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CHAPTER 3.10

GENERAL PROVISIONS**§ 3.10.010. Administration authority.**

The city council shall prescribe the general rules for conducting municipal elections in accordance with AS 29.26.
(Ord. 86-9 § 1, 1986)

§3.10.015, Election Administration.

A. The City Clerk shall administer all city elections and shall prescribe and maintain administrative forms, instructions, checklists, procedures, manuals, and records necessary to administer municipal elections.

B. The procedures may include election calendars, chain-of-custody procedures, ballot accounting procedures, election worker manuals, absentee voting procedures, canvassing procedures, forms, and other procedures necessary to administer this title.

C. In administering this title, the City Clerk may use forms, procedures, guidance, and administrative practices that are substantially consistent with those prescribed by the Alaska Division of Elections, to the extent applicable to municipal elections and not inconsistent with this title, Title 29, Alaska Statutes, or other applicable law.

§ 3.10.020. Voter qualifications.

A person may vote in city elections only if the person:

- A. Is a United States citizen who is qualified to vote in state elections **under AS 15.05.010;**
- B. Has been a resident of the ~~municipality~~ **city** for thirty calendar days immediately preceding the election;
- C. Is registered to vote in state elections at a residence address within ~~a municipality~~ **the city** at least thirty calendar days before the city election in which the person seeks to vote; and
- D. Is not disqualified to vote under Article V of the Alaska Constitution.
(Ord. 86-9 § 1, 1986; Ord. 11-06 § 1, 2011)

§ 3.10.021. Rules for determining residence of voter.

- A. For the purpose of determining residence for voting, the place of residence is governed by ~~the following rules~~ **AS 15.05.020 s:**

- ~~1. 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 person's place of residence. Temporary construction camps do not constitute a dwelling place.~~
- ~~2. A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.~~

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- ~~3. A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of the United States or of this state, or because of marriage to a person in the civil or military service of the United States or of this state, or while a student of an institution of learning, or while kept in an institution or asylum at public expense, or while confined in a public prison, or while engaged in the navigation of waters of this state, or the United States, or of the high seas.~~
- ~~4. A person does not lose residence if the person leaves home and goes to another country, state or place in this state for temporary purposes only and with the intention of returning.~~
- ~~5. A person does not gain a residence in any place to which the person comes without a present intent to establish a permanent dwelling at that place.~~
- ~~6. A person loses residence in this state if the person votes in another state's election, either in person or by mail, and will not be eligible to vote in this state until again qualifying under AS 15.05.010.~~
- ~~7. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.~~

(Ord. 11-06 § 2, 2011)

§ 3.10.022. Registration.

The election officials at any election shall allow a person to vote whose name is on the official registration list and who is qualified under this chapter and AS 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot.

(Ord. 11-06 § 3, 2011)

§ 3.10.030. Regular elections.

A regular election shall be held annually on the first Tuesday in October for the election of vacant municipal offices and the determination of such other matters as may be placed on the ballot.

(Ord. 86-9 § 1, 1986)

§ 3.10.040. Special elections.

The city council, by resolution, may order that a special election be held. Special elections shall not be called within forty-five days preceding a regular election. The election shall be conducted on the ninth Tuesday following certification of a valid initiative, referendum or recall petition, or, in the other cases, following adoption of a resolution by the city council.

(Ord. 91-02 § 1, 1991; Ord. 86-9 § 1, 1986)

§ 3.10.050. Expenses.

- A. The city shall pay all necessary election expenses, including those of securing places for polls and providing election equipment, ballot boxes, ballots, voting booths, screens, supplies necessary for providing absentee voting and other supplies, and any wages due ~~Judges~~ Election Officials ~~and clerks~~.
- B. ~~Salaries~~ Compensation for the election ~~Judges~~ Election Officials ~~and clerks~~ shall be set by the council.
- C. No City official in ~~this~~ the city may make any charge for services rendered to any voter under the provisions of this chapter.

~~D. All expenses incurred in an election recount shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount, or the difference between the winning and a losing vote on the result contested is less than two percent.~~

~~The use of public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees in kind, to promote the passage of ballot propositions including public expenditures, or bond issues is prohibited.~~ (Ord. 86-9 § 1, 1986)

§ 3.10.060. Time off for voting for City of Dillingham Employees.

Any City employee who is a qualified voter who does not have sufficient time outside ~~his/her~~ the voter's working hours within which to vote at any city election may, without loss of pay, take off as much working time as will enable ~~him/her~~ the voter to vote. If any employee has two consecutive hours in which to vote, either between the opening of the polls and the beginning of ~~his~~ the employee's regular shift, or between the end of ~~his/her~~ the employee's regular working shift and the closing of the polls, ~~he/she~~ the employee shall be deemed to have sufficient time outside ~~his~~ the employee's working hours within which to vote.

(Ord. 86-9 § 1, 1986)

§ 3.10.070. ~~Plurality~~Simple Majority —Tie votes.

Election to office or passage of a proposition shall be by simple ~~plurality~~majority. In the event of a tie vote, the city council shall prescribe the method and determine the winner by lot.

(Ord. 86-9 § 1, 1986)

~~§ 3.10.075. Procedure for filling vacancies.~~

~~When an elected official or officials have vacated one or more seats before the expiration of the full term, a replacement shall be elected at the next regular election for the balance of the term.~~

(Ord. 91-02 § 2, 1991; Ord. 11-07 § 1, 2011)

§ 3.10.080. ~~Public notice of election~~Election notices.

A. The ~~city clerk~~ City Clerk, ~~subject to any directions of the council~~, shall give at least twenty days' notice of an election by posting notice thereof in at least three public places in the city, and by publishing the notice at least twice in a newspaper of general circulation within the city, providing there is such a newspaper, with one publication to be within seven days preceding the election.

B. The Notice of Election notice shall contain the following:

1. The date of the election.
2. The time of opening and closing of the polling places.
- ~~3. The location of precinct polling place. and a description of the voting preeincts by boundaries.~~
- ~~4. The qualifications of voters and the manner, time, method and place of registration.~~
5. The manner of nominating candidates if candidates are to be elected.
6. The type of election, i.e., regular or special.
7. The offices to be filled or propositions to be submitted to ~~the electors~~ voters.
8. A statement as to bilingual voting assistance and ~~handicapped~~ access to the polls for

people with disabilities.

9. Provisions for absentee voting.

- C. **Notice of bonded indebtedness – the City Clerk shall post on the city’s website and publish a notice of bonded indebtedness before a general obligation bond election, as required by AS 29.47.190**

(Ord. 86-9 § 1, 1986)

§ 3.10.090. Polls—Opening and closing.

On election day, precinct polls shall open for voting at eight a.m. and shall remain open continuously until eight p.m.; ~~except, on those election days when municipal and state elections are held concurrently, the precinct polls shall open for voting at seven a.m.~~

(Ord. 86-9 § 1, 1986)

§ 3.10.100. State official voter registration list.

