

Below are responses to the Code Committee's questions relating to election procedures. As noted below, we'll work on a definition of "prohibited practices."

- 3.70.060(A) Can any recount be called for, regardless of margin?

Yes. The relevance of the margin is who bears the costs. If the final margin is within 2%, the city absorbs the costs. If not, the person(s) demanding the recount absorbs the costs.

- 3.70.060(D) How can we recover costs if deposit is insufficient?

Same as any other debt: Demand followed by suit if necessary. The instances I'm aware of where costs have been recovered through the court is when the election result itself litigated. As a practical matter, where the deposit is insufficient and the person refuses to pay the municipality usually ends up absorbing the difference by default. A collections suit would be relatively straight forward, but still not worth pursuing for several thousand dollars. We *could* amend 4.40.010 to add this to the basis for inclusion in the denied services list.

- 3.70.110 Do we need the recount application in code? (3.70.050 has one for contests)

My opinion is no. Although the draft ordinance says "A defeated candidate, or 10 qualified voters who believe there has been a mistake . . . in counting the votes," they are not required to state the mistake. (Which would fundamentally be the same every time -- "You miscounted.") Thus, all that is required for the application is ten voters or a defeated candidate asking for it. They do not need to provide a reason. Given the simplify, the form of the application need not be stated in code. That said, it would be good for the city has a paper form available for simplicity. But if someone shows up with a letter or other document that meets the requirements of 3.70.110, I'd accept it.

- 3.70.140(B) What if the canvass committee is not available, do we need a method to allow for alternates?

Good question. Fortunately, we already have a method. Election board is the canvassing committee. DMC 3.30.030 provides a mechanism for filling vacancies that would apply in this situation.

- What if 10 qualified voters are calling for a recount the defeated candidate does not want a recount and?

The recount proceeds. Voters have as much interest in robust elections as candidates. The candidate may wish to persuade the voters not to pursue a recount, but either ten voters or the candidate have the right to demand it regardless of the opinions or desires of others.

- Requested we define prohibited practices.

Also a good idea. I will give some thought to a definition for chapter 3.70.