

TITLE 4
ELECTIONS^{1/}

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^{1/} See AS 15 for state election provisions generally; see AS 29.26.010 et seq. as to municipal elections, initiative, referendum and recall.

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Editor's Note: Ord. 82-2, ratified by the electorate on 10/6/81, exempted the City from the provisions of AS 39.50.

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Chapter 4.05 -- City Elections--In General

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- 4.05.010 Administration of elections.
- 4.05.015 Voter qualification.
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4.05.010 Administration of elections.^{1/} The city council shall prescribe the general rules for conducting city elections. (Ord. 77-01 (part), 1977)

4.05.015 Voter qualification.^{2/} A person may vote only if he is qualified to vote in state elections and has been a resident of the city for 30 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. (Ord. 77-01 (part), 1977)

4.05.020 General election--Time.^{3/} On the first Tuesday of October of each year a general election will be held in the city, for the purpose of filling vacant city offices. The determination of other matters may be placed on the ballot. (Ord. 77-01 (part), 1977)

4.05.025 Special election--Time. The city council, by resolution, may order that a special election be held. (Ord. 77-01 (part), 1977)

4.05.030 Expenses. The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, and any wages due judges and clerks. Salaries for the election judges and clerks shall be set by the council. However, all expenses of a recount

^{1/} See AS 29.26.010 for authority.

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2/ See AS 29.26.050 as to state law governing voter qualifications for municipal elections.

3/ See AS 29.26.040.

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shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount. If the recount is requested by voters, each of them shall be individually liable for the total amount of such expenses. (Ord. 77-01 (part), 1977)

4.05.035 Time off for voting. Any qualified voter who does not have time to vote at any city and borough, state or national election may, without loss of pay, take off working time that will enable him to vote. (Ord. 77-01 (part), 1977)

4.05.040 Majority elections.^{1/} If no candidate receives in excess of 40 percent of the votes cast for his respective office, the council shall hold a runoff election between the two candidates receiving the greatest number of votes for the office. Notice of a runoff election shall be published at least five days before the election. (Ord. 77-01 (part), 1977)

^{1/} See AS 29.26.060 as to state law governing municipal runoff elections.

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Chapter 4.10 -- Election Officials

Sections:

- 4.10.010 Election duties of city clerk--In general.**
- 4.10.015 Election judges and clerks.**
- 4.10.020 Filling vacancies in election board.**
- 4.10.025 Election officials--Oath.**
- 4.10.030 Canvass committee.**

4.10.010 Election duties of city clerk--In general. The city clerk or his designee will perform the duties necessary for the administration of city elections. The election duties of the city clerk include, among other duties, obtaining from the State of Alaska a list of voters registered in accordance with AS 15.07.125 The clerk may publish notices urging voter registration and may cooperate with the State of Alaska in encouraging city residents to register. (Ord. 77-01 (part), 1977)

4.10.015 Election judges and clerks.^{1/} A. Before each city election, the council shall appoint three judges for each city polling place to constitute the election board for each city polling place. One judge in each polling place shall be designated chairman by the council and shall be responsible for the election in that polling place. The city clerk may appoint up to three additional election clerks at any polling place when necessary to facilitate the orderly conduct of the election or to relieve the judges or clerks of undue hardship.

B. Each judge or clerk must be a qualified voter of the city. (Ord. 77-01 (part), 1977)

4.10.020 Filling vacancies in election board. If an appointed judge or clerk fails to appear and subscribe to the oath on election day or becomes unable to work during the time of the election or canvass, the election board members present shall elect, by a majority voice vote, a qualified voter to fill the vacancy. (Ord. 77-01 (part), 1977)

4.10.025 Election officials--Oath. The city clerk will choose an election judge from each polling place to appear before the city clerk and take the oath set out in this section.

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1/ See AS 29.26.010 as to appointment and composition of municipal election board.