~~Within thirty days preceding the election, the~~ **The city clerk City Clerk** shall **order and** obtain from the State of Alaska, Division of Elections, a precinct registration list which indicates the full name and residence address, **and the mailing address** of all qualified voters **in accordance with 3.10.020. This list shall serve as the precinct register.**

B. If a voter’s name does not appear on the official voter registration list, the election official shall **advise** the voter that he or she may cast a questioned ballot and the voter shall be allowed to vote a questioned ballot.

(Ord. 86-9 § 1, 1986)

§ 3.10.110. ~~Election information supplied to state officials~~ **Report voting information to the state.**

Pursuant to AS 15.07.137, within sixty days after **certification of** a city election, the ~~city clerk~~ **City Clerk** shall certify and send to ~~the director of~~ the State Division of Elections ~~a copy of~~ the official precinct registration list, **questioned voter registers, and absentee and special voting lists** containing the names, residence addresses and ~~voter numbers~~ **other voter identification** of all persons voting in ~~each precinct~~ in that election.

(Ord. 86-9 § 1, 1986)

§ 3.10.120. Precinct boundaries and polling places.

Precinct polling places for city elections shall be those established by the state for state elections.

(Ord. 86-9 § 1, 1986)

§ 3.10.130. Preservation of election materials.

The clerk shall preserve ~~all precinct election certificates, petitions, and registers, all voted ballots filed for the period required under~~ **election records pursuant** to the records retention schedule adopted by the Dillingham City Council by resolution.

All declarations of candidacy shall be preserved until the retention period specified in the adopted records retention schedule.

These election 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 canvass committee are to be preserved as permanent records (Ord. 86-9, 1986.)

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unless otherwise provided in the adopted records retention schedule.
(Ord. 86-9 § 1, 1986; Ord. 26-03, 4/2/2026)

§ 3.10.140. Severability.

Should any provision of this election code or its application to any person or set of circumstances be held invalid, the remainder of its provisions or of its application to any other persons or circumstances shall not be affected.
(Ord. 86-9 § 1, 1986)

CHAPTER 3.20
EQUIPMENT AND SUPPLIES

§ 3.20.010. ~~Booths~~ Voting Stations and ballot boxes.

The ~~city clerk~~ City Clerk shall provide ~~booths~~ voting booths, voting stations, or other voting areas that preserve ballot secrecy and permit voters to mark ballots privately at the polling places, with appropriate supplies and conveniences to enable each voter to mark ~~his/her~~ ballots screened from observation. ~~At least three sides of each booth shall be enclosed.~~ A Ballot boxes shall be placed outside of the voting ~~booths~~ areas within plain view of the ~~Judges~~ Election Officials ~~and clerks~~, voters and other persons at the polling places. (Ord. 86-9 § 1, 1986)

§ 3.20.020. Voter instructions.

The clerk shall prepare instructions explaining to voters how to obtain ballots, how to mark them, how to obtain information from election officials, how to obtain new ballots to replace those destroyed or spoiled, and assistance available to language minorities and ~~handicapped~~ voters with disabilities. These instructions shall be printed in large, clear type and shall be distributed to the election boards to be prominently displayed in each polling place. (Ord. 86-9 § 1, 1986)

§ 3.20.030. Ballots—Form.

~~A. Ballots shall be prepared in the manner prescribed for State elections insofar as such requirements are applicable to non-partisan elections. The ballots shall be numbered in series, the number being placed in an area set off by perforations 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.~~

A. The City Clerk shall prepare all ballots to facilitate fairness, simplicity and clarity in the voting procedure, to reflect accurately the intent of the voter, and to expediate the administration of elections.

Ballots shall be prepared in a manner substantially consistent with the requirements for Alaska state elections to the extent applicable to nonpartisan municipal elections and not inconsistent with this title or Title 29, Alaska Statutes.

Ballots shall incorporate reasonable ballot accountability measures prescribed by the City Clerk, which may include sequential numbering, detachable ballot stubs, perforations, or other security features compatible with the voting equipment approved for use in the election.

- B. All candidates for 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 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 on the declaration of candidacy, except that any honorary or assumed title or prefix shall be omitted, but may include in the candidate's name any nickname or form of a proper name of the candidate. The words "vote for not more than one" with the appropriate number replacing the blank, shall be placed

before the lists of candidates for each office. **The names of candidates shall be arranged on the ballot alphabetically by last name.**

- C. ~~Following the offices and candidates, there shall be placed on the ballot, or on separate ballots as the clerk may determine, all propositions or questions to be voted on. The words "yes" and "no" shall be placed below the statement of each proposition or question. Propositions and questions to be voted on shall follow the candidates for office or may be on a separate ballot as determined by the clerk. The words "yes" and "no" shall appear below each proposition or question.~~ All ballot propositions shall be stated in a concise and clear language to avoid verbosity and with the object of informing and advising the voter of the issue in a clear and forthright manner. All ballot propositions shall be stated in the affirmative and not the negative, so that a "yes" vote will always mean that the voter approves of the affirmative of a position and not the negative; and a no vote disapproves the affirmative statement of an issue. Ballot propositions shall not be used to obtain a negative result by the casting of a yes vote. Simple sentences and words shall be used in preference to complex or compound sentences and words with the object of making ballot propositions understandable to the average reader.
- A. Each ballot shall ~~bear~~**state the words** "City of Dillingham" "Official Ballot", **the type of election (e.g., Regular or Special)** and the date of the election.
- D. **3.20.040 Emergency Replacement Ballots.**

If official ballots become unavailable, are exhausted, contain printing or formatting errors, are damaged, or cannot reasonably be used because of equipment failure or another unforeseen circumstance, the City Clerk may authorize the use of replacement ballots or emergency ballots, including copies of the approved sample ballot, provided:

1. **the replacement ballot substantially conforms to the official ballot approved for the election;**
2. **each replacement ballot is accounted for and issued under procedures prescribed by the City Clerk;**
3. **ballot secrecy is preserved;**
4. **voted replacement ballots are secured and canvassed in the same manner as official ballots to the greatest extent practicable; and**
5. **the use of replacement ballots is documented as part of the election record.**

(Ord. 03-05 § 1 (part), 2003; Ord. 86-9 § 1, 1986)

§ 3.20.050. Ballots—Printing, inspection and distribution.

- A. In all ~~municipal~~ **city** elections, the ~~city clerk~~ **City Clerk** ~~will~~**shall** be responsible for the printing of ballots. The clerk shall determine the number of ballots to be used to present all offices, propositions, and questions to the qualified voter. **The clerk may contract for the preparation and printing of ballots without competitive bidding.**
- B. **The clerk shall have the ballots in the clerk's possession at least fifteen calendar** days before each regular election ~~and ten days before each~~ **or** special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot or by the **candidate's** authorized agent and any discovered mistake shall be corrected immediately.

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- C. Prior to election day, sufficient ballots ~~for the registered voters of each precinct~~ shall be delivered to the City Clerk ~~election board for that precinct~~. 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.~~

(Ord. 86-9 § 1, 1986)

§ 3.20.060. Sample ballots.

