



ORDINANCE 2026-02

AN ORDINANCE FOR THE CITY OF DELTA JUNCTION, ALASKA AMENDING CODE OF ORDINANCES, TITLE II, ELECTIONS

WHEREAS, the City of Delta Junction followed guidance from Alaska Statutes during a recent recall election because City Code lacked recall information; and

WHEREAS, the election process took longer than necessary because the City did have timelines to follow for regular elections; and

WHEREAS, updating the election code will simplify the process; and

WHEREAS, updating other sections of Title II will help perfect the election process.

NOW THEREFORE LET IT HEREBY BE ORDAINED by the City Council for the City of Delta Junction that Municipal Code of Ordinances, Title II, Elections, in its entirety, be amended to read as attached.

Introduction:	July 15, 2025
First Reading:	July 15, 2025
Public Hearing:	August 5, 2025
Second Reading:	August 5, 2025
Adoption:	August 5, 2025

PASSED AND APPROVED this 5th day of August 2025 by a duly constituted quorum of the City Council for the City of Delta Junction. This ordinance is effective upon adoption.

Igor Zarembo, Mayor

Pat White, City Clerk

CITY
SEAL

	YES	NO	ABSENT	ABSTAIN
Seat A: Leith				
Seat B: Phelan				
Seat C: Prestegard				
Seat D: Zarembo				
Seat E: Stricklin				
Seat F: Hallgren				
Seat G: Riesner				

TITLE II ELECTIONS

Chapters:

- 2.05 Administration of Elections
- 2.10 Candidates
- 2.15 [General](#) Election Procedure
- [2.18 Initiative, Referendum, and Recall](#)
- 2.20 Voting
- 2.25 Ballots
- 2.30 Vote Counting
- 2.35 Miscellaneous

CHAPTER 2.05

ADMINISTRATION OF ELECTIONS

Sections:

- 2.05.010 Clerk to Administer City Elections
- 2.05.020 Qualifications of Voters
- 2.05.025 Residence Criteria
- 2.05.030 Time of Election
- 2.05.040 Notice of Elections
- 2.05.050 Precincts and Polling Places

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 who:

- A. is a citizen of the United States.
- B. has passed his or her eighteenth (18) birthday.
- C. has been a resident at least thirty (30) days preceding the election of the State and of the Municipality in which they seek to vote.
- 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 poll 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 this section. If the voter's qualification is in question, a voter shall be allowed to vote, and any Election Poll 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 because 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 the 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 of establishing 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 **excluding** 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 a majority of the votes cast for that respective office shall be declared the winning candidate.
- B. Recall and special elections shall be held upon the date specified by the City Council.
- C. 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 expire.
- D. The polls shall be open for the purpose 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 publish a notice of each regular election in three (3) public places prior to the election. For special and recall election, the first such publication shall be at least twenty (20) days before the election. For runoff elections, notice shall be given at least five (5) days before the election. The Clerk shall give any other notice as may be required by the laws of the State of Alaska or a resolution of the Council.

For purposes of this section, publication can be fulfilled by posting the notice on the City of Delta Junction official website, placing a notice in a newspaper of general circulation in the municipality, and posting the notification in a local public building. Each notice of election shall include:

- A. The type of election: regular, recall, special, or runoff;
- B. The date of the election;
- C. The hours that 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

2.05.050 Precincts and Polling Places:

- A. Unless otherwise posted, the polls will be located at the Delta Junction Community Center.
- B. No later than twenty (20) days before each regular, recall, and special election the Clerk shall publish, in one or more newspapers of general circulation in the City, the location of the polling place. Such publication shall be repeated at least once no later than the day before the election.

For runoff elections, the notice of the location of the polling place may be included or separate from the notice of the election and publication shall be at least once no later than five (5) days before 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 within City limits for a minimum of one (1) year prior to filing as described in Section §1.10.020.

