meeting of the Council. The Council shall hear and decide the protest. If the application can still not be certified, a new application which corrects the deficiency may be submitted at any time.

B. A decision by the Clerk or the Council on an application for petition is subject to judicial review in the manner provided by law for reviewing the final action of an administrative agency.

4.07.030. Contents of Petition.

A. Within two weeks after certification of an application for an initiative or referendum petition, a petition shall be prepared by the City Clerk. Each copy of the petition shall contain:

1. a summary of the ordinance to be initiated or the ordinance to be referred;
2. the complete ordinance sought to be initiated or referred as submitted by the sponsors;
3. the date on which the petition is issued by the clerk;
4. notice that signatures must be secured within 90 days after the date the petition is issued;
5. spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;

6. a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
7. space for indicating the total number of signatures on the petition.

B. If a petition consists of more than one page, each page which contains signatures shall also contain the summary of the ordinance to be initiated or referred.

C. The Clerk shall notify the contact person in writing when the petition is available. The contact person is responsible for notifying sponsors. The Clerk shall provide copies of the petition to each sponsor who appears in the Clerk's office and requests a petition. The Clerk shall also mail a copy of the petition to each sponsor who requests in writing that the petition be mailed. The Clerk shall not issue a copy of the petition to any person who is not a sponsor. A petition is issued on the date on which the Clerk mails or delivers notice to the contact person that the petition is available.

4.07.040. Signature Requirements.

A. Only a sponsor may circulate a petition, and signatures must be affixed to a petition in the presence of a sponsor. The signatures on an initiative or referendum petition shall be secured within 90 days after the Clerk issues the petition. The statement provided under AS 29.26.120 (a) 6 above shall be signed and dated by the sponsor, and the sponsor's signature shall be notarized. Signatures shall be in ink or indelible pencil.

B. The Clerk shall determine the number of signatures required on a petition and inform the contact person in writing. A petition shall be signed by a number of registered City voters equal to 25% of the number of votes cast at the last regular City election held before the date written notice is mailed or delivered to the contact person that the petition is available. For purposes of this section, the incorporation election which created the City is a regular election.

C. Illegible signatures shall be rejected by the Clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.

D. A petition signer may withdraw his or her signature by giving written notice to the Clerk before certification of the petition.

4.07.050 Sufficiency of Petition.

A. All copies of an initiative or referendum petition shall be assembled and filed with the clerk at one time as a single instrument. Within two weeks after the date the petition is filed, the City Clerk shall:

1. certify on the petition whether it is sufficient; and
2. if the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

B. A petition that is insufficient may be supplemented with additional signatures obtained and filed with the Clerk before the 11th day after the date on which notice of rejection is mailed to the contact person.

C. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (B) of this section. Within two weeks after a supplementary

filing the Clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

4.07.060 Protest. If the City Clerk certifies that an initiative or referendum petition is insufficient, a signer of the petition may file a protest with the Mayor within seven days after the certification. The Mayor shall present the protest at the next regular meeting of the Council. The Council shall hear and decide the protest. The Council's decision is subject to judicial review in the manner provided by law for reviewing the final action of an administrative agency.

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

4.07.080 Initiative Election.

A. Unless substantially the same measure is adopted, when a petition seeks an initiative vote the Clerk shall submit the matter to the voters at a special election or regular election as determined by.

B. If the Council adopts substantially the same measure, the petition is void and the matter initiated may not be placed before the voters.

C. The ordinance initiated shall be published in full in the notice of the election, but may be summarized on the ballot to indicate clearly the proposal submitted.

D. If a majority of the votes cast on the question are in favor of the ordinance, it becomes effective 30 days after certification of the election, unless a different effective date is provided in the ordinance. If an initiative measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified.

4.07.090 Referendum Election.

A. Unless the ordinance is repealed, when a petition seeks a referendum vote the Clerk shall submit the matter to the voters at a special election or regular election as determined by of the Anderson City Municipal Code.

B. If a petition is certified before the effective date of the matter referred, the ordinance against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the Council may not enact an ordinance substantially similar to the suspended measure.

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

D. If a majority of the votes cast on the question favors the repeal of the matter referred, it is repealed upon certification of the election. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election. If a referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified.