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This election official will administer the same oath to all other election judges and clerks at his polling place. The oath will be as follows: "I do solemnly swear that I will honestly and faithfully perform the duties of election. All of this I will perform to the best of my ability, so help me God." (Ord. 77-01 (part), 1977)

4.10.030 Canvass committee. The council shall serve as a canvass committee which will canvass all votes after the election judges have completed their tally of votes. (Ord. 77-01 (part), 1977)

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Chapter 4.15 -- Candidates--Nominations^{1/}

Sections:

- 4.15.010 Candidates--Qualifications.**
- 4.15.015 Declaration of candidacy--Form and filing.**
- 4.15.020 Declaration of candidacy--Time for filing.**
- 4.15.025 Declaration of candidacy--Record.**
- 4.15.030 Declaration of candidacy--Time for withdrawing candidacy.**

4.15.010 Candidates--Qualifications.^{2/} No person shall hold any elective city office or be eligible to seek election to any elective office, unless he is a qualified voter of the city. (Ord. 77-01 (part), 1977)

4.15.015 Declaration of candidacy--Form and filing. A person who wishes to become a candidate for an elected office, shall complete and file a declaration of candidacy. The declaration shall be completed under oath before the city clerk and on a form provided by the city clerk. The declaration shall state definitely:

1. the full name of the candidate and the manner in which he wishes his name to appear on the ballot;
2. the full residence address of the candidate;
3. the full mailing address of the candidate;
4. the office for which the candidate declares;
5. that the candidate is a qualified voter and resident of the city;
6. that the candidate agrees to serve if elected to the office of councilmember for a term of three years. (Ord. 77-01 (part), 1977)

4.15.020 Declaration of candidacy--Time for filing. A declaration of candidacy shall be filed with the city clerk not later than 30 days before the election. (Ord. 77-01 (part), 1977)

^{1/} See AS 29.26.020 as to state law governing the nomination of elected municipal officials.

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2/ See AS 20.20.130 - .150, AS 29.20.230 - .240, and §§ 2.10.110 - .125 as to required election, terms and qualifications for mayor and council.

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4.15.025 Declaration of candidacy--Record. The city clerk will maintain a record containing the name and address of every person who filed a declaration of candidacy and also the date and time of the filing. (Ord. 77-01 (part), 1977)

4.15.030 Declaration of candidacy--Time for withdrawing candidacy. A candidate may withdraw his declaration of candidacy through the last day for filing declarations, by submitting a written notice of withdrawal with the city clerk. (Ord. 77-01 (part), 1977)

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Chapter 4.20 -- Notice of Elections^{1/}

Sections:

4.20.010 Notice of election.

4.20.015 Contents of election notice.

4.20.010 Notice of election. The city clerk shall give at least 30 days' notice of each general election and 20 days' notice of each special election by posting notice in three places within the city; if the city has precincts in two or more places, in each voting precinct of the city. (Ord. 77-01 (part), 1977)

4.20.015 Contents of election notice. Notices for general or special elections must contain the following:

1. the date of the election;
2. the offices to be filled or the propositions to be voted upon;
3. the time the polling places will open and close;
4. the location of city polling places;
5. the procedure for declaring candidacy; and
6. whether the election is general or special. (Ord. 77-01 (part), 1977)

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^{1/} See AS 29.26.030 as to state law requiring at least 20 days' notice of an election.

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Chapter 4.25 -- Election Equipment

Sections:

- 4.25.010 Election booths.**
- 4.25.015 Furnishing instruction cards.**
- 4.25.020 Ballots--Printing and inspection.**
- 4.25.025 Ballots--Form.**
- 4.25.030 Sample ballots.**
- 4.25.035 Registration index and original register--
Distribution to precinct officials.**

4.25.010 Election booths. The city clerk shall provide booths at each polling place with enough supplies and materials to enable each voter to mark his ballot hidden from observation. At least three sides of each booth shall be placed outside the voting booths within plain view of the judges and clerks, voters, and other persons at the polling place. (Ord. 77-01 (part), 1977)

4.25.015 Furnishing instruction cards. A. The city clerk will furnish to each election board instructions for the guidance of voters covering the following:

1. how to obtain ballots;
2. the manner for marking them;
3. the method for obtaining information; and
4. how to obtain a new ballot to replace any ballot destroyed or spoiled.

B. The clerk will furnish a necessary number of these instruction sheets to the election judges in each voting place. (Ord. 77-01 (part), 1977)

4.25.020 Ballots--Printing and inspection. In all city elections, the city clerk will be responsible for the printing of ballots. The ballots will be printed and in the possession of the city clerk, at least five days before the election and available for inspection by the candidates or the public. (Ord. 77-01 (part), 1977)

4.25.025 Ballots--Form. A. A ballot shall show the list of candidates and issues to be decided at the election.

B. Before the list of candidates for each office there will be placed the words "vote for not more than three", or "vote for not more than one", or such other number as are to be elected.

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C. Under the title of each office and below the printed names of the candidates, there will be printed the number of candidates to be elected to the office.

D. 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.

E. The ballots will be printed on plain white paper and numbered in consecutive order. The names of the candidates will be printed in capital letters the same size. On each line on which the name of a 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 will be printed.

