

**CITY OF CORDOVA, ALASKA
ORDINANCE 1192**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA, REPEALING AND REENACTING CORDOVA MUNICIPAL CODE TITLE 2 “ELECTIONS” TO UPDATE AND CLARIFY THE CITY ELECTION PROCESS, ADD AUTHORITY TO MODIFY VOTING REQUIREMENTS DURING AN EMERGENCY, ADOPT AN EARLY VOTING PROCESS AND EXPAND THE VOTE BY-MAIL PROCESS TO PROMOTE AND SUPPORT REMOTE VOTING

WHEREAS, Alaska Statute 29.26.010 provides that the local governing body shall prescribe the rules for conducting an election; and

WHEREAS, the Cordova City Council cannot predict when the dangers posed by COVID-19 will end or how these dangers will manifest in the coming months and, as a result, City Council finds it necessary to: (1) prepare for election alternatives that would allow residents to cast their votes from home or from alternative voting locations; (2) clarify the existing voting procedures so voters and candidates can navigate the Code independently; and (3) provide for an emergency voting plan to authorize the City Clerk to take action in times of emergency to facilitate voter’s rights and access; and

WHEREAS, Council finds that it is in the City’s best interest, and the best interest of its voters, to expressly provide voters assistance from election officials and translators while preserving an individual voter’s ability to get such assistance and still cast a ballot from home; and

WHEREAS, in response to the current State-wide public health emergency disaster, the Governor signed Senate Bill 241 into law, which, in part, authorizes elections to be conducted by mail during the emergency disaster.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cordova, Alaska that:

Section 1. Cordova Municipal Code Title 2 - Elections is repealed and reenacted to read as follows:

TITLE 2 - ELECTIONS

CHAPTER 2.04 - GENERAL PROVISIONS

- 2.04.010** **Scope of Title.**
- 2.04.020** **Incorporation of State and federal law.**
- 2.04.030** **Definitions.**
- 2.04.040** **City Clerk and election officials-election duties.**
- 2.04.050** **Election dates and times.**
- 2.04.060** **Polling location and hours.**
- 2.04.070** **Election expenses.**
- 2.04.080** **Preservation of election records.**
- 2.04.090** **Deviation from election procedures and requirements.**

2.04.010 - Scope of Title.

Except as otherwise provided in City Code or Charter, this Title governs all City elections.

2.04.020 - Incorporation of State and federal law.

All provisions of the United States Constitution, the Alaska Constitution, and the City Charter applicable to and governing City elections are incorporated into this Title.

2.04.030 - Definitions.

For the purpose of this Title, the words and terms set forth in this chapter shall have the following meanings:

“Alternate voting site” means any location designated by the City Clerk that is not solely for casting votes.

“All-Ballot Canvassing Session” means the meeting held by the Election Board to count remaining absentee ballots and verified questioned ballots and to add the tally of those ballots to the tally of ballots counted on Election Day.

“Authorized official” means notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, or other person qualified to administer oaths.

“Ballot” means any document provided by the City Clerk or designee on which votes may be cast for candidates or propositions. The Clerk shall prepare and distribute only official ballots and sample ballots in accordance with Chapter 2.12 of this Title. When the term “ballot” is used in this Title it shall mean the official ballot, except where the context clearly indicates it means the sample ballot or both types of ballots.

“Ballot drop box” or “drop box” means a device placed within City boundaries by the City Clerk’s office for the purpose of receiving absentee ballot envelopes.

“Ballot statement” means data collected in paper or electronic form that accounts for the ballots supplied to, cast, and collected at a specific location, including absentee, questioned, unvoted, and spoiled ballots. The data may contain additional information determined by the City Clerk to be necessary for the proper administration of the election.

“Business day” means days during which the City Clerk’s office is open and excludes City holidays and weekends.

“By drawing” means a method to determine the result of a tie vote by placing names or initials of candidates or answers to a proposition on pieces of paper and drawing one, the winner, from an opaque container with all the pieces of paper not visible to the person drawing.

“City election” means any election held by the City (1) to fill a City office; (2) submit a proposition to the voters as required or permitted under City charter or code or (3) that the City is required by law to administer.

“City office” means an elective office under the City Charter or Code.

“Clerk” and “City Clerk” means the Cordova City Clerk or an authorized designee.

“Day” means a calendar day.

“Election” includes a regular, special or run-off City election and elections by City boards required to be administered by the City under City Charter or Code.

“Election day or Election date” means the final day for casting a ballot for a specific election.

“Election Day Canvassing Session” means the meeting held by the Election Board to count ballots cast at early voting sites, ballots cast at polling places, and absentee ballots deposited into drop boxes.

“Election official” includes election officials at the polls, early or absentee voting officials appointed by the Clerk, the election commission, boards appointed or created under this Title, counting teams, receiving teams, the Clerk, and the Clerk’s office staff.

“Electronic transmission” means email or facsimile.

“Oath” means affirmation on penalty of perjury.

“Political party” means an organized group of voters that represents a political program and that nominated a candidate for governor who received at least three percent of the total votes cast at the preceding general election for governor.

“Proposition” means a proposal offered for acceptance or rejection and is stated as a question on a ballot.

“Qualified voter” means a person qualified to vote in a “City election” as that term is defined in this section.

“Signature” includes any mark intended as a signature or subscription and authorized by state law, including controlling court decisions.

“Special ballot(s)” means any ballot not cast in-person at a polling place by an unquestioned qualified voter on the register, including but not limited to questioned ballots, absentee ballots cast by-mail, electronically or in person, special needs ballots, and drop box ballots.

“Voter certification” means the signature or mark of the voter certifying, under penalty of perjury, that the voter is: (1) a citizen of the United States; (2) a resident of the State of Alaska; (3) a resident of the City of Cordova for the 30 days immediately preceding the election; (4) 18 years of age on the date of the election; (5) not disqualified from voting due to a felony conviction or court order; (6) has not already voted in the election; and (7) voting the ballot provided to the voter by the City.

“Voting Assistance Center” means a site where individuals can access in-person information regarding an election held by mail.

2.04.040 – City Clerk and election officials-election duties.

A. The City Clerk shall, in accordance with the provisions of this Title, administer all City elections and determine whether candidates for City office are qualified in accordance with this Title.

B. The City Clerk, before the date of the election, shall appoint from the qualified voters of the City, three or more persons to serve as members of the Election Board and shall designate one of the Election Board members to serve as chairperson. Appointment of Election Board members shall not take effect until the appointments are adopted and approved by City Council. If no chairperson is appointed or the chairperson is unable to fulfill the chairperson’s duties, the other election officials shall perform those duties. The City Clerk may appoint other election officials from the qualified voters of the City to assist the Election Board as needed. Members of the Election Board and all election officials shall be required to perform their duties on the dates and at the times designated by the City Clerk.

C. Before appointment, all election officials, including Election Board members, must complete the election official appointment application and the oath included within it. The application shall be available at the Clerk’s office before the notice of election is published. Before serving as an election official, a person must take an oath confirming that they are a qualified voter and that they will perform their election official duties faithfully and lawfully.

D. The City Clerk shall supervise and conduct, with assistance from election officials, early voting sites and absentee voting. The Election Board shall supervise and conduct, with assistance from election officials,

polling places open on election day and the processing of ballots at the Election Day Canvassing Session and at the All-Ballot Canvassing Session.

E. The Election Board shall be responsible for reviewing and making a determination on questioned ballots. The decision of the majority of Election Board members determines the action that the Election Board shall take regarding any question that arises during the course of the election. If there is a tie vote on the Election Board, the City Clerk shall break the tie.

2.04.050 - Election dates and times.

A. Time of Regular Elections. There shall be a regular election held in the City on the first Tuesday of every March for the election of vacant City offices and determination of other matters placed on the ballot.

