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MEMORANDUM TO COUNCIL

To: Code Committee
From: Abigail Flynn, City Clerk's Department
Through: Jack Savo Jr, City Manager
Date: August 24, 2026
Re: Ordinance 2026-XX – Election Code Modernization

SUMMARY:

Staff requests that the Code Committee complete its review of the proposed modernization of Chapters 3.10 through 3.70 of the Dillingham Municipal Code and recommend Ordinance No. 2026-XX to the City Council.

Much of Dillingham's municipal election code was adopted by Ordinance No. 86-9 in **1986**. Although individual sections have been amended since that time, the election code as a whole has not undergone a comprehensive modernization in approximately **40 years**. The current code therefore contains a mixture of provisions written for election practices and technology used decades ago, later amendments adopted for particular issues, and more recent procedures that do not always fit cleanly together. The proposed ordinance is intended to finish that modernization and create an election code that is easier for election officials, candidates, voters, the Council, and future City Clerks to understand and administer.

The ordinance adopts **Exhibit A**, a legislative redline showing the proposed amendments to Chapters 3.10 through 3.70. The redline allows the Code Committee and City Council to see the existing language and each proposed change in context while keeping the adopting ordinance relatively concise. The ordinance itself identifies the sections containing substantive amendments separately from editorial and terminology changes.

PREVIOUS COUNCIL ACTION:

Much of the City's election code was originally adopted in 1986. Individual provisions have been amended periodically since then, but a substantial portion of the underlying language and structure remains from the original code.

The current project is intended to complete a broader review of the election code rather than continuing to amend isolated provisions one at a time.

BACKGROUND:

Election administration has changed considerably since 1986.

Voting equipment has changed. State election terminology and procedures have changed. The City now uses electronic ballot-tabulation equipment while retaining hand-count procedures as a backup. Election officials use modern forms, voter-registration information supplied by the Alaska Division of Elections, electronic communications, updated accessibility practices, and procedures that were not contemplated when much of the existing code was written.

At the same time, several provisions of the existing code continue to refer to older practices, terminology, or equipment. Other provisions contain detailed administrative instructions that are better handled through election procedures and forms rather than permanent municipal code.

The current redline therefore does more than simply replace outdated words. It reorganizes portions of the code so that the **Council continues to establish election policy**, while the **City Clerk administers elections within that policy framework**. The proposed new election-administration section expressly authorizes the Clerk to maintain forms, procedures, checklists, manuals, chain-of-custody procedures, ballot-accounting procedures, and other administrative materials, while requiring those practices to remain consistent with Dillingham code and applicable Alaska law.

This approach should reduce the need to amend the Municipal Code every time an administrative form, piece of election equipment, or routine election procedure changes.

WHY DO THIS NOW?

Staff recommends completing the project now for several reasons.

First, the City should not continue relying on approximately 40-year-old election language when the actual administration of elections has evolved substantially. A municipal code should describe the rules the City actually follows and should provide clear authority for those procedures.

Second, piecemeal amendments have made the election code increasingly difficult to administer. Updating one provision without reviewing related provisions can create inconsistent terminology, duplicate requirements, conflicting deadlines, and cross-references that no longer work as intended.

Third, completing the modernization now creates a clearer foundation for future elections. Election officials should be able to read the code before an election and understand their responsibilities without having to determine whether a provision reflects a current procedure, an obsolete procedure, or a practice that has since been superseded.

Fourth, modernization allows the City to make the code more **technology-neutral**. For example, the proposed ballot provisions allow reasonable ballot-accountability measures compatible with the equipment approved for the election rather than permanently requiring one particular ballot design or security feature. The redline also provides for emergency replacement ballots if official ballots become unavailable because of printing errors, shortages, equipment failure, or another unforeseen circumstance.

Finally, the review provides an opportunity to compare Dillingham's procedures with current Alaska municipal-election requirements and correct statutory references that have become outdated. The existing code still contains, for example, a reference to repealed **AS 29.28.015** in the definition of a regular election; the proposed redline replaces that reference with the actual first-Tuesday-in-October rule.

DISCUSSION:

1. Election Administration

The proposed ordinance establishes a clearer division between policy and administration.

The City Council retains its authority to prescribe the rules governing municipal elections. The City Clerk is given express authority to administer those rules through forms, instructions, manuals, checklists, ballot-accounting procedures, chain-of-custody procedures, and other administrative materials.

This provides needed flexibility without transferring legislative authority from the Council.

