

TITLE II

ELECTIONS

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CHAPTER 2.05

ADMINISTRATION OF ELECTIONS

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2.05.010 Clerk to Administer City Elections: The City Clerk; in accordance with the provisions of this chapter, shall administer all city elections.

2.05.020 Qualifications of Voters: A person is qualified to vote whom:

(a) is a citizen of the United States;

(b) has passed his or her eighteenth (18) birthday;

(c) has been a resident of the State and of the Municipality in which he or she seeks to vote for at least thirty (30) days preceding the election;

(d) has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction; and

(e) is not disqualified under Article V of the State Constitution, or if disqualified, has had his or her rights restored.

State voter registration is prima facie evidence of a voter's qualification, but every election official shall question, and every watcher and other person qualified to vote in the precinct may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified under AS 15.05. If the voter's polling place is in question, a voter shall be allowed to vote, and any Election Official shall consider the ballot as a questioned ballot.

A person who frivolously, maliciously or in bad faith challenges a voter or questions a voter's ballot is guilty of a misdemeanor.

2.05.025 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 a residence solely by reason of presence nor may they lose it solely by reason of absence while in the civil or military service of the State or of the United States, or of absence because of marriage to a person engaged in the civil or military service of the State or United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the State, of the United States or of the 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 the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one place, but does business in another, the former is the place of residence. Temporary construction camps do not constitute a dwelling place.

(c) A change of 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 residence if that person leaves 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 City without the present intention to establish a permanent dwelling in the City.

(f) A person loses voting residence in the City if the person votes in an election of another City or State, either in person or by absentee ballot, and will not be eligible to vote in this City's Municipal elections until that person again qualifies under this chapter.

(g) The term of residence is computed by including the day on which the person's residence begins and excludes the day of the election.

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

2.05.030 Time of Election:

(a) Regular elections shall be held on the first Tuesday of October each year. Any candidate receiving the majority of the votes cast for that respective office shall be declared the winning candidate.

(b) All elected officials of the City, including members of all elected boards and commissions, shall be elected at the regular election in such years as their respective terms of office shall expire.

(c) The polls shall be open in each precinct for the purposes of voting from 8:00 a.m. to 8:00 p.m. on each Election Day.

2.05.040 Notice of Elections: The Clerk shall post a notice of each regular election in three (3) public places or publish at least twice in one or more newspapers of general circulation in the municipality, prior to the election. For special elections, the first such publication is to be accomplished at least twenty (20) days prior to the election. For runoff elections, notice shall be given at least five (5) days before the election. The Clerk shall give such other notice to the public as may be required by the laws of the State of Alaska or by resolution of the Council. Each notice of election shall include:

- (a) The type of election, regular, special or runoff;
- (b) The date of the election;
- (c) The hours the polls will be open;
- (d) The offices to which candidates are to be elected;
- (e) The subjects of propositions to be voted upon;
- (f) Voter qualifications and instructions for registration;
- (g) Instructions for application for absentee voting; and

(h) A reference to the Alaska Administrative Code (or Regulations) for legal description of precincts.

2.05.050 Precincts and Polling Places:

(a) The precincts established by the Lieutenant Governor and set forth in the Alaska Administrative Code shall be the precincts for all city elections. The Clerk shall secure a polling place within each precinct, if possible, for all city elections. Unless otherwise posted, the polls will be located at the Delta Junction Community Center.

(b) No later than twenty (20) days before each regular and special election the Clerk shall publish, in one or more newspapers of general circulation in the city, the locations of the

precinct polling places. Such publication shall be repeated at least once no later than the day prior to the election.

For runoff elections, the notice of the locations of the precinct polling places may be included or separate from the notice of the election and publication shall be at least once no later than five (5) days prior to the runoff election.

CHAPTER 2.10

CANDIDATES

Sections:

- 2.10.010 Qualifications
- 2.10.020 Nominations
- 2.10.030 Declaration of Candidacy by Affidavit

2.10.010 Qualifications: A candidate for any City office must be a registered voter living inside City limits.

2.10.020 Nominations:

(a) At least ten (10) days before nominations are open for each regular election the Clerk shall publish, in one or more newspapers of general circulation in the city, a notice of offices to be filled at the election and the manner for making nominations.