- A. The ~~city clerk~~ City Clerk will have a number of sample ballots printed. The sample ballots will be printed on tinted paper and clearly labeled as a sample ballot. At least one day before the election, the ~~city clerk~~ City Clerk shall cause to be posted at the polling place and in at least three public places in the city ~~specimen~~ sample ballots with instructions to voters.
- B. In the event of a shortage of official ballots, the election ~~board~~ officials ~~may utilize unmarked sample ballots in order to allow qualified voters to cast a ballot. The necessity of such use shall be addressed as an attachment to the election certificate by the election board.~~ shall follow procedures in accordance with 3.20.40.

(Ord. 86-9 § 1, 1986)

§ 3.20.070. Precinct register list—Distribution to ~~precinct~~election officials.

Prior to the opening of the polls, the city clerk shall deliver ~~a~~ the precinct register and ~~a list of~~ voters ~~supplied~~ who voted absentee will be flagged or marked in some way in the precinct register ~~ballots~~ to the election officials. ~~The register will provide sufficient space to enable voters to sign their name and enter residential and mailing addresses~~ A record shall be kept in the register of the names of persons who offer to vote but are refused, and a brief statement of the basis for the refusal. The signing of the precinct register constitutes a declaration by the voter that ~~he/she~~ the voter is qualified to vote.

(Ord. 86-9 § 1, 1986)

CHAPTER 3.30
ELECTION OFFICIALS

§ 3.30.010. ~~City clerk~~ City Clerk duties.

The ~~city clerk~~ City Clerk will perform the duties as provided in this chapter and at AS 29.26 and AS 15 as necessary for the administration of ~~municipal~~city elections. The ~~city clerk~~ City Clerk may publish notices urging voter registration and may cooperate with the state in encouraging city residents to register.

(Ord. 06-01 § 1 (part), 2006; Ord. 86-9 § 1, 1986)

~~§ 3.30.020. Judges—Election Officials and clerks—Appointment.~~

- ~~A. Before each municipal election, the city clerk shall appoint three Judges—Election Officials to constitute the election board for each municipal precinct. One judge shall be designated precinct chairman by the city clerk and shall be primarily responsible for administering the election. Two of the appointed Judges—Election Officials may also serve as the election clerks. The city clerk may appoint up to three additional clerks when necessary to facilitate the orderly conduct of the election.~~
- ~~B. Each judge or clerk must be a qualified voter of the city under Dillingham Municipal Code Section 3.10.020 and a resident of the precinct for which he is appointed unless no voter is willing to serve.~~
- ~~C. Each judge or clerk must be willing to devote the time to be trained to conduct the election properly.~~
- ~~D. An election official may not serve if he is a first degree relation to a candidate listed on the ballot and cannot be a candidate themselves or be listed as a candidate on the ballot. For the purpose of this section, "first degree relation" is defined as a mother, father, sister, brother, child, mother in law, father in law, sister/brother in law, niece or nephew.~~
- ~~E. Upon the conclusion of the election the city clerk must include a written report to the council that describes recruitment efforts and results.~~

3.30.020 Election Boards and Election Officials—Appointment.

A. Appointment.

Election Board

- 1. The City Council shall appoint election boards necessary to conduct the election.**
- 2. Each election board shall consist of at least three qualified election officials.**
- 3. The City Clerk shall designate one member of each election board to serve as the chair. If the chair is unable to perform those duties, the other election officials shall perform the duties.**

Election Officials

The City Clerk may appoint additional election officials as necessary to administer the election, including:

- absentee voting officials;**
- ballot tabulation officials;**
- translators and interpreters;**
- technology support personnel;**
- youth election workers;**
- other election officials necessary to conduct the election.**

The City Clerk shall designate one election official to serve as chair of each election board. In addition to the required election officials, the City Clerk may appoint not more than two youth election workers to each precinct election board pursuant to subsection (F).

B. Qualifications.

Except as provided in subsection (F) of this section, election officials shall be qualified voters of the City and meet the following conditions:

1. meet the qualifications prescribed by this title and applicable law;
2. complete any training prescribed by the City Clerk, unless excused by the clerk;
3. subscribe to an oath in accordance with this chapter;
4. be willing and able to faithfully perform the duties of the office; and
5. comply with all election procedures established by this title and the administrative procedures prescribed pursuant to DMC 3.10.015.

If the City Clerk is unable to recruit sufficient qualified election officials who reside within the city, the City Clerk may appoint qualified individuals from elsewhere as otherwise authorized by law. There shall be no inquiry into an election official's political party as prerequisite to serve.

C. Supervision.

Election officials shall perform their duties under the supervision of the election chair or another supervising election official designated by the City Clerk.

D. Disqualification.

A person may not serve as an election official if the person:

1. is a candidate for an office appearing on the ballot;
2. is the spouse, domestic partner, parent, child, sibling, or other first-degree relative of a candidate appearing on the ballot; or
3. has another conflict of interest that would impair the impartial administration of the election.

If the clerk knows or learns that any of these exists, the election official shall be notified and replaced by the clerk.

E. Training.

The City Clerk shall provide training for election officials. Training may be conducted in person, electronically, or by other methods determined by the City Clerk.

F. Youth Election Workers.

In addition to the election officials appointed under this section, the City Clerk may appoint not more than two (2) youth election workers to serve at a time.

A youth election worker shall:

1. be at least sixteen (16) years of age;
2. complete the training prescribed by the City Clerk before serving;
3. subscribed to an oath in accordance with this chapter;
4. serve under the supervision of the election board chair; and
5. perform only those duties assigned by the City Clerk or election board chair that are consistent with the worker's training and applicable law.

A youth election worker may be compensated as established by the City Council or may serve as a volunteer.

G. Additional Election Officials.

The City Clerk may appoint additional election officials whenever necessary to ensure the orderly administration of an election.

H. Compensation.

Election officials shall receive compensation established by resolution, or other compensation authorized by the City Council.

I. Recruitment Report.

Following each regular city election, the City Clerk shall provide the City Council with a summary of election worker recruitment efforts, staffing levels, and recommendations for future elections.

~~(Ord. 06-01 § 1 (part), 2006; Ord. 86-9 § 1, 1986)~~

§ 3.30.030. Election board—Filling vacancies.

If an appointed ~~judge or clerk~~ **election official** fails to appear and subscribe to the oath on Election Day or becomes incapacitated during the time of the election or during the canvass, the ~~election board members present shall elect, by a majority vote, a qualified voter to fill the vacancy~~ **City Clerk shall appoint a person in accordance with this chapter.**

~~(Ord. 06-01 § 1 (part), 2006; Ord. 86-9 § 1, 1986)~~

§ 3.30.040. Election officials—Oath.

~~A. The city clerk City Clerk will choose an election official to appear before the city clerk City Clerk and take the oath set forth in this section. This election official or city clerk City Clerk will, in turn, administer the same oath to all other election Judges—Election Officials and clerks.~~

B. Before serving as an election official, each election official must subscribe to an oath as prescribed by the City Clerk.