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 (and in one electronic place i.e. the City website), a notice of offices that need to be filled and the manner in which nominations are to be made.
- B. Nominations for filling elected offices of Council members shall be made only by petition of at least ten (10) qualified voters, as described in Section §2.05.020, residing within the City. The Clerk shall not place the name of a candidate on the ballot that has not complied with the requirements.
- 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 the filing. All petitions, which are not withdrawn pursuant to subsection §2.10.020(f) herein shall be preserved by the Clerk for one year.
- E. Within five (5) days after filing a nominating petition, the Clerk shall notify the candidate named in the petition and the person who filed it whether 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

(one of which may be electronic posting on the City's website) 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.
- 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 in 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
GENERAL 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

2.15.010 Election Officials:

- A. Before each election, the Clerk shall appoint two Election Poll Officials, three ballot counters designated as the Election Board, and three additional ballot counters to serve as the Election Canvass Board. All officials must be separate individuals and may not serve in more than one role.
- A. All election officials must be approved by the City Council. The Council may grant authority to the Clerk to appoint a replacement Election Official if a Council-approved official is unable or refuses to serve.
- B. All Election Officials must 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).
- C. Each Election Official serving must be a qualified voter.
- 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. The Clerk shall prepare all official ballots in the manner prescribed by law.
- B. The ballots shall be numbered in series; the number being placed in an area set off for ease of removal..
- C. The title of each office that is to be filled shall be followed by the printed names of all candidates for that office, and provisions 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. Any honorary or assumed title or prefix shall be omitted. The words "Vote for not more than _____," shall be placed before the lists of candidates for each office.
- D. 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.
- E. Each ballot shall bear the words "Official Ballot" and the date of the election.
- F. On Election Day the Clerk shall have appropriate tinted sample ballots. The printed sample ballots will be available at the polling place and in the Clerk's Office preceding the election. At least five (5) sample ballots for general, recall, 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 [electronically, i.e. the city website](#), 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 [general](#) election or ten (10) days before each [recall](#), runoff, or special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, , 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 shall be delivered to the Election Canvass Board.
- 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 [hand](#)-delivered.; 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 Poll [Officials](#) the State voter registration list and shall equip and supply polling place with sufficient materials for the election, including those materials required by this section. Voting booths and supplies shall comply with Alaska Statutes .
- B. The Clerk shall prepare instructions explaining to voters how to obtain ballots, how to mark them, how to obtain information from Election Poll Officials and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear types and shall be distributed to the Election Poll [Officials](#) to be prominently displayed at the polling place. The Clerk shall provide booths at the polling place with appropriate supplies and conveniences to enable each voter to mark the ballot screened from observation. A ballot box shall be placed outside the voting booths in plain view of the Election Poll Officials, voters, and other people at the polling place.

CHAPTER 2.18 INITIATIVE, REFERENDUM, AND RECALL

<u>2.18.010</u>	<u>Reservation of Powers</u>
<u>2.18.015</u>	<u>Application for Petition</u>
<u>2.18.020</u>	<u>Contents of Petition</u>
<u>2.18.025</u>	<u>Signatory Requirements</u>
<u>2.18.030</u>	<u>Sufficiency of Petition</u>
<u>2.18.035</u>	<u>Protesting Petition</u>
<u>2.18.040</u>	<u>New Petition</u>
<u>2.18.045</u>	<u>Initiative Election</u>
<u>2.18.050</u>	<u>Referendum Election</u>
<u>2.18.055</u>	<u>Effect</u>
<u>2.18.060</u>	<u>Recall</u>

2.18.010 Reservation of Powers: The powers of initiative and referendum are reserved to the residents of municipalities.

2.18.015 Application for Petition:

- A. An initiative or referendum is proposed by filing an application with the municipal clerk containing the ordinance or resolution to be initiated or the ordinance or resolution 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.
- B. 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 name of the sponsor to the clerk.
- C. Within two weeks the clerk shall certify the application if the clerk finds that it is in proper form and, for an initiative petition, that the matter is:
 1. not restricted by AS 29.26.100;
 2. includes only a single subject;
 3. relates to a legislative rather than to an administrative matter; and
 4. would be enforceable as a matter of law.
- D. A decision by the clerk on an application for petition is subject to judicial review.