(b) Nominations for filling of elective offices of Council members shall be made only by petition of at least ten (10) qualified voters, as described in 2.05.020, residing within the City. Each candidate shall file the name and address of the campaign treasurer with the Alaska Public Offices Commission in accordance with the provisions of AS 15.13 no later than ten (10) days after the date of filing a nominating petition.

(c) Nominating petition forms shall be provided by the Clerk and shall include provisions for a statement by the candidate affirming the candidate's qualification to fill the office to which nominated and willingness to do so.

(d) Nominating petitions must be completed and filed with the Clerk no earlier than forty (40) days and no later than twenty-five (25) days before the regular election. The Clerk shall record on the petition itself the name and address of the person by whom it is filed and the date of filing. All petitions, which are not withdrawn pursuant, to subsection (f) herein shall be preserved by the Clerk for one year.

(The Clerk shall not place the name of a candidate on the ballot that has not complied with the requirements to file the name and address of the candidate's campaign treasurer.)

(e) Within five (5) days after filing of a nominating petition, the Clerk shall notify the candidate named in the petition and the person who filed it whether or not the petition is in proper form and is signed by ten (10) qualified voters. If the petition is deficient in any way, the Clerk shall immediately return it to the person who filed it with a statement certifying wherein it is deficient. A new petition, or the same petition--if the deficiency is in the number of signatures--for the same candidate may be filed within the time for filing nominating petitions.

(f) Any candidate nominated may withdraw the nomination at any time during the period for filing nominating petitions by appropriate written notice to the Clerk. However, after the time for filing nominating petitions has closed, no nominating petition may be corrected, amended or withdrawn.

(g) Any petition presented shall not be changed as to term of office. If a candidate desires to file for a different seat, he shall request a new petition from the Clerk.

2.10.030 Declaration of Candidacy by Affidavit:

(a) At least forty-five (45) days before each regular election, the Clerk shall publish, in one or more newspapers of general circulation in the City, and post in at least three (3) public places a notice of offices to be filled at the election and the manner of declaring candidacy.

(b) Any qualified person may have his or her name placed on the ballot for election as a candidate for any elective office by filing with the Clerk, no earlier than forty (40) days nor later than twenty five (25) days before the regular election, a sworn declaration of candidacy. Each candidate shall file the name and address of the campaign treasurer with the Alaska Public Offices Commission in accordance with the provisions of AS 15.13 no later than ten (10) days after the date of filing a declaration of candidacy.

(c) Declaration of candidacy affidavits shall be provided by the Clerk and shall include a provision for a statement by the candidate affirming his or her qualifications to fill the office for which he or she is filing.

(d) Any candidate desiring to withdraw his or her declaration of candidacy may do so at any time during the period for filing a "Declaration of Candidacy." All declarations of candidacy, which are not withdrawn pursuant herein, shall be preserved by the Clerk for one year.

CHAPTER 2.15

ELECTION PROCEDURE

Sections:

- 2.15.010 Election Officials
- 2.15.020 Ballots - Form
- 2.15.030 Ballots - Distribution
- 2.15.040 Election Supplies and Equipment
- 2.15.050 Voting Devices and Machines

2.15.010 Election Officials:

(a) Before each election, the Council shall appoint at least three (3) judges in each precinct to constitute the Election Board of that precinct. The City Clerk is the election supervisor. One judge shall be designated as chairman and shall be primarily responsible for administering the election in that precinct. The Clerk may appoint up to three (3) election clerks at any polling place where they are needed to conduct an orderly election and to relieve the Election Judges of undue hardship.

(b) All Election Officials should attend a training session unless personally and specifically excused for cause by the City Clerk. (Any appointed official, who fails to attend a training session, without being excused by the Clerk, shall not serve on the day of election). If any appointed election official is not able or refuses to serve on Election Day, the Clerk may appoint a replacement for that official.

(c) Each election official serving at a precinct-polling place must be a qualified voter and a resident within the precinct for which he is appointed.

(d) All election officials, before entering upon their duties, must subscribe to an oath to honestly, faithfully, impartially and promptly carry out the duties of the position in the manner prescribed by the Clerk.

2.15.020 Ballots - Form:

(a) Ballots shall be prepared in the manner prescribed by law or by the Lieutenant Governor for State elections, insofar as such prescription is applicable to non-partisan elections. The ballots shall be numbered in series, the number being placed in an area set off for ease of removal and on a portion of the ballot that can be seen when the manner in which the ballot is marked is concealed from view.