C. The oath administered will be what the State of Alaska Division of Elections uses for oaths for election workers. The City Clerk shall contact the Alaska Division of Elections to confirm the most recent oath for election workers and use the most recent oath. as follows: "I, —, do solemnly swear or affirm that I will honestly and faithfully perform the duties of an election official according to law (DMC). I will endeavor to prevent fraud, deceit or abuse in conducting the election. All of this I will perform to the best of my ability, so help me God."

D. Any election official may administer to a voter any oath that is necessary in the administration of the election.

~~(Ord. 06-01 § 1 (part), 2006; Ord. 86-9 § 1, 1986)~~

CHAPTER 3.40
CANDIDATE QUALIFICATION AND NOMINATION

§ 3.40.010. Qualifications.

No person shall hold any elective office or be eligible to seek election thereto unless ~~she/~~
~~he~~ **the person** is a qualified ~~elector of~~ **voter of** the city, possessing the voter qualifications as set forth at Section 3.10.020(A) through (D), and has been a resident of the city or of the territory annexed to the city, or who has had a combination of residency in the city and in the annexed territory for a period of not less than one year preceding election **day. A candidate shall provide proof of qualification for office as required by the City Clerk.**
(Ord. 86-9 § 1, 1986)

~~**§ 3.40.015. Designated seats.**~~

~~Candidates for city council or school board shall file for election day by the municipal voters at large for seats designated alphabetically commencing with the seats vacated in October 1997 and continuing thereafter. No person may file for more than one seat within the same office. However, a candidate can file for office on both the city council and the school board.~~
(Ord. 12-17 § 2, 2012; Ord. 96-15 § 1, 1996)

A. The clerk shall determine whether each candidate for municipal office is qualified as provided by law. At any time before the election the clerk may disqualify any candidate whom the clerk finds is not qualified.

B. Any person, including the clerk, may question the eligibility of a candidate who has filed a declaration of candidacy by filing a complaint with the clerk.

C. The complaint must be in writing and include the name, mailing address, contact phone number, signature of the person making the complaint, and a statement describing the grounds on which the candidate's eligibility is being questioned.

D. The clerk will review only those issues in the complaint related to candidate qualifications.

E. Upon receipt of a complaint, or if the clerk questions the eligibility of the candidate, the clerk will send notification in writing to the candidate.

F. The clerk shall review any evidence relevant to the candidate's qualifications, including, but not limited to, the candidate's residency, voter registration, declaration of candidacy, and any other document of public record or as required by Code. Based on the review of the documents, the clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate.

G. If the clerk determines the preponderance of evidence supports the eligibility of the candidate, the clerk will issue a final determination supporting the candidate's eligibility.

H. If the clerk determines the preponderance of evidence does not support the candidate's eligibility, notice to the candidate will identify any additional information or evidence that must be provided by the candidate. The clerk must receive the requested information no later than three calendar days from the date of notice. The clerk will consider any additional information provided and issue a final determination as to the candidate's eligibility no later than three calendar days from receipt of the additional information.

I. If the information requested by the clerk in subsection (H) of this section is not received by the specified deadline, the clerk will issue a final determination regarding the candidate's eligibility based on the information initially reviewed.

J. The clerk will send notice of final determination in writing to the person making the complaint, if applicable, and to the candidate. The determination of the clerk is final

§ 3.40.020. Form and filing.

A person who seeks to become a candidate for an elected office shall ~~execute and~~ file a declaration of candidacy. The declaration shall be executed under oath before and on a form provided by the ~~city clerk~~ **City Clerk**. The declaration shall ~~state in substance~~ **include:**

- A. The full **legal** name of the candidate and the manner in which ~~she/he wishes his name~~ **the candidate wishes the candidate's name** to appear on the ballot;
- B. The full **residence and** mailing address of the candidate;
- C. **The telephone numbers and other contact information of the candidate;**
- D. The office for which the candidate declares;
- E. **A statement** ~~That that~~ the candidate is qualified ~~voter and resident of the city~~ **for the office as provided by law**, and will serve if elected;
- ~~F. That the candidate agrees to serve if elected to the office of _____ for a term of _____ years; and~~
- G. **The candidate's certification before an official authorized to administer oaths that the information in the declaration of candidacy is true and accurate, with the date and the candidate's signature; and**
- H. Any other information requested by the city clerk which is reasonably necessary to administer the declaration of candidacy process.
- I. **No person may file for more than one seat within the same office. However, a candidate can file for office on both the city council and the school board.**

(Ord. 86-9 § 1, 1986)

§ 3.40.030. Time for filing.

A. Packets containing declarations of candidacy shall be available from the City Clerk no later than the day the filing period opens. The packets shall remain available throughout the filing period.

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B. Declarations of candidacy shall be submitted on a form provided by the City Clerk. The declaration of candidacy form must be submitted as an original and shall not be submitted facsimile or electronically. ~~A~~ **The** declaration of candidacy shall be filed with the ~~city clerk~~ **City Clerk** not earlier than the ~~second~~ **first** Tuesday in August nor later than five p.m. on the ~~third first~~ Tuesday in ~~September~~ **August** prior to the election. **The filing period for write-in candidates shall begin on the third Wednesday of August and last until 5:00 p.m. on the Thursday proceeding the election**

Within four days after a candidate files a declaration of candidacy the city clerk shall either notify the candidate that it is in proper form, or return it to the candidate with a statement certifying how it is deficient.

(Ord. 91-02 § 3, 1991; Ord. 86-9 § 1, 1986)

§ 3.40.040. Record.

The ~~city clerk~~ **City Clerk** will maintain a record containing the name and address of ~~every person~~ **certified candidates** for which a declaration of candidacy is filed and date and time of filing.

(Ord. 86-9 § 1, 1986)

§ 3.40.050. Corrections ,Amendments and Withdrawal from candidacy.

A. A candidate may withdraw ~~his declaration~~ **the declaration of candidacy** through the last day for filing declarations, by submitting written notice **to the City Clerk** of withdrawal, signed by the candidate, ~~with the city clerk~~ **City Clerk**.

B. **A candidate may correct or amend a declaration of candidacy at any time during the period of filing declarations of candidacy, by written notice to the City Clerk signed by the candidate. After the filing period has closed, no declaration of candidacy may be corrected or amended.**

(Ord. 86-9 § 1, 1986)

CHAPTER 3.50

ABSENTEE VOTING – this section will not be updated in this ordinance

CHAPTER 3.60
PROCEDURES FOR CONDUCTING ELECTIONS

§ 3.60.010. Polls—Opening and closing.

- A. On the day of any election, the election board member shall report to the polling place one-half hour prior to the time set for opening of the polls. The hour shall be determined by the standard time or daylight savings time that is applicable to the polling place.
- B. During the hours that the polls are open, the chairperson of the election board may rotate times at which election ~~Judges~~ **Election Officials**, board members ~~and clerks~~ may be relieved for breaks or meals, provided however that at all times at least two ~~Judges~~ **Election Officials** from the election board shall be present at the polling place.
- C. At the time set for opening of the polls, ~~the~~ **an** election **official judge** shall announce that the polls are open. 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.
- D. Fifteen minutes before, and at the time of closing the polls, the election board shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement at fifteen minutes before closing time shall not in any way invalidate the election or extend the time for closing the polls. After closing, no person will be allowed to enter the polling place for the purpose of voting; however, every qualified voter present and in line at the time prescribed for closing the polls, may vote.