F. The names of candidates shall be printed as they appear upon the petitions filed with the city clerk, except that any honorary or assumed title or prefix shall be omitted.

G. Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words "Yes" and "No" shall be placed below the statement of each proposition and question. (Ord. 77-01 (part), 1977)

4.25.030 Sample ballots. The city clerk will have a number of sample ballots printed. The sample ballots will be printed on non-white paper and clearly labeled as a "sample ballot." Sample ballots will be delivered to the election board in each voting place. (Ord. 77-01 (part), 1977)

**4.25.035 Registration index and original register--
Distribution to precinct officials.** Prior to the opening of the polls, the city clerk shall deliver a registration list, and an original register to the election officials in every voting place. The original register will provide enough space to allow voters to sign their name and enter their address. A record shall be kept in the original register of the names of persons who offer to vote but are refused, and a brief statement of basis for being refused the right to vote. The signing of the register is a declaration by the voter that he is qualified to vote. (Ord. 77-01 (part), 1977)

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Chapter 4.30 -- Election Procedures

Sections:

- 4.30.010 Time for opening and closing polls.
- 4.30.015 Distribution of ballots.
- 4.30.020 Preparation of a ballot box.
- 4.30.025 Voting procedure.
- 4.30.030 Marking of ballots by voters.
- 4.30.035 Challenging voters.
- 4.30.040 Questioning a voter's ballot.
- 4.30.045 Challenged ballots--Disposition.
- 4.30.050 Ballots--Counting and tallying.
- 4.30.055 Defective and unused ballots.
- 4.30.060 Election certificate.
- 4.30.065 Majority decision of election board.
- 4.30.070 Prohibitions near election polls.

4.30.010 Time for opening and closing polls. A. On the day of any election, each election board shall open the polls for voting at 8 A.M., shall close the polls for voting at 8 P.M., and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 A.M. of an election day.

B. Fifteen minutes before the closing of the polls, a judge or clerk shall announce to all persons present the time remaining before the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed. (Ord. 77-01 (part), 1977)

4.30.015 Distribution of ballots. A. The city clerk shall deliver the ballots to the election board before the polls are opened on election day. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of it. A receipt for each package shall be taken from the election board to which it is delivered, and saved by the city clerk. No ballots shall be taken from the polling place before the closing of the polls.

B. The clerk shall keep the following records:

1. the number of ballots delivered to the various polling places;
2. the name of the persons to whom the ballots are delivered; and

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3. the time the ballots are delivered.

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

1. the number of the ballots returned;
2. the time when the ballots are returned;
3. the name of the person returning the ballots;
4. the condition of the ballots. (Ord. 77-01 (part),

1977)

4.30.020 Preparation of 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. (Ord. 77-01 (part), 1977)

4.30.025 Voting procedure. A. A voter shall give the judges and clerks his name, and write his name and residence on the first available line of the registration book. If any judge or clerk present believes the voter is not identifiable, he immediately shall challenge the voter.

B. If the voter is not challenged, he shall be given one ballot and shall retire alone to a voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for the purpose. The voter also marks the boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or clerks, who shall tear the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by the judges and clerks.

C. A voter who by accident or mistake spoils his ballot shall, upon returning the spoiled ballot to the judges and clerks, be given another ballot. A voter who is blind or otherwise incapable of marking his ballot shall be assisted in doing so by a judge or clerk if he requests such assistance. (Ord. 77-01 (part), 1977)

4.30.030 Marking of ballots by voters. A. A voter may mark his ballot only by the use of crossmarks, "X" marks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.

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B. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

C. 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.

D. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

E. The mark shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

F. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates made properly.

G. An erasure or correction invalidates only that section of the ballot in which it appears.

H. Write-in votes are not invalidated by writing in the name of a 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.

I. 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. (Ord. 77-01 (part), 1977)

4.30.035 Challenging voters. An election judge and election clerk shall challenge, or other qualified voter in the city may challenge a person attempting to vote if the challenger has good reason to believe that the challenged person is not qualified to vote. All challenges shall be made in writing explaining the reason for the challenge. Before voting, a challenged person shall take an oath and sign an affidavit provided by the city clerk attesting to the fact he meets all the qualifications of a voter; that he is not disqualified, and that he has not already voted at the same election. He shall also state the place from which he came immediately before living in the city and the length of time of his residence in the former place. After the challenged person has taken the oath and signed the affidavit, the person may vote. If the challenged person refuses to take the oath or sign the affidavit, the person may not vote. (Ord. 77-01 (part), 1977)