(b) All candidates to the same office shall be shown on one ballot. The title of each office to be filled shall be followed by the printed names of all candidates for that office, and provision shall be made for write-ins equal in number to the positions to be filled. The names of candidates shall be printed as they appear upon the nominating petitions or declaration of candidacy

affidavits except that any honorary or assumed title or prefix shall be omitted. The words "Vote for not more than _____," with the appropriate number replacing the blank, shall be placed before the lists of candidates for each office. Names of candidates shall appear on the ballot in rotated positions as prescribed in AS 15.15.030(6) for State elections.

(c) Following the offices and candidates, there shall be placed on the ballot, or on separate ballots, as the Clerk may determine, all Propositions to be voted on. The words "YES" and "NO" shall be placed below the statement of each Proposition. The Clerk shall determine the number of pages of the ballots to be used to present all offices, and Propositions to the qualified voter in any given election.

(d) Each ballot shall bear the words "Official Ballot" and the date of the election.

(e) The Clerk shall have printed and available at each polling place on Election Day and in the Clerk's office preceding the election, the appropriate tinted sample ballots for each election. At least five (5) sample ballots for regular and special elections and three (3) sample ballots for a runoff election will be made available at the polling place. Sample ballots may be published in a newspaper of general circulation and posted prior to any City election.

2.15.030 Ballots - Distribution:

(a) The Clerk shall have the ballots in possession at least fifteen (15) days before each regular election or ten (10) days before each runoff or special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or the candidate's authorized agent, and any mistake discovered shall be corrected immediately. A sponsor of an initiative, referendum or recall may similarly inspect the ballot, and any mistake discovered shall be corrected immediately. Sufficient ballots for the registered voters of each precinct shall be delivered to the Election Canvass Board for that precinct.

(b) The ballots shall be delivered in a separate sealed package, with the number of ballots enclosed clearly marked on the outside of the package. A receipt shall be taken from the Election Board member to whom each package is delivered in person or by mail; said receipt to be preserved with other records of the election for one (1) year.

2.15.040 Election Supplies and Equipment:

(a) Before the opening of the polls, the Clerk shall furnish to the Election Board of each precinct the State voter registration list for that precinct and shall equip and supply each polling place with sufficient materials for that precinct's election, including those materials required by this section. Voting booths and supplies shall comply with AS 15.15.060.

(b) The Clerk shall prepare instructions explaining to voters how to obtain ballots, how to mark them, how to obtain information from Election Officials and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type and shall be distributed to the Election Boards to be prominently displayed in each polling place. The Clerk shall provide booths at each polling place with appropriate supplies and conveniences to enable

each voter to mark the ballot screened from observation. Ballot boxes shall be placed outside the voting booths in plain view of the Election Officials, voters and other persons at the polling place.

2.15.050 Voting Devices and Machines: Voting devices and machines may be used in addition to or instead of paper ballots in any election. The laws of the State of Alaska concerning voting devices and machines are incorporated in this chapter as if fully set out herein except for provisions in conflict with this chapter. All necessary supplies for the assistance of voters, such as sample ballots, instructions and booths shall be provided in the same manner as when paper ballots are used. When voting devices or machines are used, the City ballot may be combined with the ballot of any other political entity holding an election at the same time within the City or any portion thereof.

CHAPTER 2.20

VOTING

Sections:

2.20.010	Absentee
2.20.020	Application for Ballot
2.20.030	Issuance of Ballot
2.20.040	Materials for Absentee Voting
2.20.050	Casting Absentee Ballot
2.20.060	Voting Procedure at the Polls
2.20.070	Challenging and Questioning Procedure
2.20.080	Disposition of Challenged and Questioned Votes

2.20.010 Absentee: At any election a qualified voter may vote an absentee ballot for any reason.

2.20.020 Application for Ballot:

(a) By Mail: A qualified voter may apply for any absentee ballot by mail if postmarked not more than six (6) months nor less than ten (10) days before any election. The application shall include the address to which the absentee ballot shall be returned and the applicant's name, full Alaska resident address and signature. No absentee ballot shall be mailed to an address in the City. Any voter present in the City, who requires an absentee ballot, shall personally obtain the ballot from the City Clerk.