~~E. In exceptional or unusual circumstances, the election board may, at its discretion, hold the polls open past the eight p.m. closing time.~~

(Ord. 86-9 § 1, 1986)

§ 3.60.020. Voting procedure.

- A. The election ~~Judges~~ **Election Officials** shall keep a register in which each voter, before ~~receiving his/her ballot~~ **receiving a ballot**, shall sign his/her name and give both residence and mailing addresses. A record shall be kept in the registration book and space provided of the names of the persons who offered 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 is qualified~~ **the voter is qualified** to vote. **If a voter's name does not appear on the official registration list** ~~If any election official present believes the voter is not qualified, he shall immediately~~ **the election official shall immediately** ~~question the voter according to the procedures outlined in Section 3.60.030. If a voter's polling place is in question, a voter shall be allowed to vote and any election official shall consider the ballot a questioned ballot.~~ **advise the voter that he or she may cast a questioned ballot and the voter shall be allowed to vote a questioned ballot under this title.**
- B. **Before being allowed to vote, each voter shall exhibit to an election official one form of identification, identified as identification listed by the State of Alaska as acceptable proof of identification for voting in AS Stat 15.15.225.**
- C. **An election official may waive the identification requirement if any election official knows the identity of the voter by first and last name.**
- D. **A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot under this title.**

E. When the voter is deemed qualified to vote, the election official shall ~~give him/her~~ provide the voter an official ballot.

F. ~~Each~~ The voter shall retire alone to a booth or private voting area to ~~mark his/her ballot~~ mark the ballot. ~~If a voter has a language barrier, is blind or otherwise physically unable to mark his/her ballot alone, he~~ the voter may request assistance and it may be permitted 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 deposit the ballot in the ballot box.~~ The ballot shall be secured in the ballot box by the voter or election official

G. If a voter improperly marks or otherwise damages the ballot, ~~he shall return it~~ 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. Without examining the ballot ~~The~~ the election official 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 times. If the voter requests more than three ballots, the voter may vote a questioned ballot.

(Ord. 86-9 § 1, 1986)

§ 3.60.030. Questioned ~~ballots~~voting.

- A. If a voter's qualifications are in question, a member of the election board shall affirmatively advise the voter that ~~he may cast~~ the voter may cast a questioned ballot after complying with subsection C of this section.
- B. Every election official shall question and ~~every watcher and~~ any 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 in the election. All questions regarding a person's qualifications to vote shall be made in writing, setting out the reason that the person has been questioned.
- C. The questioned person before voting shall subscribe to an oath or affirmation on a form provided by the ~~election official~~ City Clerk attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified and has not voted at the same election And certifying that the person understands that a false statement on the form may subject the person to prosecution for a misdemeanor under state law, If the question is to residence in the precinct or voting area, the person shall also state the place from which that person came immediately before living in the precinct where offering to vote, and the length of time of residence in the former place. After the questioned person has executed the oath or affirmation, the person may vote. If the questioned person refuses to execute the oath or affirmation, the ~~person shall not vote.~~ election officials shall note that the person refused to sign on the envelope.
- D. A voter who casts a questioned ballot shall ~~vote his/her ballot~~ vote the ballot in the same manner as prescribed for other voters. After the election official removes the numbered stub from the ballot, the voter shall insert the ballot into ~~a small blank envelope~~ the secrecy sleeve and put the small blank envelope into the larger envelope on which the ~~statement he/she previously signed~~ statement previously signed by the voter is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, and delivered to the clerk. The election canvassing committee shall review and judge the applicability of questioned ballots during the canvass of returns.

(Ord. 86-9 § 1, 1986)

§ 3.60.040. Voter Assistance.

~~A qualified voter who cannot read, mark the ballot, or sign his name may request an election judge official, a person, or not more than two persons of his choice, to assist him. If the election judge official is requested, he shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge he will not divulge the vote cast by the person whom he assists. (Ord. 86-9 § 1, 1986)~~

A qualified voter who cannot read, mark the ballot, or sign may request an election official, a person, or not more than two persons of the voter's choice, to assist the voter. If the election official is requested, the election official shall assist the voter. If any other person is requested, the person shall state upon oath before the election official that the person will not divulge the vote cast by the person whom the person assists.

§ 3.60.050. Ballots—Marking, validity—~~Removal prohibited.~~

- A. The ballots shall be counted by the vote tabulation system **as determined by the City Clerk.**
- B. At no time during the tallying of votes may anyone but the election officials handle the ballots. The ballots shall not be marked in any way by anyone during the tallying.
- C. **Ballots may not be counted before 8:00 p.m. on Election Day.**
- D. The following rules apply to ~~the hand-counted~~ **hand counting** of ballots:
 - 1. A voter may mark a ballot only by the use of cross marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are ~~substantially~~ **clearly** inside the oval opposite the name of the candidate or proposition the voter desires to designate. **The mark specified in this subsection shall be counted only if it is substantially inside the oval provided so as to indicate clearly that the voter intended the particular oval to be designated.**
 - 2. ~~A failure~~ **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, votes for that office will not be counted.
 - 5. **An erasure or correction invalidates only that section of the ballot in which it appears, unless the intent of the voter is clear.**
 - 6. **Improper marks on the ballot will not be counted and do not invalidate marks for candidates or propositions properly made.**
 - 7. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot.
 - 8. ~~In order to~~ **To** vote for a write-in candidate, the voter must write in the candidate's name in the space provided, and, in addition, mark the oval opposite the candidate's name.
 - 9. Affixing stickers on a ballot in an election to vote for a write-in candidate is prohibited.
 - 10. Write-in votes shall only be tabulated ~~by person~~ if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot. No votes for a write-in candidate may be counted

unless that candidate has filed a letter of intent with the city clerk in accordance with Section 3.60.055, Write-in candidates.

- H. ~~No voter may leave the polling place with the official ballot that he/she received the voter received to mark.~~ **A voter may not leave the precinct with the ballot. Subject to 3.60.040, a voter may not exhibit the voted ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot.**

E. (Ord. 12-17 § 3, 2012; Ord. 98-15 § 1 (part), 1998)

§ 3.60.055. Write-in candidates.