B. Time of Special Elections. The Council, by adoption of an ordinance, may call a special election at any time at least 45 days before the election date. Unless Council has set a date for a required special election, the City Clerk shall call a special election when required by law to place an initiative, referendum, recall or other question before the voters.

2.04.060 - Polling location and hours.

A. The City Clerk shall secure a polling place for every regular and special City election. Except as otherwise provided in this Title or in a specific notice of election:

1. Polls are open on election day from 7:00 a.m. until 8:00 p.m.
2. Early voting sites are open on business days from 8 am until 5 pm starting 21 days before the election date and ending the business day before the election date

B. The location of all polling places, and early voting sites shall be included in the notice of election.

2.04.070 – Election expenses.

A. Except as otherwise provided in this Title, the City shall pay all necessary expenses relating to the conduct of each City election.

B. The City shall pay each election official for time spent performing election duties, including the receiving of instructions and posting of notices.

2.04.080 - Preservation of election records.

All election materials, including ballots from the polls, absentee ballots, questioned ballots, registration books and other operational and statistical files, shall be kept in accordance with the City’s record retention schedule.

2.04.090 - Deviation from election procedures and requirements.

Council may approve deviations from election procedures and/or requirements under this Title if Council determines that deviation is necessary to protect individual voting rights or public health and safety. Any deviation under this Section must be approved by Council via resolution subject to a public hearing.

CHAPTER 2.06 - ELECTION NOTICES

- 2.06.010 Notice of registration.**
- 2.06.020 Notice of election.**
- 2.06.030 Notice of offices to be filled.**

2.06.040 Notices at polling locations.

2.06.010 - Notice of registration.

Notice of Voter Registration. Not more than 12 weeks or less than eight weeks before an election, the City Clerk shall post a notice of voter registration. The notice of voter registration shall include the qualifications required of voters and registration instructions.

2.06.020 - Notice of Election

A. The City Clerk shall publish notice of an election at least one time per week in the three weeks directly preceding the week of that election. Each notice of election shall include:

1. The type of election: regular or special;
2. The date of election;
3. The hours of operation and location of all polling places, early voting sites, alternative voting sites, and ballot drop boxes;
4. The offices to which candidates are to be elected and the subjects of propositions and questions to be voted upon;
5. Instructions for absentee voting; and
6. Notification that anyone needing special assistance in casting a vote due to a disability or bilingual need shall contact the City Clerk at least 24 hours before casting that ballot or the expiration of the time for casting such ballot.

B. The City Clerk shall publish in full every City Charter amendment, every ordinance and every other question which is to be submitted at an election, except that a referred ordinance which was published in full after passage not more than eight weeks or less than four weeks before the election need not be published in full again.

C. The City Clerk shall advertise on at least one local radio and at least one local television station, if such stations exist, for 40 days before the election. Any radio or television notice under this subsection must include the:

1. Election type (special or regular);
2. Date of election;
3. Polling hours and location(s), and
4. Location of the other notices required under this chapter.

2.06.030 - Notice of offices to be filled.

At least 60 days and not more than 90 days before each regular election, the City Clerk shall publish in at least one newspaper of general circulation within the City and post on the City's website, a notice of offices to be filled at the upcoming regular election, the manner of declaring candidacy, and final dates for filing for candidacy.

2.06.040 - Notices at polling locations.

A. The City Clerk shall post notices at every polling place, early voting site, and voting assistance center, if any, identifying prohibited conduct at the site, hours of operation, and the ballot marking procedure. Notices required under this section shall include a statement notifying voters that if they need assistance voting or need assistance interpreting ballot language into another language, they should notify the City Clerk or an election official before casting their ballots so assistance may be provided. The notified election official shall ensure all voters get assistance before the time to cast a ballot at that election expires.

B. The Clerk shall prepare and post at every polling place a “Notice to Questioned Ballot Voters.” That notice shall contain:

1. Information as to how a questioned ballot will be counted;
2. The date, time, and place of the All-Ballot Canvassing Session at which questioned ballots will be reviewed and either counted or rejected; and
3. The notification procedure regarding questioned ballots rejected by the Election Board.

C. The City Clerk shall send written notification to voters casting rejected questioned ballots no more than 30 days after the election date at which the ballot was cast. The notice shall be sent to the mailing address on record for the voter and must include the reason(s) the questioned ballot was rejected.

CHAPTER 2.08 - VOTER QUALIFICATIONS

2.08.010 Voter qualifications.

2.08.020 Rules for determining residence of voter.

2.08.030 Registration.

2.08.010 – Voter qualifications.

A person is permitted to vote in a City election only if the person:

- A. Is qualified to vote in State of Alaska elections under AS 15.05.010;
- B. Has been a resident of the City for 30 days immediately preceding the election; and
- C. Is registered to vote in State of Alaska elections at a residence address within the City 30 days prior to the City election; and
- D. Is not disqualified under Article V, section 2 of the Alaska Constitution.

2.08.020 - Rules for determining residence of voter.

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- A. The residence of a person is that place in which habitation is fixed, and to which, whenever the person is absent, the person has the intention to return. If a person resides in one place but does business in another, the place the person resides is the person’s place of residency.
- B. A change of residence is made only by the act of removal joined with the intent to remain in another place. A person may only be a resident in one place.
- C. A person does not gain or lose residence solely by reason of a person’s presence or absence while employed in civil or military service of the United States or Alaska, or because of presence or absence due to marriage to a person in the civil or military service of the United States or Alaska, 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 residing upon an Indian or military reservation, or while residing in the Alaska Pioneers Home.

D. A person does not lose residence if the person leaves home and goes to another country, state, or place within this state for temporary purposes only and with the intention of returning.

E. A person loses residence in Alaska if the person votes in an election held in another state, either in person or by U.S. or electronic mail, and will not be eligible to vote in Alaska until again qualifying under AS 15.05.

F. The term of residence is computed by including the day on which the person's residence commences and by excluding the day of election.

2.06.030 - Registration.

A person may vote in an election only if the person is a qualified voter under the Alaska State Constitution, State of Alaska laws, City Charter and this Code and the person has registered as required by State of Alaska law and CMC 2.06.010.

CHAPTER 2.10 - CANDIDATE QUALIFICATIONS

2.10.010 Candidate qualifications.

2.10.020 Declaration of candidacy form and requirements.

2.10.030 Candidate eligibility-complaint and review process.

2.10.010 - Candidate qualifications

A. Any person is eligible for City office if the person is a qualified voter of the State of Alaska and a resident of the City for at least one year immediately preceding filing for office.

B. A person must declare candidacy on the form and in the manner prescribed in CMC 2.10.020 not earlier than the posting of the notice of offices to be filled under CMC 2.06.030 nor later than 30 business days before the election.

2.10.020 - Declaration of candidacy form and requirements.

A. A person who seeks to be a candidate for elected office with the City shall complete, execute, and file a declaration of candidacy on a form provided by the City Clerk and shall sign the declaration of candidacy form under oath before an authorized official.

B. The declaration of candidacy shall be on a form provided by the City Clerk and shall certify that: (1) the person is qualified to run for the office sought; (2) the person meets all the requirements for holding the office sought by that person; and (3) all the information in the declaration of candidacy is true and accurate.

C. A declaration of candidacy shall also identify the elected office for which the person is declaring and provide the person's full name, residence and mailing addresses, main telephone number, and email address. Unless the person specifically requests otherwise, the full name provided in the declaration will appear on the ballot.

D. Any candidate may amend, revise or withdraw the declaration of candidacy at any time up to the time the names are submitted to the printer for placement on the ballot. Requests for amendments, revisions or withdrawal under this subsection must be submitted to the City Clerk in writing. Any amendments or

revisions to a declaration, other than updates to candidate contact information, shall require certification of the form as revised and the candidate's signature on the revised form attesting that the form, as revised contains true and accurate information.