2.18.020 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 municipal clerk. Each copy of the petition shall contain:
 1. a summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred;
 2. the complete ordinance or resolution 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 must contain the summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred.
- C. The clerk shall notify the contact person in writing when the petition is available. The contact person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

2.18.025 Signatory Requirements:

- A. 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) shall be signed and dated by the sponsor. 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.
- C. a petition shall be signed by a number of voters based on the number of votes cast at the last regular election held before the date written notice is given to the contact person that the petition is available, equal to (1) 25 percent of the votes cast if a municipality has fewer than 7,500 persons; or (2) 15 percent of the votes cast if a municipality has 7,500 persons or more.
- D. 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.
- E. A petition signer may withdraw the signer's signature on written application to the clerk before certification of the petition.
- F. If the ordinance or resolution that is the subject of an initiative or referendum petition affects only an area that is less than the entire area of a municipality, only voters residing in the affected area may sign the petition.
- G. The clerk shall determine the number of signatures required on the petition and inform the contact person in writing. The petition shall be signed by a number of voters based on the number of votes cast in that area at the last regular election held before the date written notice is given to the contact person that the petition is available equal to (1) 25 percent of the votes cast if the area has fewer than 7,500 persons; or (2) 15 percent of the votes cast if the area has 7,500 persons or more.

2.18.030 Sufficiency of Petition:

- A. All copies of an initiative or referendum petition shall be assembled and filed as a single instrument.
- B. Within 10 days after the date the petition is filed, the municipal 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.
- C. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected.
- D. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (b) of this section. Within 10 days 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.

2.18.035 Protest: If the municipal clerk certifies 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 governing body. The governing body shall hear and decide the protest.

2.18.040 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.

2.18.045 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 the next regular election or, if already scheduled, a special election occurring not sooner than 60 days after certification of the petition. If no election is scheduled to occur within 75 days after the certification of a petition and the governing body determines it is in the best interest of the municipality, the governing body may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition.
- B. If the governing body adopts substantially the same measure, the petition is void, and the matter initiated may not be placed before the voters.
- C. The ordinance or resolution 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 vote favors the ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution.

2.18.050 Referendum Election:

- A. Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote the clerk shall submit the matter to the voters at the next regular election or, if already scheduled, special election occurring not sooner than 60 days after certification of the petition.
- B. If no election is scheduled to occur within 75 days after certification of a petition and the governing body determines it is in the best interest of the municipality, the governing body may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition.
- C. If a petition is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the governing body may not enact an ordinance or resolution substantially similar to the suspended measure.
- D. If the governing body repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.
- E. If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election.

2.18.055 Effect:

- A. The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed.
- B. If an ordinance or resolution is repealed in a referendum election or by the governing body after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the governing body for a period of two years.
- C. If an initiative or 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.

2.18.060 Recall:

An elected official may be recalled by the voters in the manner of Alaska Statutes Title 29

CHAPTER 2.20 VOTING

Sections:

- 2.20.010 Absentee
- 2.20.020 Application for Ballot
- 2.20.030 Early Voting
- 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: Except in a recall or special election a qualified voter may request an absentee ballot by mail if postmarked not more than six (6) months and not 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 resident address and signature. No absentee ballot shall be mailed to an address within the City precinct.
- B. Early 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 on 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.

2.20.030 Early Voting: 15 days before a general election and ten (10) days before a recall or special election, a qualified voter who meets the requirements set out in this section may vote in person in locations designated by the Clerk.

- A. The election supervisor or other election official shall issue a ballot to the voter upon:
 - 1. 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 by providing a valid voter registration card or valid state issued identification or driver's license verification that the voter's residence address appearing on the official registration list is current; and
 - 2. the voter is a registered voter in the district thirty days prior to the election
- B. Any voter engaging in early voting shall sign the early voter register.
- C. After the voter has marked the ballot, the voter shall place the ballot in the secrecy sleeve. The ballot shall be deposited in the ballot box.