- A. Votes for a write-in candidate for elective municipal office (city council and school board) will not be counted unless the candidate has filed a letter of intent. The letter of intent shall be executed under oath before and on a form provided by the city clerk. The letter of intent shall ~~state in substance~~ **include**:

1. The full name of the candidate;
2. The full residence and mailing addresses of the candidate;
3. A contact phone number;
4. The office and seat to which the candidate seeks election;
5. The name of the candidate as the candidate wishes it to be written in on the ballot by the voter;
6. The date of the election at which the candidate seeks election;
7. A certification by the candidate that the candidate:
 - a. Is a qualified voter;
 - b. Is a resident of the city;
 - c. Qualifies, or shall qualify as of the date of election, for the office to which the candidate seeks election;
 - d. Shall serve if elected; and
 - e. Has not filed for more than one seat within the same office as noted in Section 3.40.015;
8. A certification by the candidate that the information in the letter of intent is true and accurate;
9. The date and **notarized** signature of the candidate seeking office.
- B. A letter of intent under subsection A of this section must be filed with the ~~city clerk~~ **City Clerk** not earlier than the first business day following the last day of the filing period for declarations of candidacy for the election under Section 3.40.020, and not later than ~~one~~ **five** p.m. on the **fifth** day before the election.

(Ord. 12-17 § 4, 2012)

§ 3.60.060. Ballots—Counting and poll watchers.

- A. Immediately after the polls close and the last vote has been cast, the election

officials ~~Judges~~ will stop the tabulation system and/or other election equipment ~~Acceu-Vote system~~ and run the election report. The questioned, absentee by mail and personal representative ballot envelopes will be kept separated and given to the ~~city clerk~~ City Clerk.

B. ~~The printing of the election report will be public.~~ The opening of the ballot box will be accomplished in full view of ~~any person~~ authorized poll watchers present. ~~The public may not be excluded from the area in which the ballots are located.~~ However, the chairman of the election board shall not permit ~~anyone present~~ authorized poll watchers to interfere in any way or to distract appointed officials from their duties, and no one other than appointed election officials may handle ~~the~~ ballots or any other election equipment or supplies.

C. When hand counting ballots, the election board shall count the ballots allowed and in a manner that allows ~~watchers to see the ballots when read~~ authorized poll watchers to view the actions of the election board. ~~No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for safe keeping may have a marked device in hand or remove a ballot from the immediate vicinity of the polls.~~

D. Each candidate or organized group that sponsors or opposes and issue, may designate one person at a time to be a poll watcher at the precinct. A person wishing to serve as a poll watcher shall request authorization from the City Clerk. The authorization must include:

- A. The name of the person to act as the poll watcher;
- B. The name of the candidate, group, or organization the poll watcher is representing; and
- C. The date of the election.

The poll watcher must present authorization as defined in this subsection to the election board

E. (Ord. 98-15 § 1 (part), 1998)

§ 3.60.070. ~~Defective~~ Rejected ballots.

~~If a voter marks more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his/her ballot any voter's choice for any office to be filed, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine from an inspection of the ballot the person for whom the voter intended to vote and the office intended to be designated by the voter. Entire ballots and portions of ballots not counted shall be marked "Defective" on the back thereof. An explanation of the defect shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with a description of its contents and returned to the city clerk.~~

Rejected ballots shall be placed in an envelope which shall be labeled "rejected" and shall be returned to the City Clerk as instructed to be preserved with the election records in accordance with the City's records retention requirements.

(Ord. 86-9 § 1, 1986)

§ 3.60.080. Spoiled and unused ballots.

The numbers of all ballots spoiled or 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~~ returned to the City Clerk as instructed To be preserved with the election records in accordance with the City's records retention requirements.

(Ord. 86-9 § 1, 1986)

§ 3.60.090. Tally of votes.

- A. The clerk shall ~~issue instructions~~ **establish procedures prescribing the manner in which the ballot account is accomplished and** shall provide forms and supplies for the tally of votes cast so as to assure accuracy and to expedite the process. As soon as all the votes are read and counted, a tally certificate shall be drawn upon each of the tally sheets or attached thereto stating the number of votes each person has received, and designating the office for which ~~he received~~ **the candidate received** the votes. A certificate shall be signed by the election board members.
- B. If the results of the above tally certificate of number of votes received shows two or more candidates tied and having the highest number of votes for the same office for which there is to be elected only one candidate, the election board shall immediately proceed with the recount of the votes for that office. The recount tally shall be prepared and certified as provided for the first count. **If after the recount a tie still exists the election officials shall notice the City Clerk and the tie will be determined as provided in in 3.70.110.**
- C. The certificate of returns and tally certificates with the registration list, oaths of ~~Judges~~ **Election Officials** and oaths of voters and other papers, shall be sealed in an envelope by the ~~Judges~~ **Election Officials** and endorsed "election returns" and shall be delivered to the ~~city clerk~~ **City Clerk**.
- D. After completion of the certificate of returns, the count of ballots shall be sealed in an envelope provided by the clerk and shall be delivered to the **City Clerk**. ~~to be preserved, unopened, for one year, unless the city council or the court orders a recount.~~
- (Ord. 86-9 § 1, 1986)

§ 3.60.100. Majority decision of election board.

The decision of the majority of ~~Judges~~ **Election Officials** determines the action that the election board shall take regarding any question which arises during the course of the election.

(Ord. 86-9 § 1, 1986)

§ 3.60.110. Prohibited practices.

- A. During the hours that the polls are open, no ~~judge or clerk~~ **election official** may discuss any political party, candidate or issue while on duty. During the hours the polls are open, no person who is in the polling place or within two hundred feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election ~~Judges~~ **Election Officials** shall post warning notices at the required distance in the form and manner prescribed by the city clerk.
- B. The provisions of AS 15.56 are adopted and those acts made unlawful in that chapter are hereby made unlawful acts within the scope of this chapter. The listing of prohibited practices elsewhere in this chapter shall be deemed supplementary to the state law and the

actions hereafter made unlawful even though not specifically mentioned in state law.
(Ord. 86-9 § 1, 1986)

CHAPTER 3.70
ELECTION RESULTS

§ 3.70.010. ~~Election~~ Canvass board ~~as canvassing committee.~~

The ~~election board shall sit as the~~ canvassing committee will be appointed in advanced by the City Council to which will canvass all votes after the election ~~Judges~~ Election Officials have completed their tally of votes. The Canvass Board shall be made up of different members than the election boards, when possible.

The ~~canvassing committee~~ canvass board will meet not more than 10 days after the election on the first Thursday following the election for which they are appointed and canvass all absentee and questioned ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three postponements. (Ord. 03-05 § 1 (part), 2003; Ord. 96-19 § 1, 1996; Ord. 86-9 § 1, 1986)

§ 3.70.020. Canvass to be made public—Procedure.

A. In full view of those present, the ~~canvassing committee~~ canvass board shall;

1. ~~judge~~ Judge the applicability of absentee and questioned ballots, shall open and tally those accepted, and shall compile the total votes cast in the election.
2. ~~The canvass of the ballot vote counted by precinct election board shall be accomplished by reviewing~~ Review the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's certificate of returns.
3. ~~Correct~~ All all obvious errors found by the election canvass board in the transfer of totals from the precinct tally certificates to the precinct's certificate of returns shall be corrected in the canvassing committee's certificate of election returns.
4. ~~f, in the opinion of the canvassing committee~~ Recommend a recount for that portion of the return where, a mistake has been made in a precinct's certificate of returns ~~which is not clearly an error in the transfer of results from the tally certificate to the certificate of returns, the canvassing board may order that a recount of the results of that precinct be made for that portion of the returns in question.~~ under (A)(3) of this section.