2.10.030 - Candidate eligibility-complaint and review process.

A. The City Clerk shall notify a person filing a declaration of candidacy form in writing within four business days if the declaration form is deficient and the reasons for the deficiency. A person may file a new declaration of candidacy within the declaration period identified in CMC 2.10.020(D).

B. The City Clerk shall determine whether each candidate filing a declaration of candidacy for City office is qualified by law. At any time before the election, the Clerk may disqualify a candidate whom the Clerk determines is not qualified under law.

C. Any person may question the eligibility of a candidate who has filed a declaration of candidacy by filing a complaint with the City Clerk. The complaint must include the name, mailing address, contact phone number, and signature of the person making the complaint and the grounds for challenging the candidate's eligibility.

D. Upon receipt of a complaint under this Section, the Clerk shall notify the challenged candidate in writing within three business days of receiving the complaint and request that the candidate provide the Clerk with any evidence supporting the candidate's eligibility no more than three business days after the notice of complaint has been sent to the candidate.

E. The Clerk will review any evidence relevant to the candidate's eligibility presented with the complaint, by the candidate or otherwise available to the Clerk. After reviewing the evidence, the Clerk will either:

1. issue a final written decision supporting the candidate's eligibility if the Clerk finds that a preponderance of the evidence supports the eligibility of the candidate; or
2. issue a final written decision notifying the candidate of the candidate's ineligibility for office.

F. The Clerk shall issue the final written decision within 10 business days of receiving the complaint. The City Clerk's decision is final.

CHAPTER 2.12 – BALLOTS

2.12.010 Ballots-form.

2.12.020 Ballots-preparation and distribution.

2.12.030 Ballots-sample.

2.12.010 – Ballots-form.

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

The following directives shall all be followed in preparing the ballot:

1. The City Clerk shall determine the size of the ballot, the type of print, necessary additional instruction notes to voters, and other similar matters of form not provided by law.
2. The City Clerk shall print the ballots on white paper.

3. The Clerk shall number ballots in series to assure simplicity, preserve confidentiality, and to prevent fraud.
4. The names of the candidates shall be rotated so that each candidate name is listed in each position on the ballot on, as near as possible, an equal number of printed ballots. The first rotation shall include moving the first name to the last position and the second position to the first position. This pattern of rotation should be followed until each candidate's name has appeared first.
5. Each ballot shall bear the words "Official Ballot," the date of the election and shall identify the election as "Cordova General Election" or "Cordova Special Election" as appropriate.
6. Candidates for the same office shall be placed 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 on the ballot for write-in candidates equal in number to the positions to be filled.
7. On the ballot between the title of the office and names of the candidates shall be placed the instruction "vote for one" or "vote for two," as applicable.
8. The length of the term shall be specified after the title of the office to be filled with the phrases "for one-year term," "for two-year term" or "for regular three-year term," as applicable.
9. The names of the candidates shall be printed as they appear on the declaration of candidacy and may include a nickname or familiar form of the proper name requested and specified on the declaration of candidacy.
10. Ballot propositions and questions shall be placed on the ballot in the manner prescribed by the Clerk. Provisions shall be made for marking the proposition "Yes" or "No." 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 proposition and not the negative, and a "no" vote disapproves the affirmative statement of an issue.

2.12.020 - Ballots-preparation and distribution.

- A. The Clerk shall possess the printed ballot at least 25 days before each election. At that time, the ballots may be inspected by any candidate whose name is on the ballot or by the candidate's authorized representative, and any discovered mistake shall be corrected as soon as possible.
- B. The City Clerk may contract for the preparation and printing of the ballots without obtaining competitive bids.
- C. Sufficient ballots for the number of registered voters shall be made available to election officials. The ballots shall be delivered in a separate sealed package with the number of ballots enclosed clearly marked on the outside of the package. The Election Board chairperson or a designated election official shall sign a certificate confirming receipt of the ballots.
- D. All official ballots, whether voted or not voted, shall be kept in a secure manner until destroyed in accordance with the City's record retention schedule. The City Clerk shall provide for the security of ballots during transportation and storage. Voted ballots may not be inspected or handled by a member of the general public.

E. No ballots shall be taken from the polling place before the closing of the polls, unless the Clerk for good cause directs that the ballots be removed. A record shall be kept by the election officials of the ballots removed from the polling place.

F. If emergency ballots are needed in carrying out an election, the City Clerk shall be responsible for the preparation and distribution of those ballots. Emergency ballots shall be in the same form as the regular ballots at that election, and have a serial number listed on each ballot.

2.12.030 – Ballots-sample.

A. In each City election, the City Clerk shall have sample ballots printed on colored paper identical in form to the official ballot for that election and shall make such sample ballots available in the polling place. All sample ballots for each election shall be made available to the public in the City Clerk’s office and on the City’s website.

B. The City Clerk shall provide voting booths at the polling place with appropriate supplies and conveniences to enable each voter to mark that voter’s ballot screened from observation. Ballot boxes shall be placed outside of the voting booths in plain view of Election Board members, voters and other persons at the polling place.

CHAPTER 2.14 - OPERATION OF THE POLLS ON ELECTION DAY

- 2.14.020 Opening of polling place.**
- 2.14.030 Keeping of register.**
- 2.14.040 Voter identification and qualification at a polling place.**
- 2.14.050 Voting procedure at a polling place.**
- 2.14.060 Voter assistance.**
- 2.14.070 Write-in candidates.**
- 2.14.080 Questioned ballot-issuance and voting procedure.**
- 2.14.090 Poll watchers.**
- 2.14.100 Prohibited acts while polls are open.**
- 2.14.120 Closing of the polls-polling places and drop boxes.**

2.14.020 - Opening of polling place.

A. On election day, the Election Board shall open polls for voting at 7:00 a.m. and keep the polls open continuously for voting until 8:00 p.m.

B. The City Clerk shall furnish an adequate supply of official ballots, sample ballots, and all other necessary supplies and materials to the Election Board before the City election.

C. The City Clerk shall prepare instructions explaining to the voters how to obtain ballots, how to mark them, how to obtain information from Election Board members and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type and shall be distributed to the Election Board to be prominently displayed in each polling booth.

D. Before issuing any ballots, election officials must, in the presence of any persons assembled at a polling place, open and exhibit the ballot box to be used at that polling place to demonstrate that it is empty. The ballot box shall then be closed and sealed and shall not be opened again or removed from the polling place until the polls have closed.

2.14.030 - Keeping of register.

The election officials shall keep an original register or registers in which each voter shall sign the voter's name. The names of persons who offer to vote but who actually do not vote, and a brief statement of explanation shall be recorded in the register. The signing of the register constitutes a declaration by the voter that the voter is qualified to vote in the election. A copy of the register shall be returned to the state elections supervisor for recordation of voter history.

2.14.040 -Voter identification and qualification at a polling place.

A. Before being allowed to vote at a polling place, each voter shall exhibit to an election official one form of identification, which may be an official voter registration card, birth certificate, driver's license, passport, hunting or fishing license, state identification card or tribal identification card.

B. An election official may waive the identification requirement if the election official knows the first and last name of the voter.

C. Voters who cannot exhibit a satisfactory form of identification and voters whose name does not appear on the official registration list at a polling place have a right to cast a questioned ballot and an election official shall inform them of that right.

D. An election official shall question, and any other person qualified to vote 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 and shall specify the reason for questioning a person's qualifications. A questioned person has a right to cast a questioned ballot and an election official shall inform them of that right.

2.14.050 - Voting procedure at a polling place.