- 3. The counting of the early ballots will be held at the meeting of the Canvas Board.

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 by providing a valid voter registration card or valid state issued identification or driver's license. 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.
- 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 way 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 way 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 Poll Official and any 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 asked in writing to set 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, the person meets all of the qualifications of a voter, that they are not disqualified, and that they have not previously voted in the same election. After the person questioned has taken the oath and signed the affidavit, the person may vote. If the person questioned 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 their ballot in the same manner as prescribed for other voters except that they 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 number 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 person 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 Poll 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 State issued register. If a discrepancy exists that cannot be resolved, the Election Poll Board shall explain the discrepancy to the best of their ability in writing for delivery to the Clerk.
- C. 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 of 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 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. 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.
1. A voter may mark the ballot with a mark, "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 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 to indicate that the voter intended the specific space 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, based on other evidence, that the ballot was marked to identify 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 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 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 of the ballot to which the invalidity applies.
- C. 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.
- D. 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 Election Poll Officials or members of the 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. 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 the Election Board shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the certificate of results. All obvious errors found by the Election Canvass Board in the transfer of totals from the 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 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 results be made.
- C. To be counted in the election, an absentee ballot must be postmarked by Election Day and received by the Clerk by 3:00 pm on the Friday following Election Day. Ballot envelopes received after that 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. No absentee 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 their 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 they have 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 as soon as possible after the Election Canvass Board meeting in public session to receive the report of the Election Canvass Board, but no later than twelve (12) days after the election. 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 an apparent discrepancy or a failure to comply with provisions of State law or City ordinance, or illegal election practices occurred, the Council may exclude the votes cast and may declare the entire election invalid and order a new election.
- C. 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 a vote of the remaining City Council. 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.
- D. 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 in writing requesting a recount with the Clerk no later than 5:00 p.m. on the fifth business day following the certification of the election.
- B. The application shall specify, in substance, the basis of the belief that a mistake has been made, 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 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 the 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. 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).
- 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 City Council has certified the election results. If no such action commences 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. Misconduct, 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. The existence of a corrupt election practice as defined by the laws of the State sufficient to change the results of the election.
- B. Upon receiving 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.
- C. After considering the reports of the investigating officials and any other evidence presented, the Council shall determine whether the grounds for the contest were valid and whether any illegally cast votes could have affected the election results. If they could not have, the Council

may 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 deem the election invalid and schedule another election within thirty (30) days.

- D. 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.
- E. 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 outlined 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 commences within the ten (10) day period, the election and the election results shall be conclusive, final, and valid in all respects.

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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 election certificates, tallies, registers, 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 for four (4) years.

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, recall, or runoff election for the city.
- D. ELECTION OFFICIALS means the City Clerk or the City Clerk's designee, Election Poll Officials, Election Board, , and Election Canvass Board.
- E. ELECTION POLL OFFICIALS- Election Official are responsible for the proper and orderly voting at polling stations. The duties include signing in registered voters, explaining voting procedure and use of voting equipment, providing ballots, and monitoring the conduct of the election.
- F. ELECTION BOARD- Election Officials that are responsible for tabulating votes from ballots to determine election results the night of the election.
- G. ELECTION CANVAS BOARD- Election Officials that are responsible for conducting a formal assessment ("canvass") of an election. The assessment includes reviewing vote totals, determining validity of challenged ballots, certifying the vote and administering a recount.
- H. MAJORITY means more than half of the qualified votes cast in the election.
- I. OATH includes affirmation.
- J.
- K. which resident voters may cast ballots at one polling place.
- L. PROPOSITION includes questions, initiative, referendum, or recall.
- M. PUBLICATION means newspaper of general circulation or posting in public places.

- N. **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.
- O. **REGULAR ELECTION** means a general election to fill City offices as required by AS 29.28.015.
- P. **SIGNATURE OR SUBSCRIPTION** includes a mark intended as a signature or subscription.
- Q. **SPECIAL ELECTION** means any election held at a time other than when a regular election is held.
- R. **SWEAR** includes affirming.
- S. **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.