B. The City Clerk shall deliver all questioned and absentee ballots to the canvass board for counting as determined by the City Clerk. Questioned and absentee ballots shall be counted as follows:

1. No ballot shall be counted if the voter has failed to properly execute the certificate or if the witness, officer or other person authorized by law to administer the oath fails to affix his/her signature. Any person present may question the name of an absentee voter when read from the voter's certificate on the back of the large envelope, if he has good reason to suspect that the voter is not qualified to vote, is disqualified or has voted at the same election. The person questioning the voter shall specify the basis of the question in writing. The ~~canvassing committee~~ canvass board, by a majority vote, may refuse to accept the question and count the ballot of a person properly questioned.

If the ~~ballot is refused~~ question is accepted and the ballot is refused the clerk shall ~~return a copy of the statement of the question to~~ notify the the voter in writing by certified mail to the address contained in the voter certificate of the reason the ballot was not counted. ~~and shall enclose all~~ The rejected ballots shall be placed in a separate envelope with the statements of question. The envelope shall be labeled "Rejected Ballots" and shall be preserved ~~for one year with the empty absentee ballot envelopes or, in the case of questioned ballots, with the empty questioned ballot envelopes.~~ And

preserved with the election records in accordance with the City's records retention requirements.

2.

3. If the ballot is not refused, **and the voter is qualified to vote and the ballot has been properly cast**, the large **ballot** envelope shall be opened, the ~~small inner envelope~~ **secrecy sleeve** shall be placed in a container and mixed with the other ~~blank absentee and questioned ballot envelopes~~ **secrecy sleeves**, the ~~mixed small blank envelopes~~ **secrecy sleeves** shall be drawn from the container, opened, and the ballots counted according to the rules of determining properly marked ballots found in Section 3.50.030.

(Ord. 86-9 § 1, 1986)

§ 3.70.030. ~~Record of canvass~~ Canvass Board Report.

The ~~minutes of the canvassing committee meeting~~ **Canvass Board report** shall show the number of ballots cast in such election, the names of the persons voted for and the propositions voted upon at such election, the offices voted for, and the number of votes cast for each candidate and for and against each proposition voted at such election.

The ~~minutes~~ **report** shall also indicate the disposition of all questioned, absentee, write-in and voided ballots, ~~as well as any other matters which the canvassing committee may determine to be necessary~~ **any irregularities in the election or discrepancies in the count of the ballots.**

The report shall include a signed certification of the canvass board of the validity of the votes and the results of the counts.

(Ord. 86-9 § 1, 1986)

§ 3.70.040. Certification of election results.

- A. **After receiving the canvass board report and as soon as practicable after the counting of the ballots but not later than the ~~On the second~~ Third** Thursday following the election, the city council shall meet in public session to certify the election **results** or order a recount or investigation of the election. The certificate shall consist of entering the results of the canvass upon the report of the ~~canvassing committee~~ **canvass board**, together with the total number of votes cast for each candidate, and for or against each proposition or question.
- B. Upon certification of a valid election, the city council shall direct the clerk to deliver to each person elected to office a "certificate of election" signed by the mayor and the clerk and authenticated by the seal of the city.
- C. ~~If a contest is held and determined, the election results shall be publicly declared by the council and entered in the minutes of the special meeting of the council held within a week after the contest is determined.~~
- D. **If the council concludes that the election is not valid, it shall call for another election. The election shall be conducted promptly as a special election and according to procedures in this title.**

E.

(Ord. 03-05 § 1 (part), 2003; Ord. 86-9 § 1, 1986)

§ 3.70.050. ~~Contests~~ Contest of Election

- A. ~~Any~~ **A** candidate or ~~any~~ ten qualified voters may **apply to** contest the election of any person and the approval or rejection of any question or proposition ~~if it is believed that prohibited~~

~~practices occurred at an election~~ on one or more of the following grounds:

- A. Misconduct, fraud or corruption on the part of an election official sufficient to change the result of the election;
- B. The person certified as elected is not qualified as required by law; or
- C. A corrupt practice as defined by law sufficient to change the result of the election.
- B. ~~. An election may be contested before or during the first canvass of ballots by the canvassing committee pursuant to AS 29.26.070(b).~~ Notice of contest of an election shall be submitted in writing to the City Clerk by noon on the day of the certification and shall include a \$ 250 payment by cash, certified check, or credit card.
- C. The notice of election shall be filed in person and contain:
 - A. The election being contested;
 - B. A summary of the grounds for the contest;
 - C. The contact information of a representative who will receive communications from the City Clerk regarding the contest; and
 - D. The legal name, residence address, contact information, and notarized signature of each candidate or city voter who is an applicant.
- D. Upon receipt of the notice to contest an election, the City Clerk shall submit it to the Council. The City Clerk shall investigate the grounds of the contest and submit a report of findings to the City Council. The City Clerk may request the City Attorney, Manager, Canvass Board or additional personnel as necessary to assist with the investigation. The City Council shall defer the certification of the contested election results pending receipt of the findings, but shall proceed with certification of all election results that are not contested.
- E. If the City Council determines that the grounds of the contest are valid and would change the results of the election, the council shall proceed in a manner that is consistent with its determination. If the council finds that the grounds are not sufficient to change the election results, it shall declare the election valid and certify the contested election results.
- F. Should the contestant prevail with the election contest, the \$250 shall be refunded to the contestant.
- G. No person may appeal or seek judicial review of an election for any cause unless the person has exhausted the administrative remedies before the council, and has commenced an action in the Superior Court for the State of Alaska, within 10 calendar days after the council has certified the election results. If court action is not commenced within the 10-day period, the election and the election results shall be conclusive, final, and valid.
- H. ~~A candidate or elector who believes that prohibited practices occurred at an election will appear before the council at the meeting held on the first Monday following the election. He will deliver a sworn written notice of contest, which will state with particularity the provisions of the law allegedly violated and the specific acts asserted as misconduct.~~

"NOTICE OF ELECTION CONTEST"

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

~~The undersigned states that the following provisions of law were violated:~~

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

~~Signature of Person Contesting~~

~~SUBSCRIBED AND SWORN to before me, this ____ day of ____, 20__.~~

~~Notary Public in and for Alaska My
commission expires: __ "~~

~~(Ord. 86-9 § 1, 1986)~~

§ 3.70.060. ~~Recount expenses~~—Bond Election Recount.