4.30.040 Questioning a voter's ballot. If his registration is in question, a voter shall be allowed to vote and any election official shall consider the ballot a questioned ballot. (Ord. 77-01 (part), 1977)

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4.30.045 Challenged ballots--Disposition. After a challenged or questioned voter has cast his ballot, the challenged voter will insert the ballot into a small blank envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope shall be sealed and inserted into a larger envelope. The envelope will be delivered to the city clerk. The city clerk will present these materials to the canvass committee and assist the canvass committee in determining the validity of the challenge. (Ord. 77-01 (part), 1977)

4.30.050 Ballots--Counting and tallying. A. Immediately after the polls close and the last vote has been cast, the election judges will open the boxes containing the ballots. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the original registry. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the registration book, the ballots shall be recounted until the election board finds that there is an unexplained error or that the number of ballots cast matches the number of ballots indicated by the registration tally. If a discrepancy is determined to exist between the number of votes cast and the registration tally, it shall be explained in detail on the tally paper or papers, and the explanation shall be signed by the election judges.

B. 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 may 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 may 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 issue. 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. (Ord. 77-01 (part), 1977)

4.30.055 Defective and unused ballots. If a voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his ballot any voter's choice for any office to be filled, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot

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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. Ballots not counted shall be marked "Defective" on the back, and ballots to which objection has been made shall be marked "Objected To" on the back. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with the label: "defective and objected ballots." All ballots not voted on and all ballots spoiled by voters shall be returned by the judges to the city clerk, who shall give a receipt for them and keep a record of the number and condition of ballots returned to him, indicating when and by which judge each was returned. (Ord. 77-01 (part), 1977)

4.30.060 Election certificate. After the votes are announced and counted, a certificate will be drawn stating the number of votes each person has received, and designating the office for which he has run. The poll lists and tallies will be attached to the certificate. The certificate will be signed by the election judges. The registration index, original register, tallies or tally papers, oath of judges, oaths of voters, other papers, and the certificate will be placed in an envelope. The envelope will be marked "election returns" and delivered to the city clerk. (Ord. 77-01 (part), 1977)

4.30.065 Majority 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. (Ord. 77-01 (part), 1977)

4.30.070 Prohibitions near election polls. During the hours the polls are open, no person who is in the polling place or within 100 feet of any entrance to the polling place, may attempt to persuade a person to vote for or against a candidate, proposition or question. (Ord. 77-01 (part), 1977)

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Chapter 4.35 -- Canvassing of Election Returns

Sections:

- 4.35.010 Canvass committee--Meeting--Postponing canvass.
- 4.35.015 Canvass procedure.
- 4.35.020 Investigation of challenged ballots.
- 4.35.025 Challenged ballots--Subpoenas.
- 4.35.030 Canvass committee--Report--Contents.
- 4.35.035 Determination of tie votes.
- 4.35.040 Results of election--Public declaration.
- 4.35.045 Certificate of election.

4.35.010 Canvass committee--Meeting--Postponing canvass.^{1/}

The canvass committee will meet on the first Friday after the election and canvass all absentee and challenged ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three days in total. (Ord. 77-01 (part), 1977)

4.35.015 Canvass procedure.

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

B. Absentee ballots shall be counted by the city clerk and two or more assistants in the following manner: All ballot envelopes shall be removed from return envelopes, and placed in a ballot box. The return envelopes shall be delivered to the city clerk. The absentee ballots shall 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.

C. The canvass shall include a review and comparison of the tallies of paper ballots with the 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, he may count the ballots from the ballot box. (Ord. 77-01 (part), 1977)

4.35.020 Investigation of challenged ballots.

The canvass committee may request the assistance of the city clerk or the mayor to investigate the challenges made. Any city elector may

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1/ See § 6.02.030 as to council as canvass committee.