A. When a voter has qualified to vote, an election official shall give the voter an official ballot. The voter shall enter a booth or private place to mark the ballot. A person may only cast one ballot in an election. After the voter has marked the ballot, the voter shall deposit the ballot in the ballot box in the presence of an election official unless the voter requests that an election official deposit the ballot.

B. Except as otherwise provided in this Title, a voter may not exhibit the voter's ballot to an election official or any other person in a manner that enables another person to ascertain how the voter marked the ballot.

C. If a voter mutilates, improperly marks, spoils or otherwise damages the voter's ballot, the voter may require, and the election official shall provide another ballot upon the voter returning the damaged ballot to the election official. The election official shall record the replacement ballot number on the ballot accountability form and return the spoiled ballot unexamined to the voter who shall destroy and discard it immediately in the presence of an election official. A voter may obtain a maximum of three replacements for each ballot in an election.

D. The ballot box at any polling place shall be public and in full view of persons present. The Election Board shall not permit anyone present to interfere in any way or to distract the Election Board from its duties.

2.14.060 - Voter assistance.

A qualified voter may request assistance to vote or bring up to two persons to assist them in casting a ballot. If a voter requests assistance from an election official, the election official shall assist the voter. Persons assisting a voter must take an oath before an election official, and election officials shall take an oath before the City Clerk, promising, under penalty of perjury, not to divulge to anyone any information contained on

the assisted voter's ballot. A candidate in the election or an immediate family member of a candidate in the election may not provide assistance to a voter in that election.

2.14.070 - Write-in candidates.

In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and mark the box to the left of the space for write-in candidate's names. Stickers bearing the candidate's name may be affixed to the ballot in the space provided for writing in a candidate's name but only if the write-in votes or ballots are otherwise permitted. If a sticker is affixed to the ballot, the voter must also mark the box opposite the sticker in order for the vote to be counted.

2.14.080 - Questioned ballot-issuance and voting procedure.

A. An election official may require a voter to cast a questioned ballot if the voter's qualifications or eligibility to cast a ballot at a specific polling place are in question.

B. Except as otherwise required in this section, a voter who casts a questioned ballot shall comply with the voting procedures under this Title. All persons required to cast a questioned ballot must take an oath or affirmation on a form provided by the election official attesting that the person is qualified to vote in the election and has not yet voted in the election before being permitted to cast their questioned ballot. If the questioned voter refuses to execute the oath, that person may not vote in the election.

B. After casting a questioned ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a large envelope on which the voter's oath is located. The larger envelope shall also contain a signed statement by the election official identifying the reasons why the voter's ballot is in question. The larger envelope shall be sealed and placed in a large plain envelope kept for the deposit of all questioned ballots at that polling place. The envelope shall be endorsed with the City Clerk's name and title and the words "questioned ballots, to be opened only at the All-Ballot Canvassing Session." All envelopes containing questioned ballots shall be placed in the large plain envelope and delivered to the City Clerk with the other special ballots after the close of the Election Day Canvassing Session.

C. The Election Board shall review the questioned ballots and determine if they should be counted or rejected at the All-Ballot Canvassing Session.

2.14.090 - Poll watchers.

Each candidate and initiative, referendum or recall sponsor may designate one poll watcher at the polling place to monitor election official conduct while the polls are open. No election official shall interfere with the poll watcher's ability to observe election official conduct. Poll watchers and the candidates or sponsors they represent must complete and submit a written Poll Watcher Authorization Form to the City Clerk in the manner specified on the form by 10:00 a.m. on the last business day before the election date. The City Clerk shall provide each polling place with a list of designated poll watchers before polls open. Poll watchers shall not interfere with the election process and may not handle any election supplies or materials, including ballots. A poll watcher who creates a public disturbance or violates any provision in this Code while observing may be removed by the police.

2.14.100 - Prohibited acts while polls are open.

The following acts are prohibited in a polling place while the polls are open:

A. During the hours that the polls are open, an Election Board member may not discuss any political party, candidate or issue while on duty.

B. During the hours the polls are open, a person who is in a polling place or within 200 feet of any entrance to the polling place may not display campaign buttons or literature or attempt to persuade a person to vote for or against a candidate, proposition or question. The election officials shall post warning notices at the required distance in the form and manner prescribed by the City Clerk.

C. During the time a drop box is open for voting, a person within 50 feet of a drop box may not display campaign buttons or literature or attempt to persuade a person to vote for or against a candidate, proposition or question nor may a person within 50 feet of a drop box open for voting physically display a photo, video, or other image of a marked ballot to another person also within 50 feet of the drop box.

D. Except as provided for absentee ballots, a voter may not leave a polling place with the official ballot that the voter received to mark.

E. A voter may not exhibit the voter's ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot. This does not apply to the voter who is being assisted in accordance with this Title.

F. While the polls are open, an election official may not open any ballot received from a voter, mark a ballot in a manner that permits the official to recognize the ballot or otherwise attempt to learn how a voter marked a ballot or allow the same to be done by another person.

G. An election official may not allow a ballot to be placed in the ballot box that the official knows to have been unlawfully exhibited by the voter. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.

H. Except as otherwise expressly permitted under this Title, not more than one person shall occupy the booth or voting compartment at the same time and no person shall be permitted to occupy an election booth or compartment longer than shall be necessary for voting.

2.14.120 - Closing of the polls-polling places and drop boxes.

A. Polls shall be declared closed at 8:00 p.m. but voters in line to vote at 8:00 p.m. shall be permitted to cast their ballots. At 7:45 p.m. and again at 8:00 p.m., election officials shall announce to all individuals present at the polling place the current time and that polls close at 8:00 p.m. Failure to make the announcement at 15 minutes before closing time shall not in any way invalidate the election or extend the time for closing of the polls.

B. Ballot drop boxes shall be closed at the same time that the polls close on the election date. Two designated election officials shall together remove the ballot envelopes from the drop box and place those envelopes in an envelope or container labeled "Drop Box Ballots" and shall identify the location of the drop box on the envelope or container label. The label shall also contain certification by the designated officials of the date and time that the ballots were removed from the drop box. The envelope or container shall be immediately transferred to the City Clerk's office.

CHAPTER 2.16 - ALTERNATIVE VOTING METHODS

- 2.16.010 Alternative voting methods.**
- 2.16.020 Early in-person voting.**
- 2.16.030 Absentee voting-requesting an application.**
- 2.16.040 Absentee voting-application content.**
- 2.16.050 Absentee ballot-application process.**
- 2.16.060 Casting an absentee ballot.**
- 2.16.070 Absentee voting a special needs ballot.**

2.16.080 Absentee voting-by electronic transmission.

2.16.090 Absentee voter list.

2.16.010 - Alternative voting methods.

- A. In addition to voting at a polling place on the election date, qualified voters may cast a ballot:
1. In-person at an early voting site;
 2. Absentee submitted by-mail;
 3. Absentee submitted at a drop box;
 4. Absentee by electronic transmission, when this method is permitted by City Council in accordance with CMC 2.16.080; or
 5. Absentee by special needs ballot
- B. A qualified voter may vote an absentee ballot at any election for any reason.

2.16.020 - Early in-person voting.

A. Qualified voters may cast a ballot at an early voting site designated by the City Clerk in the notice of election during the hours of operation of the early voting site. An early voting site will be open 21 days before the date of a regular election and shall close no later than 5:00 p.m. the day before the election date. The operating hours and location of an early voting site in a regular election and, if available, in a special election, shall be included in the notice of election required under CMC 2.06.020.

B. Early voting sites shall be considered polling places for purposes of this Title. Except as otherwise provided in this section, all procedures and requirements applying to polling places shall also apply to early voting sites and ballots cast at early voting sites shall be counted by the Election Board at the Election Day Canvassing Session.