(b) In Person: A qualified voter may apply for an absentee ballot in person on any day after the ballots are prepared and available, but not on Election Day.

(c) Special Needs Voting: A qualified voter with a disability who, because of that disability, is unable to go to a polling place may vote a special needs ballot. The voter may request an absentee ballot through a personal representative on the day of, or not more than twenty (20) days before, an election. If the request is made through a representative, the representative shall sign a register provided by an election official in accordance with AS 15.20.072. The City Clerk may deliver an absentee ballot to a disabled person living within the City, who is unable to make application in person, at any time until the polls close on Election Day.

(d) By Facsimile: A qualified voter may request an absentee ballot by facsimile if received by the City not more than six (6) months nor less than ten (10) days before an election. The application shall include the address to which the absentee ballot shall be mailed and the applicant's name, full Alaska residence address and signature.

2.20.030 Issuance of Ballot: Before delivering any ballot, the Clerk shall be satisfied of the applicant's right to vote and may require the applicant to comply with the questioned ballot procedure. Upon issuing an absentee ballot, the Clerk (or Magistrate) shall enter on the application

the number of the ballot issued and the date of delivery or mailing. The Clerk shall have available for public inspection the names and addresses of persons who voted absentee. Before the polls open on Election Day, the Clerk shall furnish to the Election Judges a list of voters who have requested to vote absentee. When the Election Canvass Board meets, the Clerk shall furnish to it all absentee ballot applications, bearing the aforesaid notations relative to issuance of ballots.

2.20.040 Materials for Absentee Voting: There shall be a secrecy sleeve in which the voter shall initially place the marked ballot and a return envelope supplied to each absentee voter. The return envelope shall have printed upon it a certification by which the voter shall declare his or her qualification to vote, followed by provision for attestation by a witnessing officer, or signature of two attesting witnesses, both of whom are at least eighteen (18) years of age. The following notice shall appear on the return envelope: "NOTICE: Return the Voted Ballot in Sealed Envelope Immediately to the Clerk, marked 'Ballot Enclosed - to be opened by Election Canvass Board'".

2.20.050 Casting Absentee Ballot:

(a) Upon receipt of an absentee ballot by mail or a special needs ballot the voter, whether in or outside the state, in the presence of two attesting witnesses, both of whom are at least eighteen (18) years of age, or before an election judge, notary public, commissioned officer of the armed forces including the National Guard, District Judge or Magistrate, United States Postmaster, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the return envelope and to sign the voter's certificate on the back of the return envelope in the presence of the above-listed official or designated persons who shall sign as attesting witnesses. The voter may then return the properly enclosed ballot by personal representative or by the most expeditious mail service, postmarked not later than the day of the election, to the Clerk, who shall retain it for delivery to the Election Canvass Board. To be counted, an absentee voter's ballot must be executed before the polls close on Election Day and be postmarked and received by the deadlines set out in 2.30.020(c). If a voter issued an absentee ballot returns to the City on Election Day, he shall not vote at the polling place unless he first surrenders to the Election Board the absentee ballot, ballot envelope, and return envelope issued to him.

(b) Upon receipt of an absentee ballot in person, the voter shall proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the return envelope, and to sign the voter's certificate on the back of the return envelope in the presence of the Clerk or a designated election official who shall sign as attesting witness and retain it for delivery to the Election Canvass Board.

(c) Absentee ballots may not be cast by facsimile.

2.20.060 Voting Procedure at the Polls:

(a) Before issuing any ballots, the Election Board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box then shall be closed and shall not be opened again or removed from the polling place until the polls have closed.

(b) The Election Officials shall keep an original register in which each voter, before receiving a ballot, shall sign his or her name and give the voter's residence and mailing addresses. A record shall be kept in the registration book in the space provided of the name of persons who offer to vote but who actually do not vote, and a brief statement of explanation. The signing of the register constitutes a declaration by the voter that he or she is qualified to vote. If any Election Official present believes the voter is not qualified, the Election Official shall immediately question the voter according to the procedure outlined in 2.20.070. If a voter's polling place is in question, a voter shall be allowed to vote, and any Election Official shall consider the ballot as a questioned ballot.

(c) When the voter is qualified to vote, the Election Official shall give the voter an official ballot.