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appear to give testimony concerning the challenged ballots. The canvass committee will deliver the challenged ballots to the council and submit a report of their finding. The council may accept or reject a challenge. If a challenge is upheld, the ballot challenged will not be opened and counted, but will be saved as are other ballots. If a challenge is rejected, the ballot will be counted with the absentee ballots. The city clerk will notify a voter whose ballot is not counted that the challenge against him was upheld. (Ord. 77-01 (part), 1977)

4.35.025 Challenged ballots--Subpoenas. The council may order testimony of witnesses and issue subpoenas while investigating challenged ballots. The subpoenas may be enforced by the court upon certification as provided by the state rules of civil procedure concerning the enforcement of administrative and state agency subpoenas. (Ord. 77-01 (part), 1977)

4.35.030 Canvass committee--Report--Contents. The canvass committee will submit a report of its findings to the council before noon of the Monday following the election. The report will show:

1. the number of ballots cast in the election;
2. the names of the persons voted for 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. a proposed disposition of all challenged, absentee, write-in, questioned and voided ballots; and
6. other matters which the canvass committee may determine to be necessary. (Ord. 77-01 (part), 1977)

4.35.035 Determination of tie votes. If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the mayor shall notify the candidates who are tied. The mayor shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the mayor shall so certify. (Ord. 77-01 (part), 1977)

4.35.040 Results of election--Public declaration. A. If a contest is not begun under the provisions of § 4.45.010, the result of the election shall be publicly declared by the council and entered in the minutes of a special meeting of the council on the first Monday following the election.

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B. If a contest is declared and resolved, the result of the election shall be publicly declared by the council and entered in the minutes of a special meeting of the council within a week after the contest is resolved. (Ord. 77-01 (part), 1977)

4.35.045 Certificate of election. The city council will authorize the city clerk to make and deliver a certificate of election to every person elected. The certificate of election will be signed by the mayor and clerk. It shall display the corporate seal of the city. (Ord. 77-01 (part), 1977)

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Chapter 4.40 -- Absentee Voting

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- 4.40.010 Absentee voting--Eligible persons.
- 4.40.015 Absentee ballots--Application-Filing.
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- 4.40.025 Notation of ballot number and date of application.
- 4.40.030 Completion and return of absentee ballots.
- 4.40.035 Absentee voting at clerk's office-- Surrender of absentee voter's ballot.
- 4.40.040 Absentee ballots--Executing outside city.
- 4.40.045 Absentee ballots--Receipt.
- 4.40.050 Absentee ballots--Voting supplies.
- 4.40.055 Liberal construction.

4.40.010 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. (Ord. 77-01 (part), 1977)

4.40.015 Absentee ballots--Application-Filing. A. A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the city clerk.

B. An application made by mail must be received by the city clerk not more than 20 days, nor less than three days before a city election. An application made in person must be filed with the city clerk not more than 15 days before the city election, and no later than noon on the day before a city election.

C. The application must be signed by the applicant and show his place of residence.

D. Nothing in this section is intended to limit the city clerk in 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. (Ord. 77-01 (part), 1977)

4.40.020 Absentee ballots--Delivery. Upon receipt of an application for an absentee voter's ballot, the clerk will check the latest state registration listings to determine whether the applicant is registered in accordance with AS 15.07. If the applicant is properly registered, the clerk will deliver to the

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applicant, personally or by mailing to the address given by the
applicant, an official ballot for the election, an

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identification envelope and a return envelope. If the absentee voter's ballot is personally delivered, it shall be completed before the clerk at the time of delivery. No absent voter's ballot will be mailed to a voter who resides within the city's boundaries. (Ord. 77-01 (part), 1977)

4.40.025 Notation of ballot number and date of application.

Upon personal delivery or the mailing of absent voter's ballot, the clerk will enter on the space provided in the voter registration index, the number of the ballot and the date the ballot was delivered or mailed. Before the election, the clerk will send the election judges a list of voters who have voted absentee. (Ord. 77-01 (part), 1977)

4.40.030 Completion and return of absentee ballots.

The identification envelope and return envelope provided to the voter will be of a form, size and weight as determined by the city clerk. The identification envelope will have printed on its face an affidavit as follows:

"IDENTIFICATION ENVELOPE"

State of Alaska)
) ss:

I _____ state that I am a resident of
and a voter in the City of King Cove, Alaska, and I
hereby enclose my ballot.

VOTER _____

(SEAL)

Residence address within the city

SUBSCRIBED AND SWORN before me, this ____ day of _____,
19__, at ____ M. (note time zone). I hereby certify
that in my presence this affiant enclosed a ballot and
handed me this envelope sealed; that he signed this
affidavit and I acknowledged his signature and
affidavit, all in accordance with the law.

Official's Signature

(SEAL)

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Title of Officer

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§ 4.40.035

§ 4.40.040

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the city clerk of the City of King Cove, you must immediately return it by mail, postage prepaid, to: City Clerk, P. O. Box 37, King Cove, Alaska 99612.