2.16.030 - Absentee voting- requesting an application.

- A. All qualified voters may apply for an absentee ballot:
1. In-person at an early voting site; or
 2. By-mail; or
 3. Via electronic transmission.
- B. An absentee ballot application requested by-mail must be postmarked no earlier than the first of the year in which the election is to be held and no later than seven business days before the election date.
- C. An absentee ballot application request sent via electronic transmission must be received no earlier than the first of the year in which the election is to be held and no later than seven business days before the election date.
- D. An absentee ballot application may be requested in-person at an early voting site during its hours of operation.

2.16.040 - Absentee voting-application content.

Except as provided in CMC 2.16.070, all absentee ballot applications shall be either on a form provided by the City Clerk's office or in a letter containing the following information:

1. The applicant's full Alaska residence address;
2. The address to which the applicant desires the ballot to be mailed, or if the application requests delivery of a ballot by electronic transmission, the telephone electronic transmission number or email address to which the ballot is to be returned;
3. The applicant's signature;
4. A voter identifier such as voter number, the last four digits of the social security number, Alaska driver's license number, Alaska state identification number or date of birth.

2.16.050 - Absentee ballot-application process.

A. After receipt of an absentee ballot application in-person, the City Clerk or election official shall provide the applicant voter with the ballot and other absentee ballot materials in-person and the voter may cast their absentee ballot by mail or at a drop box. The return envelope provided with the materials shall be addressed to the City Clerk.

B. After receipt of an absentee ballot application by mail or electronic transmission, the City Clerk shall send the ballot and other absentee voting materials to the applicant by first-class mail. The materials shall be sent or delivered as soon as they are ready for distribution. The return envelope sent with the materials shall be addressed to the City Clerk.

C. Before providing an absentee ballot, the City Clerk shall review the application and make a preliminary determination regarding the applicant's qualifications to vote. If the City Clerk has questions regarding the voter's qualifications, the City Clerk will notify the applicant and may require the applicant to comply with the questioned ballot procedure. An absentee voter casting a questioned absentee ballot shall be provided a ballot envelope by the City Clerk that identifies the ballot as questioned and provides the reasons for questioning. The questioned absentee ballots shall be placed in a separate envelope for questioned absentee ballots and transferred to the Election Board for review at the All-Ballot Canvassing Session.

2.16.060 - Casting an absentee ballot.

A. Except as otherwise provided in CMC 2.16.070, upon receipt of the absentee ballot, the voter, in the presence of an authorized official, may proceed to mark the ballot in secret, to place the ballot in the provided secrecy sleeve, place the secrecy sleeve in the provided larger envelope, and sign the voter's certificate on the back of the larger envelope. The authorized official witnessing the voter properly mark the ballot in secret in accordance with this subsection shall date and sign the witness certificate on the outside envelope. Except as otherwise provided in this Title, if an authorized official is not reasonably accessible, a voter completing an absentee ballot by mail must have the ballot witnessed by a person over the age of 18 years. No person may receive a fee from the voter for attesting to any voter's certificate required under this section.

B. An absentee ballot cast by-mail must be mailed to the City Clerk no later than the election date. The date of postmark shall be evidence of the date the ballot was mailed. An absentee ballot submitted by-mail must be received by the City Clerk no later than 14 days after the election date.

C. An absentee ballot deposited in a drop box must be placed in the drop box by the close of polls on the election date.

D. The City Clerk shall maintain a record of the name of each voter to whom an absentee ballot is provided. The record must list the date on which the ballot is mailed or handed to the applicant, the date the City Clerk received the ballot, and the date(s) the ballot was executed and postmarked.

2.16.070 - Absentee voting a special needs ballot.

A. A qualified voter who is unable to go to a polling place to vote because of disability, infirmity or confinement may vote absentee by special needs ballot. The voter may, through a representative, request a special needs ballot from an election official on election day or from the City Clerk up to 21 days before the election date.

B. A voter casting a special needs ballot shall mark the ballot in secret, place and seal the ballot in the provided plain envelope, and place and seal that envelope in the special needs oath and affidavit envelope provided in the special needs absentee voting material packet. The voter shall provide the information on the special needs oath and affidavit envelope and sign the voter's certificate in the presence of the representative. The representative shall sign as an attesting authorized official and date the voter's signature.

C. If the voter's disability, infirmity or confinement precludes the voter from performing any of the requirements of Subsection B of this Section, the representative may perform those requirements for the voter. The representative may not assist the voter in selecting a candidate or answering a question on the ballot.

D. The sealed envelope containing the voter's ballot may be returned to the City Clerk by-mail, deposited in a ballot drop box or hand-delivered to an election official at a polling place. The sealed envelope shall be processed in the same manner and subject to the same deadlines as absentee ballots under this Title.

E. Special needs ballots returned to an election official on election day, returned to an election official at an early voting site or deposited into a drop box shall be counted at the Election Day Canvassing Session.

2.16.080 - Absentee voting-by electronic transmission.

A. Except as otherwise provided in this Title, Council may authorize absentee voters to submit ballots via electronic transmission at a City election. Absentee voting by electronic transmission must be approved by Council at least 60 days before the election and only after a public hearing before Council.

B. A ballot that is completed and returned by the voter by electronic transmission must:

1. Contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible," followed by the voter's signature and date of signature; and
2. Be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by an authorized official or United States citizen who is 18 years of age or older.

C. A voter who returns the absentee ballot by electronic transmission must comply with the same deadlines for voting absentee by-mail, transferring the electronic transmission no later than the election date. The date of transmission shall be the date the City Clerk receives the electronic transmission unless an electronic receipt showing otherwise is produced. The absentee voter transmitting a ballot under this subsection may select an automatically generated receipt option but the City will not accept any

electronically transmitted ballot that requires the City Clerk to take any action or make any statements or confirmations in order to receive an electronic transmission.

D. When a completed ballot is received by electronic transmission the Clerk will note the date of receipt on the ballot application log and, if the ballot is received on election day, the time of receipt. The City Clerk will then:

1. Remove the ballot portion of the transmission from the portion that identifies the voter;
2. Place the ballot portion in a secrecy sleeve;
3. Seal the secrecy sleeve in an outer envelope of the type used for ballots returned by mail, and seal that envelope;
4. Attach the voter identification portion to the outer envelope; and
5. Forward the outer sealed envelope to the Election Board for review with all other absentee ballots.

E. An electronically transmitted ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular voter cast that voter's ballot. Notwithstanding the inability to preserve the secrecy of the ballot from certain election officials under this subsection, it shall be unlawful to display a ballot received via electronic transmission in a manner revealing the way a voter cast their ballot to any person other than the City Clerk, a member of the City Clerk's staff, an election official in the course of that official's duties, or an attorney advising the City Clerk on legal questions concerning the ballot.

2.16.090 - Absentee voter list.

The City Clerk shall maintain a record of the name of each voter to whom a ballot is delivered under this section. The record must list the date on which the ballot is mailed or provided by electronic transmission and the date on which the ballot is received by the City Clerk. The record shall be available for public inspection.

CHAPTER 2.18 - CANVASSING ELECTION RETURNS

2.18.010 Election Day Canvassing Session.

2.18.020 Ballot counting rules.

2.18.030 All-Ballot Canvassing Session.

2.18.040 Determination of elected candidates and passage of propositions.

2.18.050 Validity of election—Certification by City Council.

2.18.010 - Election Day Canvassing Session.

A. Immediately after the polls close on the election date, the Election Board shall convene at a main polling place designated by the City Clerk and publicly conduct the "Election Day Canvassing Session."