2. Election Equipment and Ballots

The existing code contains provisions written around particular ballot forms, perforations, booths, and older election practices.

The proposed amendments use more technology-neutral language while retaining important safeguards such as ballot accountability, voter privacy, ballot boxes, and the ability to hand count ballots when necessary. The ordinance also creates a procedure for emergency replacement ballots so an equipment or printing problem does not prevent qualified voters from voting.

3. Election Officials

The election-official provisions are reorganized to distinguish the statutory election board from additional officials needed to administer an election.

The proposed language addresses training, supervision, conflicts of interest, additional election personnel, youth election workers, and election-worker recruitment. The current draft provides for the City Council to appoint the election boards, while the City Clerk may appoint additional election officials needed to conduct the election.

4. Candidate Procedures

The proposed changes clarify candidate qualifications, declarations of candidacy, candidate challenges, filing periods, write-in candidates, corrections to declarations, and withdrawals.

These provisions are intended to make the candidate process easier to administer and to establish clear procedures before ballot preparation begins.

5. Voting Procedures

The proposed amendments modernize polling-place procedures, questioned voting, voter identification, voter assistance, ballot marking, tabulation, hand counting, write-in voting, spoiled ballots, and poll watchers.

For example, the proposed voter-identification provision directly references AS 15.15.225 rather than maintaining a separate municipal list of acceptable identification that could become outdated when state law changes.

6. Canvass, Certification, Contests, and Recounts

Chapter 3.70 is being reorganized to more clearly distinguish:

- the election-night count;
- the canvass board's review of absentee and questioned ballots;
- the canvass board report;
- Council certification of the election;
- election contests;
- recounts; and
- tie votes.

The current redline also provides for the canvass board to be appointed in advance by the City Council and, when possible, to consist of individuals different from the precinct election boards.

These are among the most important sections to make clear because they govern what happens when an election result is close, questioned, or contested.

7. Terminology and Readability

Throughout the code, the ordinance updates terminology that is outdated, inconsistent, or unnecessarily gender-specific.

Examples include replacing outdated disability terminology, updating references to election officials, removing unnecessary gendered pronouns, and using terminology that better reflects current election practices.

These changes are primarily editorial, but they make the code significantly easier to read and administer.

ALTERNATIVES:

- Recommend approval of Ordinance No. 2026-XX.
- Recommend approval with amendments.
- Decline to recommend the ordinance.
- Approve only certain pages of the redline to fix the worst part this month and the rest in the future

WHY USE AN EXHIBIT A REDLINE?

Because this ordinance affects many sections of the election code, reproducing every amended provision in the body of the ordinance would make the ordinance unnecessarily long and difficult to review.

Instead, Ordinance No. 2026-XX adopts the legislative redline as Exhibit A. This allows the Code Committee, Council, and public to see exactly what language is being deleted, retained, or added.

The ordinance separately identifies provisions containing substantive amendments so that substantive policy decisions are not hidden among grammatical or terminology changes.

FINANCIAL IMPLICATIONS:

No significant new financial impact is anticipated.

Most of the proposed changes concern election procedures, administrative authority, terminology, and use of equipment and personnel already associated with municipal elections. Some provisions may reduce future administrative costs by allowing forms and routine procedures to be updated without requiring a new ordinance.

LEGAL:

AS 29.26.010(a) provides that the governing body shall prescribe the rules for conducting municipal elections. The proposed ordinance exercises that authority by establishing the City's election rules while providing the City Clerk sufficient administrative authority to carry them out. The ordinance itself correctly cites that statutory authority.

The modernization also provides an opportunity to identify and correct outdated statutory references and to ensure that Dillingham's election procedures remain consistent with applicable provisions of Alaska law.

STAFF RECOMMENDATION:

Staff recommends that the Code Committee complete its review of Exhibit A and recommend Ordinance No. 2026-XX to the City Council for introduction.

Completing the modernization now will provide the City with a clearer, more current, and more workable election code rather than continuing to administer future elections under a framework that was largely written approximately 40 years ago.

PROPOSED MOTION:

"I move to recommend Ordinance No. 2026-XX, adopting Exhibit A and amending Chapters 3.10 through 3.70 of the Dillingham Municipal Code relating to municipal elections, to the City Council for introduction and set the public hearing date for the next regular council meeting."

ATTACHMENTS:

- Exhibit A – Legislative Redline Amending Chapters 3.10 through 3.70 of the Dillingham Municipal Code