(d) Each voter shall retire alone to a booth or private area to mark the ballot. A qualified voter needing assistance in voting may request an election official, a person or not more than two persons of the voter's choice to assist the voter to mark the ballot pursuant to AS 15.15.240. Immediately after marking the ballot, the voter shall return it to the Election Official, having concealed the manner in which it is marked. The Election Official shall remove the numbered tab or tabs and the voter shall deposit the ballot in the ballot box unless the voter requests assistance.

(e) If a voter improperly marks or damages or otherwise spoils a ballot, the voter shall return it to the Election Officials, concealing the manner in which it is marked from view, and shall request a new ballot. The Election Officials shall destroy the damaged ballot after having recorded its number and shall issue a new ballot to the voter. A voter may request replacement of a damaged ballot no more than three (3) times.

(f) Fifteen (15) minutes before closing the polls, current time and the time remaining before such closure shall be proclaimed. When the polls are closed for the purposes of voting, that fact shall likewise be proclaimed and thereafter no ballot shall be issued except to those voters who were present and waiting their turn to go through the voting procedure at the time prescribed for closing the polls.

2.20.070 Challenging and Questioning Procedure:

(a) Every Election Official shall question, and every watcher and other person qualified to vote in the precinct 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 shall be made in writing setting out the reason for the question. A questioned person, before voting, shall subscribe to an oath and affidavit provided by the Clerk attesting to the fact that, in each particular, the person meets all of the qualifications of a voter, that he or she is not disqualified, and that he or she has not voted at the same election. After the questioned person has taken the oath and signed the affidavit, the person may vote. If the questioned person refuses to take the oath or sign the affidavit, the person may not vote.

(b) If a voter's polling place is in question, the voter shall be allowed to vote, and any Election Official shall consider the ballot as a questioned ballot. The voter whose ballot is being questioned shall complete a statement concerning the voter's residence on a form provided by the Clerk.

2.20.080 Disposition of Challenged and Questioned Votes: A questioned voter or one who casts a questioned ballot shall vote his or her ballot in the same manner as prescribed for other voters except that he or she shall use a paper ballot. After the Election Official removes the identification number from the ballot, the questioned voter shall insert the ballot into a secrecy sleeve, seal it and put the envelope into a return envelope on which the oath and affidavit previously signed is located, and on which the voter's residence address is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be counted and compared to the voting list, segregated and delivered to the Clerk for delivery to the Election Canvass Board.

CHAPTER 2.25

BALLOTS

Sections:

- 2.25.010 Unused Ballots
- 2.25.020 Counting Ballots

2.25.010 Unused Ballots: The numbers of all ballots not issued shall be recorded and then all such ballots shall be disposed of as instructed by the Clerk before the ballot box is opened. The numbers of ballots damaged by voters and replaced by Election Officials shall also be recorded. The record of ballots not issued and ballots damaged and replaced shall be delivered to the Clerk with other election materials and shall be preserved for one year.

2.25.020 Counting Ballots:

(a) The opening of the ballot box and the counting of ballots shall be accomplished in full view of any persons present. The public may not be excluded from the area in which ballots are counted. However, an official of the Election Board shall not permit anyone present to interfere in any way or distract the appointed officials from their duties and no one other than appointed Election Officials may handle the ballots.

(b) Immediately following the closing of the polls and the disposition of unused ballots, the Election Board shall open the ballot box and count the number of ballots cast. The number of ballots cast shall agree with the number of signatures on the precinct register. If a discrepancy exists which cannot be resolved, the Election Board shall explain the discrepancy to the best of their ability in writing for delivery to the Clerk.

(c) If computer-counted ballots are used, the Election Board shall make a preliminary inspection of the ballot cards, separating those obviously damaged or marked in a questionable manner. After the preliminary inspection is completed, all ballots shall be placed in the container provided and a seal affixed. The sealed container shall be delivered to the counting center by two or more Election Officials. In the event that Election Officials of a precinct are unable personally to deliver the ballots of their precinct to the counting center due to weather or road conditions delivery may be arranged, with all due and proper safeguards, by the State Troopers.

(d) If paper ballots are used, the Election Board shall tally the votes cast in the manner prescribed in Chapter 2.30. When the tally of votes is completed, a Certificate of Returns shall be prepared and signed by the Election Board. After completion of the Certificate of Returns, the counted ballots shall be sealed in an envelope provided by the Clerk and shall be delivered to the Clerk to be preserved for one year, unopened, unless the Councilor the Court orders a recount.