B. In full view of those present, the Election Board shall open the ballot boxes, separate the questioned ballot envelopes from all other ballots, separate special needs ballot envelopes from all other ballots, and count the remaining ballots. The Election Board shall account for all ballots by completing the ballot statement form provided by the City Clerk, including the number of ballots received, voted, spoiled, unused, and destroyed. The Election Board shall also compare the number of questioned ballots with the number of questioned voters on the registry and shall note any discrepancies on the ballot statement.

- C. After counting and separating the ballots, the Election Board shall count the votes cast. The election officials shall continue the count without adjournment until the count is complete.
- D. 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.
- E. No ballot box or ballot, used or unused, may be removed from the polling place until all the ballots have been counted. The envelope or container containing questioned ballots shall be transferred to the City Clerk by an election official and shall remain sealed in the questioned ballot envelope or container until opened by the Election Board at the All-Ballot Canvassing Session.
- F. After completing canvassing for ballots cast at polling places, the Election Board shall open the sealed envelope or container containing ballots from early voting sites and all drop boxes. The Election Board shall also open the sealed envelope or container containing special needs ballots cast at a polling place. The Election Board shall apply the appropriate canvassing and verification procedures to those ballots. A separate ballot statement shall be completed for the early voting site, special needs, and drop box ballots and hand delivered to the City Clerk with the election day ballot statement. Drop box, special needs, and early voting site canvassing should be completed on the same day as the Election Day Canvassing Session.
- G. The day of or the day after the election, the Election Board shall complete the “Certificate of Election Day Results” and provide the City Clerk two copies of this certificate signed by the Election Board chairperson. This certificate must include the number of votes cast for each candidate, the number of “yes” votes and “no” votes on each proposition and question on the ballot, and any additional information required by the City Clerk. The Election Board shall, immediately upon completion of the certificates, hand-deliver to the City Clerk both copies of the certificate and the register.

2.18.020 - Ballot counting rules.

All ballots shall be tabulated according to the following rules:

- A. 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 clearly spaced in the box or touching the box on the left of the name of the candidate or proposition the voter desires to designate. The mark must not touch more than one box.
- B. Failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
- C. 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.
- D. If a voter marks more names than there are persons to be elected to the office, the votes for that office shall not be counted.
- E. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates or propositions properly made.
- F. An erasure or correction invalidates only that section of the ballot in which it appears unless the intent of the voter is clear.
- G. Votes for a write-in candidate shall not be counted unless that candidate has filed a declaration of candidacy with the Clerk in accordance with this Title.

H. If a voter casts more than one ballot in a single election, none of the ballots cast by that voter shall be counted.

I. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

2.18.030 - All-Ballot Canvassing Session.

A. Fifteen days after the election date, the Election Board shall hold a session called the “All-Ballot Canvassing Session” to count and canvass all ballots not counted at the Election Day Canvassing Session, including questioned ballots and absentee ballots submitted by-mail or by electronic transmission, when electronic transmission is authorized.

B. The All-Ballot Canvassing Session shall be conducted at a main polling place designated by the City Clerk and shall be open to the public. The ballots shall be opened and counted in full view of those present. The Election Board shall complete a ballot statement for all questioned and absentee ballots in the same manner required in CMC 2.18.010.

C. Before counting questioned and absentee ballots, the Election Board shall determine if the ballots are valid by reviewing the information on the outer ballot envelope. If the Election Board determines that the ballot is valid, the outer envelope may be opened, and the ballot counted. If the Election Board determines that the ballot is not valid, the Election Board shall write its determination on the ballot envelope and the reasons for it, label the ballot envelope “invalid” and place the invalid ballot in an envelope labeled “Invalid Ballots; Not counted.” The “Invalid Ballots; Not Counted” envelope or container must remain in the custody of an election official and transferred to the City Clerk no more than 24 hours after the All-Ballot Canvassing Session. No more than 10 days after the All-Ballot Canvassing Session ends, the City Clerk will provide written notice to voters casting rejected ballots that their ballots were found to be invalid, were not counted, and the reasons for the Board’s findings of invalidity.

D. After the All-Ballot Canvassing Session is complete, the Election Board shall tally the total valid votes for each question and seat on the ballot prepare a certificate of final election results on the form provided by the City Clerk.

2.18.040 - Determination of elected candidates and passage of propositions.

A. Except as provided otherwise in this Code, the candidate receiving the greatest number of votes cast for an office and not less than 40% of the total votes cast for that office shall be elected.

B. If the number of “yes” votes on any proposition exceeds the number of “no” votes, the proposition shall be considered approved. The proposition shall become effective immediately upon certification of the election results.

2.18.050 - Validity of election - Certification by City Council.

A. No more than 48 hours after the All-Ballot Canvassing Session is complete, City Council shall meet to review the Certificate of Returns prepared and delivered by the Election Board chairperson, and any election contests or applications for a recount.

B. If City Council concludes that the election was validly held, such conclusion shall be publicly announced and entered upon the minutes of the meeting. The minutes shall include the number of votes cast in the election, the names of the persons voted for and the propositions and questions voted upon, the offices and seats voted for, the number of votes cast for each candidate for each office and seat, and the number of

votes for and against each proposition. If Council concludes that the election is not valid, it shall order another election.

C. Upon determination that the election was validly held and that substantial compliance with all voting procedures was affected and that no material discrepancy exists which may affect the outcome of the election, City Council shall direct the City Clerk to:

1. Deliver to each candidate elected to office a certificate of election signed by the Mayor and City Clerk and authenticated by the municipal seal;
2. Prepare a certificate of election for each approved proposition to be signed by the Mayor and City Clerk and authenticated by the municipal seal; and
3. Prepare an official certificate of election to be published at least once in a newspaper of general circulation within the City. In the event of an election contest or recount concerning only one office, seat or question, City Council may direct that the City Clerk issue a certificate for the non-contested election for the other offices, seats, and questions.

CHAPTER 2.20 - ELECTION CONTESTS, RECOUNTS, AND RUN-OFFS

- 2.20.010 Grounds for election contest.**
- 2.20.020 Contest procedure.**
- 2.20.030 Contests-appeal or judicial review.**
- 2.20.040 Recount-Clerk-initiated.**
- 2.20.050 Recount of votes by application.**
- 2.20.060 Recount-timing.**
- 2.20.070 Recount-notice.**
- 2.20.080 Tie vote after recount.**
- 2.20.090 Recount-appeal and judicial review.**
- 2.20.100 Run-off elections.**

2.20.010 - Grounds for election contest.

A candidate or 10 qualified voters may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

1. Malconduct, fraud or corruption by an election official sufficient to change the results of the election;
2. The person elected does not meet the qualifications required by law; or
3. Existence of a corrupt election practice as defined by the laws of the State of Alaska sufficient to change the result of the election.

2.20.020 - Contest procedure.

A. Notice of contest of an election shall be submitted in writing and filed in person at the City Clerk's office before 5:00 p.m. on the day of the certification of the election and shall include a \$1,000 payment by cash, certified check, or credit card. The notice of contest shall include:

1. The election being contested;
2. A summary of the grounds for the contest;

3. Contact information of a representative who will receive communications from the City regarding the contest; and
4. The legal name, residence address, contact information, and notarized signature of each candidate or City voter who is an applicant.

B. Upon receipt of the notice to contest an election, the City Clerk shall submit it to Council. The Clerk and City Attorney shall investigate the grounds of the contest and submit a report of findings to Council. The City Clerk may request the Election Board, or additional personnel as necessary, assist with the investigation. City Council shall defer the certification of the contested election results pending receipt of the report but shall proceed with certification of all election results that are not contested.

C. If Council determines that the grounds of the contest are valid and would change the results of the election, Council shall proceed in a manner that is consistent with its determination. If Council finds that the grounds for the contest are not sufficient to change the election results, it shall declare the election valid and certify the contested election results.