- A. A defeated candidate or 10 qualified city voters may apply for a recount of the votes from the precinct, or for any particular office or question by filing the application in person with the city clerk by noon on the day of certification of the election by the council.
- B. If two or more candidates tie in having the highest number of votes for the same office, the city clerk shall initiate a recount in accordance with this title.
- C. A recount application shall contain:
- The basis of the belief that a mistake has been made;
 - The office, proposition, or question for which the recount is requested;
 - The contact information of a representative who will receive communications from the City Clerk regarding the application; and
 - The name, residence address, contact information and notarized signature of each candidate or city voter who is an applicant.
- D. The application shall include a deposit in cash, by certified check, or credit card. The amount of the deposit shall be \$250. There shall be no additional charge to recount absentee or questioned ballots.
- E. If the City Clerk determines the application is substantially in the required form, the City Clerk shall schedule the recount to be held within seven calendar days after the receipt of the election.
- F. The City Clerk shall provide notice to the representative and to each candidate and
- G. sponsor of the application for which the vote will be recounted of the time, date and place of the recount.
- H. The City Clerk shall post notice on the city's website of the time, date and place of the recount as soon as it is scheduled.
- I. The City Clerk shall have the canvass board or the election board perform the recount using the ballot tabulation system designated by the City Clerk.
- J. The ballots and election materials shall remain in the custody of the City Clerk during the recount, and the highest degree of care shall be exercised to protect the ballots against alteration or damage.
- K. The recount shall be completed within 10 days.
- L. Upon completion of the recount, the canvass board shall provide a report of the recount for submission to the council.
- M. The deposit submitted with a recount application shall be refunded to the candidate or applicants if upon recount:
- A different candidate is elected or the result of the vote on a proposition or question changes;

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- **The number of votes for the candidate or position on a proposition or question changes by more than two percent of the original number.**

N. **No person may seek judicial review of the counting of votes in an election without first applying for a recount as provided for in this chapter.**

~~O. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant except if the recount fails to reverse any result of the election and except where the difference between the winning and a losing vote on the final result after the contest is less than two percent.~~

~~P. Unless the grounds for which the contest was brought are determined to be valid, the candidate or contestant shall be individually liable for all expenses incurred by the city in its investigation and deliberation of the election contest.~~

~~Any person or persons contesting an election as provided herein shall post a cash bond in the amount of three hundred dollars, guaranteeing payment of the cost of contest as surety for such cost. If the contest is shown to be valid, this bond shall be refunded in full (Ord. 86-9 § 1, 1986)~~

~~§ 3.70.070. Investigation.~~

~~The city council will order an investigation to be made by the city attorney, city clerk, and city manager, if notice of contest is received. Investigation proceedings will be public.
(Ord. 86-9 § 1, 1986)~~

~~§ 3.70.080. Ballot recount.~~

~~If only a recount of ballots is demanded, the election board shall recount the ballots.
(Ord. 86-9 § 1, 1986)~~

~~§ 3.70.090. Prohibited practices alleged—Production of register books required.~~

~~When the contestant alleges prohibited practices, the council will direct the city clerk to produce the original register books for the election.
(Ord. 86-9 § 1, 1986)~~

~~§ 3.70.100. Sustained charges—Recount.~~

~~If the charges alleged by the contest are sustained, the canvassing committee shall determine whether any illegally cast votes or prohibited practices could have affected the election results. If they could not have, the canvassing committee shall so declare. The council will then certify the correct election returns as provided in Section 3.70.040. If it is determined that the illegally cast votes or prohibited practices could have affected the election results, the canvassing committee shall so declare and the council shall order a new election. If the contest involved only a portion of the ballot issues and/or offices, only the affected portion shall be submitted to the voters in the new election. (Ord. 86-9 § 1, 1986)~~

§ 3.70.110. Determination of tie votes.

If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the ~~mayor~~ **City Clerk** shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by ~~lot~~ **coin toss, and by lot is more than two are tied**. After the determination has been made by **coin toss or lot**, the ~~mayor~~ **City Clerk** shall ~~so~~ **certify the election.**

(Ord. 86-9 § 1, 1986)

~~§ 3.70.120. Oath and affirmation.~~

~~All officers elected before entering on the duties of office shall take and subscribe to the following oath and affirmation: "I, _____, do solemnly swear (or affirm) that I will support the Constitution and laws of the United States, the laws of the State of Alaska, the ordinances of the City of Dillingham, and that I will faithfully and honestly perform the duties of _____, so help me God."~~

(Ord. 86-9 § 1, 1986)

§ 3.70.130. Definitions.

When used In this ~~chapter~~ **title**, unless the context requires otherwise:

- A. **"Ballot" means any document provided by the City Clerk on which votes may be cast for candidates, propositions, or questions.**
- B. "Clerk" means the city clerk or any properly authorized assistant **to the city clerk**, deputy or designee.
- ~~C. "Days" includes weekends and holidays.~~
- D. "Election" includes any regular or special election of the City of Dillingham.
- E. **"Election official" means the City Clerk, the City Clerk's designee, an election board member, absentee voting official, canvassing official, youth election worker acting under supervision, translator, tabulation official, or any other person appointed by the City Clerk to perform duties under this title.**

~~"Election officials" means the city clerk or his/her designee, election Judges, election clerks and the canvass committee.~~
- F. "Oath" **means any form of attestation by which a person signifies the person is bound in conscience to perform and act faithfully.** "Oath" includes affirmation.
- G. "Precinct" means the territory established by the State of Alaska within which resident voters may cast ballots at one polling place.
- H. **"Precinct register" means a list of persons eligible to vote in the precinct for each election pursuant to the official state registration list described in AS 15.07.125.**
- I. "Proposition" ~~includes question~~ **means an initiative, referendum, recall, or other issue submitted to the public at an election.**
- J. "Publication" means advertising in a newspaper of general circulation or posting in public places.
- K. "Qualified voter" is any voter who fulfills the qualifications as set forth in Section 3.10.020.
- L. **"Questioned voter" means a voter:**
 - **Whose name does not appear on the precinct register;**
 - **Who has received an absentee ballot and does not surrender the ballot when voting at the precinct on Election Day;**
 - **Who does not bear identification or is not personally known to an election official though the voter's name appears on the precinct register; or**
 - **Who is questioned for good cause at the precinct in writing pursuant to 3.60.030**
- M. **"Regular Ballot" means a ballot voted at the precinct on election day that is not a questioned or**

absentee ballot.

- N. "Regular election" means ~~a general election to fill city offices as required by AS 29.28.015~~ **the city election held on the first Tuesday of October annually.**
- O. "Special election" means any election held at a time other than when a regular election is held.
- P. "Swear" includes affirm.
- Q. "Voter" means any person who presents himself for the purpose of voting,, ~~either in person or by absentee ballot.~~ (Ord. 86-9 § 1, 1986)

3.70.170 Preserving and destroying ballots

The City Clerk shall preserve all official ballots in a secure manner, unopened and unaltered, for not less than 30 calendar days after the date of the election certification, or in cases where the election is contested, until 30 calendar days after the final resolution of the contest. Upon the expiration of the preservation period, the clerk shall completely destroy the ballots in compliance with city records retention policy.

A. The City Clerk may only permit the inspection of the ballots (used or not) and materials:

1. Upon the call of the city council;

2. Upon the call of a court of competent jurisdiction;

3. Upon the call of the canvass board pursuant to a recount if the board or teams deem it necessary to inspect the ballots and materials; and

4. Upon the call of the clerk and city attorney during an inquiry to an election contest if the clerk and city attorney deem it necessary to inspect the ballots and materials