CHAPTER 2.30

VOTE COUNTING

Sections:

2.30.010	Tally of Votes
2.30.020	Canvass of Returns
2.30.030	Certification of the Election
2.30.040	Election Recounts
2.30.050	Contest of Elections

2.30.010 Tally of Votes: The Clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy to expedite the process. The Election Board shall count the votes according to the rules for determining mark-on ballots prescribed in AS 15.15.360. The Election Board shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the Clerk may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.

(a) The Election Board shall count the ballots according to the following instructions:

1. A voter may mark the ballot with a cross-marks, “X” marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly placed in the space opposite the name of the candidate or proposition 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 that office shall not be counted.
5. The marks specified above in this section shall be counted only if it is mostly inside the space provided, or touching the space so as to indicate that the voter intended the particular space to be designated.
6. Improper marks on the ballot shall not be counted and shall not invalidate 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 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 space 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 instructions set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these instructions.

(c) The Chair 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 1 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 of the ballot to which the objection applies.

(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.

2.30.020 Canvass of Returns:

(a) Before each election, the Council shall appoint at least three (3) qualified voters, who shall not be Precinct Judges or members of a precinct Election Board for that election, who shall constitute the Election Canvass Board for that election. All members of the Election Canvass Board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State in the manner prescribed by the Clerk.

(b) Following each election, as soon as is practicable, the Election Canvass Board shall meet in public session and canvass all election returns. The canvass may be postponed for cause from day to day, but there shall be no more than three (3) such postponements. In full view of those present, the Election Canvass Board shall judge the applicability of absentee, challenged and questioned ballots, shall open and tally those accepted and shall compile the total votes cast in the election. The canvass of the ballot votes counted by precinct Election Board shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's certificate of results. All obvious errors found by the Election Canvass Board in the transfer of totals from the precinct certificate of returns shall be corrected in the Election Canvass

Board Certificate of Election Returns and reported to the Council as having been corrected. If, in the opinion of the Election Canvass Board, a mistake has been made in precinct returns, which is not clearly an error in the transfer of results, the Election Canvass Board may recommend to the Council that a recount of that precinct's results be made for that portion of the return in question.

(c) To be counted in the election, an absentee ballot must be postmarked by midnight of Election Day and received by the Clerk by the close of business on the tenth day following the election. Ballot envelopes received after the time shall not be opened but shall be marked "invalid", with the date and hour of receipt noted thereon, and shall be preserved for one year with other ballots of the election.

(d) Challenged, questioned and absentee ballots shall be counted as follows: No ballot shall be counted if the voter has failed to properly execute the certificate, if the witness, officer or other person authorized by law to administer the oath fails to affix his or her signature, or if the voter fails to enclose the voter's marked ballot inside the secrecy sleeve provided. The Clerk or a member of the Election Canvass Board may question the name of an absentee voter when read from the voter's certificate on the back of the return envelope, if he or she has good reason to suspect that the voter is not qualified to vote, is disqualified, or has voted previously at the same election. The person raising the question shall specify the basis of the question in writing. The Election Canvass Board, by majority vote, may refuse to accept the question and count the ballot of a person properly challenged. If the ballot is refused, the Clerk shall return a copy of the statement of the question to the voter, and shall enclose all rejected ballots in a separate envelope with the statements of question. The envelope shall be labeled "rejected ballots" and shall be transmitted to the governing body with the election certificates and other returns. If the ballot is not refused, the return envelope shall be opened, the secrecy sleeve shall be placed in a container and mixed with other blank absentee ballot envelopes or, in the case of counting questioned ballots, with other blank questioned ballot envelopes. The mixed secrecy sleeves shall be drawn from the container, opened and the ballots counted according to the rules of determining properly marked ballots.

(e) Upon completion of the canvass, the Election Canvass Board shall prepare a certificate of the results of votes cast by absentee, questioned and challenged questioned ballots and of votes cast by regular ballot, and shall prepare and submit a written report of said results to the council.