MARKED BALLOT ENCLOSED
TO BE OPENED ONLY BY CANVASSING COMMITTEE

(Ord. 77-01 (part), 1977)

4.40.035 Absentee voting at clerk's office--Surrender of absentee voter's ballot. A. A voter who receives an absentee voter's ballot may, on any day prior to the day of the election, appear at the office of the city clerk, and execute his ballot in the following manner:

1. The voter will first display the ballot to the clerk to show that the ballot has not been previously marked. He then will proceed to mark the ballot in the voting booth at the clerk's office. The voter will place the ballot in the envelope provided to him in a manner that permits the clerk to see the number of the ballot. The voter will then hand the envelope to the clerk, who will examine it. If the clerk determines that the ballot is numbered correctly, he will tear the printed number off and permit the voter to enclose the ballot in the identification envelope.

2. The voter will then make out and swear to the affidavit printed on the face of the envelope. He will seal the envelope and deliver it to the clerk.

3. The clerk will certify the affidavit printed on the identification envelope by writing or stamping his name across the seal. The clerk will deposit the envelope in a safe place in his office, to be kept by him and delivered to the canvassing committee.

B. If an absentee voter returns to the city on election day, he will not be allowed to vote unless he surrenders the absentee voter's ballot and any other supplies mailed to him. (Ord. 77-01 (part), 1977)

4.40.040 Absentee ballots--Executing outside city. After receiving an absentee voter's ballot, the voter may appear on any day prior to and including the day of election, before a notary public, clerk or officer of any city, state, territory or district within the United States. Before the officer he may complete his ballot as set out in § 4.40.035. (Ord. 77-01 (part), 1977)

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§ 4.40.055

4.40.045 Absentee ballots--Receipt. 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 canvassing committee. (Ord. 77-01 (part), 1977)

4.40.050 Absentee ballots--Voting supplies. All supplies necessary for the voter to cast and return his ballot will be furnished by the clerk. No city official may make any charge for services rendered to any voter under the provisions of this chapter. (Ord. 77-01 (part), 1977)

4.40.055 Liberal construction. This chapter will be liberally interpreted, so as to accomplish the purposes set forth. (Ord. 77-01 (part), 1977)

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§ 4.45.010

§ 4.45.010

Chapter 4.45 -- Contest of Election^{1/}

Sections:

- 4.45.010 Contest of election.**
- 4.45.015 Recount expenses--Appeal.**
- 4.45.020 Contest of election--Investigation.**
- 4.45.025 Ballot recount.**
- 4.45.030 Prohibited practices alleged.**
- 4.45.035 Sustained charges--Recount.**

4.45.010 Contest of election. A. Any candidate or any 10 qualified voters may contest the election of any person and the approval or rejection of any question or proposition.

B. A candidate or elector who believes that prohibited practices occurred at an election will appear before the council at the special council meeting held on the first Monday following the election. He will deliver a sworn written notice of contest which will state with particularity the provisions of the laws which he believes were violated and the specific acts he believes to be misconduct. A notice shall read:

"NOTICE OF ELECTION CONTEST"

The undersigned believes that prohibited practices occurred at the election held on

The undersigned states that the following laws were violated:

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1/ See AS 29.26.070 as to state law governing municipal election contest and appeal procedures.

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§ 4.45.015

§ 4.45.030

The undersigned states that the above provisions of the law were violated in the following manner:

Signature of Person Contesting

SUBSCRIBED AND SWORN to before me, this ____ day of _____, 19__.

Notary Public in and for Alaska
My Commission Expires: _____

(Ord. 77-01 (part), 1977)

4.45.015 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 a losing vote on the result contested is more than two percent.

B. No person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the city, has exhausted his administrative remedies before the city council and has commenced, within 10 days after the council has finally declared the election results, an action in the superior court in the city's judicial district. 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. (Ord. 77-01 (part), 1977)

4.45.020 Contest of election--Investigation. The city council will order an investigation to be made by the city clerk and/or the mayor if a notice of contest is received. Investigation proceedings will be public. (Ord. 77-01 (part), 1977)

4.45.025 Ballot recount. If only a recount of ballots is demanded, the election board where the error allegedly occurred shall recount the ballots. (Ord. 77-01 (part), 1977)

4.45.030 Prohibited practices alleged. When the contestant alleges prohibited practices, the council will direct the city

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clerk to produce the original register books for the election.
(Ord. 77-01 (part), 1977)

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4.45.035 Sustained charges--Recount. If the charges alleged by the contestant are upheld, the canvassing committee will make a recount and report immediately to the council. The council will then certify the correct election returns as provided at § 4.35.040 B. (Ord. 77-01 (part), 1977)