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City Manager
Jack Savo Jr.



Dillingham City Council
Triston Chaney
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Steven Carriere
Curt Armstrong
Kaleb Westfall
Kevin McCambly

MEMORANDUM TO COUNCIL

To: City Council
From: Abigail Flynn, City Clerk's Department
Through: Jack Savo Jr, City Manager
Date: August 24, 2026
Re: Ordinance 2026-15 – Election Code Modernization

SUMMARY: Please see the attached summary of election modernizations. Items in bold are substantial changes from existing code.

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, leaving out 3.50 because that section is already introduced in Ordinance 2026-10. The redline allows the 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.

The purpose of the update is to get our election code back in line with State practices for elections, remove gendered language, change Judge and Clerk to Election Official to match current State practice, remove outdated language used to describe people with disabilities, strike out sections that are already in code elsewhere or point directly to AS or Current Alaska Division of Elections Forms, oaths, signs and Procedures.

For the council member question about if Alaska Statutes are written in Gender Neutral language, Yes, they are. Alaska has formally required gender-neutral statutory drafting since 1982. AS 01.05.031(c) directs the revisor of statutes to avoid pronouns denoting masculine or feminine gender, and current Alaska legislative drafting guidance directs drafters to use gender-neutral terminology such as "chair" or "chairperson." Current election statutes in AS 29.26 and Title 15 generally follow this approach. Because they are so long and are updated over decades, some small sections may not yet have been updated. The proposed Dillingham amendments similarly replace outdated

gender-specific terminology with gender-neutral language without changing the substantive meaning of the Code.

Issue to be solved	Original code	Proposed change
Because our declaration of candidacy period is so late, we miss the cutoff date to have the stubbed ballots printed and have them shipped to us in time to be used for Absentee Voting	Declaration period is 2 nd Tuesday in August to 1 st Tuesday in September (three weeks long) (this is after commercial fishing but partially during moose hunting season) (Earliest date for draft ballot approval is third Wednesday in September, 11 days after the print cut off date for the only printer in Alaska that will print stubbed ballots for accountability purposes)	Declaration period to change to last Tuesday in September to 3 rd Tuesday in August. (three weeks long- (this is after commercial fishing and before moose hunting season) (Earliest date that draft ballots could be provided to the printer is 3 rd Wednesday in August, 3 business days before the deadline for print orders to be placed in time for the ballots to arrive before absentee voting begins.)
Write in Declaration of Intent date ends so close to the election that there is not sufficient time to notify the public of the names that are approved as write ins, before the election beings	1 st bus. day following the end of above period until the day before elections at 1 pm.	5 days before election- can set time of day to allow for notice to go to the public out five days before the election.
Canvassing date is so early that the absentee by mail ballots have not arrived by the time that the absentee ballots are counted	Within three days of the election	Follow updated State rule for canvassing between 7 and 10 days after the elections
Council Date to Accept the Certification of the Election is too early to allow for the Canvassing committee to wait for the absentee by mail ballots to arrive and then count them and provide proper notice of the meeting.	Council meets to accept the certification of the Election on the Second Thursday following the election.	Council to meet on the third Thursday after the election to allow sufficient time to the Canvassing committee.
Forms included word for word in the code cannot	All forms written word for word in code	Exact wording of forms struck from code, Clerk to have authority to prescribe

easily be updated when necessary		forms, inside the guidelines of the state- in most cases this will mean using the forms and signs and training materials used by the State for State elections to maintain continuity for election workers who often serve as election workers for the City and the State.
No checks and balances between election board and canvassing committee	Election board serves as the Canvassing Committee too	Create a provision for different people to serve on each board, when possible.
Contests and Recount Expenses, no amount provided	No amount set in code	Sets amount
Entire sections struck, new sections added	List everything in multiple places in code, some current election practices are not included at all by our current code	Don't list everything multiple places in code, current election practices missing from the old code are added
In the case of a tie, decide by lot is not current election practice, who does the notification?	In the case of a tie, decide by lot, Mayor notifies and certifies	In the case of a tie, decide by coin toss, clerk notifies and certifies
Sections about ballots added	No provision for what to do if the official ballots can't be used, no provision for what to do with them after the election and who may see them	New sections added to allow for emergency replacement ballots, and clearly determine what happens to voted ballots and who may see them.
Oath outdated	Oath as listed in code is as follows: "I, do solemnly swear or affirm that I will honestly and faithfully perform the duties of <u>an election official</u> 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.	Directed to keep as is. Oath currently used by the State is: "I will honestly, faithfully, and <u>promptly</u> preform the duties of an <u>election official</u> , according to law, <u>and will make every effort to prevent the violation of any provision of law in conducting the election</u>
Allow for Youth Elections Workers, as the State does	Election workers must be over 18	Follow State example and allow a certain number of

		youth age 16 and up to help out at Elections
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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.

The redline changes the declaration-of-candidacy period from the second Tuesday in August through the first Tuesday in September to the first Tuesday through the third Tuesday in August. This provides additional time to certify candidates, prepare and proof ballots, complete printing and shipping, and have ballots available at least 15 days before the election. The deadline for filing as a write-in candidate is changed to 5:00 p.m. on the fifth day before the election so the Clerk has time to verify the filing and provide public notice. The time of day could be earlier to make this easier to provide notice by the end of the business day, five days before the election.

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; (date to move from 3 days after election to between 7 and 10 days after election)
- the canvass board report;
- Council certification of the election; (date to move by one week)
- election contests; (The proposed contest and recount provisions establish written application requirements, deadlines, notice procedures, ballot-custody safeguards, and a \$250 payment or deposit. The Committee may alternatively recommend placing the amount in the City's fee schedule so it can be adjusted without amending the election code.)
- recounts; and
- tie votes. (The redline changes the method from selection "by lot" to a coin toss for two tied candidates, with another method by lot when more than

two candidates are tied. It also transfers notice and certification duties from the Mayor to the City Clerk.)

- 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.

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. 2026-15.
- Recommend approval with amendments. (now is the time to say if you want it amended and how)
- Decline to recommend the ordinance.
- Approve only certain pages of the redline 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. 2026-15 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 Ordinance No. 2026-15 (amended) to the City Council for introduction and to set the public hearing for the next council meeting.

PROPOSED MOTION:

"I move to Adopt Ordinance No. 2026-15 Amended, adopting Exhibit A and amending Chapters 3.10 through 3.70 of the Dillingham Municipal Code relating to municipal elections, 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
- Summary of Election Modernizations