2.30.030 Certification of the Election:

(a) The Council shall meet at the next scheduled meeting on the second Tuesday of the month in public session to receive the report of the Election Canvass Board. If, after considering said report, the Council determines that the election was validly held, such conclusion shall be declared and entered upon the minutes of the meeting together with the total number of votes cast for each candidate and for or against each proposition or question.

(b) If the Election Canvass Board reports a failure to comply with provisions of State law or City ordinance, or illegal election practices occurred, and that such failure is sufficient to change the outcome of the election, the Council may exclude the votes cast in one or more precincts where such failure or illegal practices occurred from the total returns or may declare the entire election invalid and order a new election.

(c) If the Election Canvass Board reports an apparent discrepancy in the returns of one or more precincts, the Council may order a recount of the votes cast in said precinct(s). Such recount shall be conducted immediately by the Election Canvass Board and the results reported to the Council.

(d) In the case of failure to elect because of a tie vote, the Council shall immediately cause the Election Canvass Board to recount the votes. If there is still a failure to elect because of a tie vote after completion of the recount, the election shall be determined fairly by lot from among the candidates tying, in a meeting of the Council under its direction. In the case of a failure to adopt a referendum or an initiative because of a tie vote, the Council shall immediately cause the Election Canvass Board to recount the votes. If there is still a tie vote on the recount, the referendum or initiative shall be deemed rejected.

(e) Upon certification of a valid election, the Council shall direct the Clerk to deliver to each person elected to office a "Certificate of Election" signed by the Clerk and the Mayor and authenticated by the seal of the City.

2.30.040 Election Recounts:

(a) A defeated candidate or ten (10) qualified voters who believe there has been a mistake made by an election official or the Election Canvass Board in counting the votes in an election may file an application requesting a recount with the Clerk no later than 5:00 p.m. on the fifth business day following the election.

(b) The application shall specify, in substance, the basis of the belief that a mistake has been made, the particular election precinct(s) for which the recount is to be held, the particular office, proposition or question for which the recount is to be held, and that the person making the application is a candidate or that the ten (10) persons making the application are qualified voters. The application for a recount shall bear the notarized signature of the candidate or of the ten (10) qualified voters seeking the recount. If the application for a recount is from ten (10) qualified voters, it shall also state the name of one person to be the chair.

(c) Upon receiving an application in substantially required form, the Council shall appoint a recount board of three (3) or more qualified voters to, as soon as possible, conduct the recount of ballots of those precincts cited in the application for recount. The rule governing the counting of marked ballots by the Election Board shall be followed. Those requesting the recount, those whose election is recounted, and the public shall be given notice of, and shall be allowed to attend, the recount proceeding.

(d) Upon completion of the recount, the recount board shall certify the results of the recount to the Council. The Council shall declare the final election results and direct the Clerk to deliver to each person elected to office a "Certificate of Election" signed by the Clerk and the City Mayor and authenticated by the seal of the City.

(e) The applicant(s) for the recount shall pay all costs and expenses incurred in a recount of an election demanded by the applicant(s) if the recount fails to reverse any results of the

election or the difference between the winning and losing vote on the result requested for recount is more than two percent (2.00%).

(f) A candidate or any person who requested a recount who has reason to believe an error has been made in the recount involving any question, proposition, candidate or validity of any ballot may appeal to the Superior Court within the ten (10) days after the governing body has declared the election results. If no such action is commenced within the ten (10) day period, the election and the election results shall be conclusive, final and valid in all respects.

2.30.050 Contest of Elections:

(a) A defeated candidate or any ten (10) qualified voters may contest the election of any person or the approval or rejection of any proposition upon one or more of the following grounds:

1. Malconduct, fraud or corruption of an Election Official sufficient to change the results of the election;
2. Disqualification of the person under provision of law or ordinance; or
3. Existence of a corrupt election practice as defined by the laws of the State sufficient to change the results of the election.

(b) The defeated candidate or one or more of the voters initiating a contest shall appear before the Council at the meeting held to certify the election returns and there shall deliver a written notice of contest, or such written notice shall be filed with the Clerk no later than 5:00 p.m. on the Monday following the election. The notice of contest shall specify the election being contested, state the grounds of the contest in detail, and bear the notarized signatures of the candidate or the qualified voters bringing the contest.