D. Should the contestant prevail with the election contest, the \$1,000 shall be refunded to the contestant.

2.20.030 - Contests-appeal or judicial review.

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 days after 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.

2.20.040 - Recount-Clerk-initiated.

A. The City Clerk shall initiate a recount to be held immediately upon the conclusion of the All-Ballot Canvas Session if:

1. The difference between the number of votes cast for and against a ballot measure is less than one percent of the total votes cast for the ballot measure; or
2. The difference between the number of votes cast for the two candidates who receive the most votes for a particular office is less than one percent of the total votes cast for the particular office, whichever is greater.

B. Except as otherwise provided in this section, the results of the first recount shall be final.

C. The City Clerk shall initiate a second recount to be held immediately after completion of the first recount if there is a tie vote for a candidate or results change regarding a candidate or a ballot measure and the margin remains less than one percent. The results of the second recount shall be the final results.

D. An election or ballot measure for which a Clerk-initiated recount is required and held shall not be subject to recount by application under CMC 2.20.050. This subsection shall not preclude persons having a direct interest in a recount and who are seeking to protect their interests during such recount from designating two or more representatives to be present at and observe the recount.

2.20.050 - Recount of votes by application.

A. Except as provided in CMC 2.20.040, any defeated candidate or any 10 qualified voters may file an application for a recount of the votes for any particular office or question or proposition on the ballot. An application for recount shall be submitted in writing and filed in person at the City Clerk's office before 5:00 p.m. on the first business day after certification of the election and shall include a \$500 payment by cash, certified check, or credit card. The recount application shall include:

1. The basis of the belief that a mistake has been made;
2. The office, proposition, or question for which the recount is requested;
3. The contact information of a representative who will receive communications from the City regarding the application; and
4. The name, residence address, contact information and notarized signature of each candidate or City voter who is an applicant.

B. Candidates, political parties, or organized groups having a direct interest in a recount and who are seeking to protect their interests during a recount may provide two or more observers to witness the recount.

C. The result of a recount by application shall be the final election result. If the recount by application changes the election results for the seat or proposition that was the subject of the recount application or if the vote on recount is four percent or more than the vote reported after the first canvass, the deposit shall be refunded; otherwise it shall be placed in the general fund of the City.

2.20.060 - Recount-timing.

A. The Election Board shall complete a recount no more than 10 days after the recount is initiated under this subsection. The City Clerk shall issue a final certification of elections no more than one business day after the recount results are finalized by the Election Board. A certificate need not be issued if the results of the first recount require the Clerk to initiate a second recount.

B. The Election Board shall begin a recount initiated by the Clerk no later than three business days after City Council certifies the election results or three business days after the Election Board completes the first Clerk-initiated recount.

C. The Election Board shall begin a recount initiated by application no later than three business days after receiving a complete application.

2.20.070 – Recount-notice.

The City Clerk shall give all directly interested parties notice of the time and place of the recount, which shall include the name of the candidate or voter chairperson applying for recount and the two or more persons appointed to represent the applicant during the recount.

2.20.080 - Tie vote after recount.

A. In case of failure to elect a candidate because of a tie vote after recount, the City Clerk shall give notice to the tied candidates to attend a publicly held drawing at a time and place designated by Council where Council will administer a drawing to declare the winning candidate.

B. If, after recount, a tie vote still exists on an initiative proposition or question submitted to the voters, that initiative proposition or question is defeated.

C. If, after recount, a tie vote still exists on a referendum proposition, the ordinance subject to the referendum proposition shall be enacted.

2.20.090 - Recount-appeal and judicial review.

No person may seek judicial review of the counting of votes in an election without first applying for a recount as provided in this Chapter. Any candidate who has reason to believe, or a majority of the persons who requested a recount who have reason to believe that an error has been made in the recount may appeal to the Superior Court within five calendar days of the completion of the recount.

2.20.100 - Run-off elections.

A run-off election shall be held within three weeks after the date of certification of the election if no candidate for a given seat on Council or for the office of mayor receives at least 40 percent of the votes cast for that seat. Notice of the run-off election shall be published at least 20 days before the run-off election. The run-off election shall be between the two candidates receiving the highest number of votes for the office or Council seat. The candidate receiving the greatest number of votes in the run-off election shall be elected.

CHAPTER 2.22 - ELECTIONS BY MAIL

2.22.010 Conduct of an election by mail.

2.22.020 Election date.

2.22.030 Notification to voters.

2.22.040 Casting ballots.

2.22.050 Ballot return envelope review.

2.22.060 Counting ballots.

2.22.010 - Conduct of an election by-mail.

A. The Clerk may conduct any election by mail with City Council approval when City Council determines that holding a by-mail election is in the best interest of the City and its voters. An ordinance approving an election by mail under this section must be adopted by Council no later than 90 days before the election date.

B. If the Clerk conducts an election by-mail, the Clerk shall send a ballot to each person whose name appears on the official voter registration list prepared under AS 15.07.125 for that election. The ballot shall be sent to the address stated on the official registration list unless the voter has notified the Clerk in writing of a different address to which the ballot should be sent, or the address on the official registration list has been identified as being an undeliverable address. The Clerk shall send ballots by first-class, non-forwardable mail, no less than 25 days before the election.

C. The Clerk shall supply a secrecy sleeve and a return envelope to each by-mail voter. The return envelope shall have printed upon it an affidavit by which the voter shall declare the voter's qualification to vote, followed by a provision for attestation by an authorized official or one attesting witness who is at least 18 years of age. Specific instructions for voting a by-mail ballot and a list of Voting Assistance Center(s) and their operating hours shall be mailed to each voter with the ballot.

D. At least one Voting Assistance Center shall be made available to voters 14 days before election day, for the purpose of providing voter assistance for casting votes by mail, accepting questioned ballots in-person as specified in CMC 2.22.040, and any other services identified by the Clerk in the notice of election.

2.22.020 - Election date.

In a by-mail election, election dates shall be established as provided in CMC 2.04.050 for any special or regulation election.

2.22.030 - Notification to voters.

For a by-mail election, the notice of election required by CMC 2.06.020 must also state:

- A. That the election will be conducted by-mail and that no polling place will be available for regular in-person voting on election date.
- B. Designation of the date on which ballots are expected to be mailed to voters.
- C. Designation of the dates on which a voter who may not have received a ballot, or who may need a replacement ballot, may vote a questioned ballot in person.
- D. The hours the Voting Assistant Center(s) will be open and their location(s).
- E. That the ballots must be returned in the ballot return envelope.
- F. The date by which the ballots must be postmarked and received by the Clerk in order to qualify for inclusion in the election tabulation.
- G. Brief general instructions on how the ballots must be voted and how the ballot envelope must be completed.

2.22.040 - Casting ballots.

- A. Except as otherwise provided in this Chapter, upon receipt of a by-mail ballot, the voter shall cast their ballot in the manner specified in Chapter 2.16.
- B. If a by-mail ballot is not received, or if the by-mail ballot is destroyed, spoiled or lost, the voter may be provided a replacement questioned ballot and cast their questioned ballot in person at a Voting Assistance Center. A voter may be provided up to three replacement ballots. The Clerk shall retain the voted ballot for delivery to the Election Board.

2.22.050 - Ballot return envelope review.

- A. The Clerk shall review ballot return envelopes as they are received in an effort to ensure that the voter declaration is complete. If the voter declaration is incomplete more than five business days before the election date, the Clerk shall, within three days, send notice to the voter explaining the error or omission. Such notice will be mailed to the voter at the same address to which the ballot was mailed unless an email address was provided by the voter in that voter's application and the voter requested notification under this section be sent to that email instead of by mail.
- B. If a voter receives notice that their ballot return envelope is incomplete, the voter may:
 - 1. Complete the form included with the notice and return the form to the Clerk at the address specified on the form.
 - 2. If the voter does not complete the form included in the notice ballot return envelope by 6:00 p.m. 10 days following the election, the ballot return envelope shall be marked "invalid" and shall not be counted. The voter shall be notified in writing that their ballot is rejected.