Chapter 4.08
Election Violations

Sections:

4.08.010	Violations
4.08.020	Interfering with Secrecy of Ballot
4.08.030	Tampering with Ballots
4.08.040	Mutilation of Election Papers
4.08.050	Penalties

4.08.010 Violations. No election officer shall do any electioneering on Election Day. No person shall do any electioneering on Election Day in any polling place or any building in which an election is being held, or within fifty feet thereof, or obstruct the entrance thereto, or prevent free ingress or egress to or from such building. No person shall remove any ballot from the polling place before the closing of the polls. No elector shall receive any ballot from any other person than an election judge, nor shall any person other than an election judges deliver a ballot to an elector. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Any elector who does not vote any ballot delivered to him by the judges shall before leaving the polling place return the ballot to the judges. Whoever violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 4.08.050.

4.08.020 Interfering with Secrecy of Ballot. Any officer upon whom a duty is imposed by this chapter who discloses to any person the name of any candidate for whom any elector has voted, or gives any information by which it can be ascertained for whom any elector has voted, or any judge or other officer about the polls who does any electioneering on election day within any polling place before the closing of the polls, or any person who shall vote or attempt to vote more than once at the same election, or any person not qualified as an elector who votes or attempts to vote at any election held under the provisions of this chapter, knowing himself to be disqualified as an elector, or any person who shows his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his ballot, or any person (except the election judges) who shall receive from any voter the ballot prepared for voting, or any person who shall, contrary to the provisions of this chapter, ask another at a polling place for whom he intends to vote, or solicit the voter to show the same, or any person who prints or circulates or knowingly has in his possession any imitation of the official ballot, or any person other than an election judges who delivers any ballot to the election judges to be voted except the one he received from one of the election judges, or anyone who, contrary to the provisions of this chapter, places any mark upon or does anything to his or any official ballot by which it may afterwards be identified as the one voted by any particular individual shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 4.08.050.

4.08.030 Tampering with Ballots. Any election judges or any official upon whom a duty is imposed by this chapter who willfully disregards any of the provisions of this

chapter, or who negligently fails to enforce any of the provisions of this chapter, or who in the counting of the ballots or the returns thereof, willfully disregards any of the directions or requirements of this chapter, or any person who willfully or fraudulently alters or destroys any official ballots cast at any election or any of the returns of any fraudulent ballot, or any person who steals any of the ballots or returns, or willfully or fraudulently hinders or delays the delivery of any of the election returns to the city clerk, or willfully breaks open any of such sealed returns of any election shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 4.08.050.

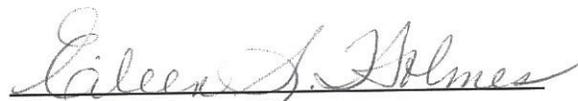
4.08.040 Mutilation of Election Papers. Any person who prior to or during any election willfully defaces, tears down, removes or destroys any list of candidates or other notices posted in accordance with the provisions of this chapter, or who, during an election, willfully defaces, tears down, removes or destroys any card of instructions posted for the instruction of voters, or who defaces, tears down, removes, alters or destroys any certificate of the result of the election, or who during an election, willfully removes or destroys any of the ballots, supplies or conveniences furnished to enable the voters to prepare their ballots, or who willfully breaks the seals or opens any of the sealed packages containing any of the supplies for the election, contrary to the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 4.08.050.

4.08.050 Penalties. Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars, and upon conviction of a second or subsequent offense shall be fined not less than one thousand dollars not more than two thousand dollars or imprisoned in jail for not more than ten days or both such fine and imprisonment at the discretion of the magistrate and shall pay the costs of prosecution.

Section 4. Effective Date. This ordinance becomes effective on June 5, 2003.

Introduction and First Reading	February 6, 2003
Public Hearing	March 6, 2003
2nd Reading	March 6, 2003
3rd Reading	April 3, 2003
4th Reading	May 8, 2003
Fifth and Adoption	June 5, 2003

ADOPTED AND ORDAINED THIS 5TH DAY OF JUNE 2003 AT ANDERSON, ALASKA,
A QUORUM PRESENT.


Eileen S. Holmes, Mayor

A.T.T.E.S.T.

Nancy E. Hollis
Nancy E. Hollis, City Clerk