(c) Upon receiving a valid notice of contest, the Council shall order such investigative action as it deems appropriate. If the contest involves voter eligibility, the Election Canvass Board, the Clerk and the City Attorney shall be ordered to investigate the allegations and report their findings to the Council. If other illegal or irregular election practices are alleged to have occurred, the Council shall order an investigation to be made by the Election Canvass Board or the Mayor, with the assistance of the Clerk and the City Attorney. If the Election Canvass Board and the Mayor are both named in the contest, the Council shall appoint an investigating board to conduct the required investigation. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation proceedings.

(d) After considering the reports of the investigating officials and any other evidence presented, the Council shall determine whether the grounds for contest were valid and whether any illegally cast votes could have affected the election results. If they could not have, the Council may so declare and uphold their previous action in declaring the election validly held. If the contest involves other prohibited practices, which are shown to have taken place, the Council shall exclude the votes of the precinct(s) where such practices occurred from the total returns. If it is determined

that such exclusion could not affect the election results, the Council shall declare the election validly held.

(e) Unless the grounds for which the contest was brought are determined to be valid, the contestant(s) shall be individually liable for the whole amount of the expenses incurred by the City in its investigation and deliberation of the election contest.

(f) A defeated candidate or any ten (10) qualified voters who contested an election may bring an action in the Superior Court within ten (10) days after the Council has concluded that said election was validly held and the results entered upon the minutes. If the contest is successful, then the person or persons who resisted the election contest may bring an action in the Superior Court within ten (10) days after the Council has concluded that the election was not validly held and the results entered upon the minutes. Such legal action shall be upon the grounds set forth in AS 15.20.540 for contesting State elections. The judge shall render a decision as required by AS 15.20.560 or state elections. If no such action is commenced within the ten (10) day period, the election and the election results shall be conclusive, final and valid in all respects.

CHAPTER 2.32

SALE OF ALCOHOL ON ELECTION DAY

Sections:

- 2.32.040 Sale of Alcohol
- 2.32.041 Area Sales Apply

2.32.040 Sale of Alcohol: The City of Delta Junction, Alaska by the provisions of AS 04.16.070(2b), allows the sale of alcoholic beverages within licensed premises on Election Day.

2.32.041 Area Sales Apply: This ordinance applies to all areas within the City of Delta Junction, Alaska.

CHAPTER 2.35

MISCELLANEOUS

Sections:

- 2.35.010 Expenses
- 2.35.020 Preservation of Election Ballots, Papers and Materials
- 2.35.030 Definitions

2.35.010 Expenses: The City shall pay all necessary election expenses, including those of securing polling places and providing ballot boxes, ballots, voting booths or screens, national flags and other supplies.

2.35.020 Preservation of Election Ballots, Papers and Materials: The Clerk shall preserve all precinct election certificates, tallies, registers, voted ballots and nominating petitions (declarations of candidacy) filed for one year after the election. These materials may be destroyed after their retention period has lapsed unless an application for a recount has been filed and not completed, or unless their destruction is stayed by an order of the court. Certificates of the Election Canvass Board are to be preserved as permanent records.

2.35.030 Definitions: In this title, unless the context requires otherwise:

- (a) CLERK means the City CLERK or any properly authorized assistant or designee.
- (b) DAYS include weekends and holidays.
- (c) ELECTION includes any regular, special or runoff election for the City.
- (d) ELECTION OFFICIALS means the City Clerk or the City Clerk's designee, Election Judges, Election Officials, Election Board, Election Clerks and Election Canvass Boards.
- (e) MAJORITY means more than half of the qualified votes cast in the election.
- (f) OATH includes affirmation.
- (g) PRECINCT means the territory established by the Lieutenant Governor within which resident voters may cast ballots at one polling place.
- (h) PROPOSITION includes question, initiative, referendum or recall.
- (i) PUBLICATION means newspaper of general circulation or posting in public places.
- (j) QUALIFIED VOTER means any voter who has the qualifications required by AS 29.28.015 and is not disqualified under Article V of the United States Constitution.

(k) REGULAR ELECTION means a general election to fill City offices as required by AS 29.28.015.

(l) SIGNATURE OR SUBSCRIPTION includes a mark intended as a signature or subscription.

(m) SPECIAL ELECTION means any election held at a time other than when a regular election is held.

(n) SWEAR includes affirm.

(o) VOTER means any person who presents himself or herself for the purpose of registering to vote or voting, either in person or by absentee application or ballot.