2.22.060 - Counting ballots.

Ballots cast in a by-mail election shall be counted if:

- A. The voter declaration on the ballot return envelope is complete as provided under CMC 2.22.050; and

- B. The ballot is received in one of the following ways:
1. The ballot return envelope is postmarked on or before the election day and received by the Clerk on or before 6:00 p.m. 10 days following the election; or
 2. The ballot return envelope is submitted to a Voting Assistance Center as provided in CMC 2.22.040.

CHAPTER 2.24 - ELECTION EMERGENCY PLAN

- 2.24.010 Policy.**
2.24.020 City Clerk emergency election authority.
2.24.030 Unofficial ballots in an emergency.
2.24.040 Emergency assistance of peace officers.

2.24.010 - Policy.

A. It is the policy of the City to encourage and assist voters in the exercise of their right to vote even when an emergency interferes with the conduct of an election. This chapter is intended to empower the City Clerk to take necessary actions to enfranchise voters and protect the election process and results.

2.24.020 - City Clerk emergency election authority.

A. In an emergency, the City Clerk is authorized to take action to preserve the integrity of the election, while at the same time allowing eligible voters to vote who might otherwise not get an opportunity.

B. Actions authorized under this Chapter may include, but are not limited to:

1. Requesting expedited relief from a court of competent jurisdiction;
2. Keeping polling locations, early voting sites, voting assistance centers, and ballot drop boxes open longer than allowed by this Code;
3. Closing polling locations, early voting sites, and ballot drop boxes permanently or for a limited time regardless of the requirements in this Title, while providing eligible voters other opportunities to vote;
4. Accepting absentee voting applications after the deadlines in this Title but before the close of the election;
5. Moving polling places, early voting sites, and ballot drop boxes with as much notice as possible without jeopardizing life and safety; and
6. Accepting votes not cast on official ballots.

C. The City Clerk shall take steps to maintain a record of every action taken under this Chapter and, if possible, shall adequately segregate votes cast under this Chapter so that a court may rule on the action taken and accurately add or subtract votes as may be necessary.

D. If practicable, the City Clerk shall post public notice of any changes to the election procedure as a result of this Chapter, and the reasons for such changes, on the City website and in a newspaper of general circulation within the City. If notice is impracticable under this subsection, the City Clerk shall make reasonable efforts to provide notice through other avenues and shall provide City Council with an

explanation of the notice provided and the reasons for it at City Council's next special, regular or emergency Council meeting.

2.24.030 - Unofficial ballots in an emergency.

A. Emergency unofficial ballots. If there are insufficient official ballots available at a polling location as the result of an emergency, election officials shall use the available sample ballots and may create photocopies of the same, if needed. If sample ballots are not available and election officials determine it is unlikely additional ballots will be received prior to the closing of the polls, election officials may provide any available paper to voters. If possible, election officials should receive direction from the City Clerk prior to using unofficial ballots.

B. So long as all other voting procedures were followed, unofficial ballots cast under this Chapter shall not be treated as questioned ballots.

2.24.040 - Emergency assistance of peace officers.

If weather or other unforeseen circumstances prevent election officials from delivering election materials or ballots to or from the polling places, early voting sites or ballot drop boxes, the City Clerk may cause the delivery to be made by a peace officer or other City official.

CHAPTER 2.56 - INITIATIVE, REFERENDUM AND RECALL

2.56.010 Provisions of City Charter and this chapter to govern.

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2.56.050 Recall petition signature requirements.

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2.56.100 Recall-ballot form.

2.56.110 Recall-election-procedure.

2.56.120 Effect.

2.56.130 Successors.

2.56.010 - Provisions of City Charter and this chapter to govern.

The initiative and referendum shall be governed by City Charter, Sections 11-1 through 11-5. The provisions of this Chapter shall govern elections at which initiated and referred proposals are submitted to the voters as well as other elections, insofar as they are applicable.

2.56.011 - Reservations of powers.

The powers of initiative, referendum and recall are reserved to the qualified voters of the City except the powers do not extend to matters restricted by Section 11-1 of the City Charter or Article XI, Section 7, of the Alaska Constitution.

2.56.012 - Petition filing-generally.

A petition for initiative or referendum must be initially filed with the City Clerk as provided in the City Charter before it is circulated for signatures. An initiative petition with sufficient signatures must be filed with the City Clerk within 30 days after the initial filing of such petition, and a referendum petition with sufficient signatures must be filed with the City Clerk within 30 days after passage and publication of the ordinance sought to be referred.

2.56.013 - Petition-form and contents-signatures.

A. A petition for initiative or referendum shall:

1. Embrace only a single comprehensive subject;
2. Set out fully the ordinance sought to be initiated or referred;
3. State upon the petition, when circulated, the date of first circulation of the petition; and
4. Contain the statement, when circulated, that the signatures on the petition shall be secured and the petition filed, in the case of an initiative petition, within 30 days from the date of original filing with the City Clerk, or, in the case of a referendum petition, within 30 days after passage and publication of the ordinance sought to be referred; and
5. Have the required signatures, dates of signatures and resident addresses of the signers; signatures shall be in ink or indelible pencil.

B. When signing a petition, each voter shall print his name after his original signature; illegible signatures, unless accompanied by a legible printed name, may be rejected by the City Clerk.

C. A petition signer may withdraw his signature upon written application to the City Clerk within seven days after the petition has been filed with the City Clerk.

2.56.014 – Petitions-review.

Within 30 days after a petition with signatures is timely filed, the City Clerk, with such assistance from the City attorney as deemed necessary, shall ascertain whether the petition is legal and sufficient, and shall certify the findings.

2.56.015 – Petitions-subsequent filings.

Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition for the same purpose. A new petition may not be filed sooner than 12 months after a petition has been rejected.

2.56.016 - Effect of initiative or referendum.

Failure to pass an initiative or referendum by the voters precludes the filing of a new petition for the same purpose sooner than 12 months after voter disapproval of the initiative or referendum.

2.56.017 – Petitions-publication.

Promptly after the later to occur of the certification of a petition by the City Clerk as legal and sufficient under CMC 2.56.014 and the expiration of the seven-day period for withdrawal of petition signatures under CMC 2.56.013(C), the Clerk shall publish in a newspaper of general circulation in the City the following information in the petition:

- A. The question presented to the voters by the petition;
- B. The name of each person whose signature appears on the petition; and
- C. The name of each sponsor of the petition.

2.56.020 – Recall-City Charter provisions.

An official may be recalled by the voters pursuant to City Charter Section 11-6 and AS 29.26.240 *et seq.*

2.56.030 – Recall-grounds.

Grounds for recall are misconduct in office, incompetence or failure to perform prescribed duties.

2.56.035 - Application for recall petition.

- A. An application for a recall petition shall be filed with the City Clerk and must contain:
 - 1. The signatures and residence addresses of at least 10 qualified voters in Cordova who will sponsor the petition;
 - 2. The name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent; and
 - 3. A statement in 200 words or less of the grounds for recall stated with particularity.
- B. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the City Clerk.

2.56.040 - Recall petition.

A. If the City Clerk determines that an application for a recall petition meets the requirements of Section 2.56.035(A) and AS 29.26.260, the City Clerk shall prepare a recall petition. All copies of the petition must contain:

- 1. The name of the official sought to be recalled;
- 2. The statement of the grounds for recall as set out in the application for petition;
- 3. The date the petition is issued by the City Clerk;
- 4. Notice that signatures must be secured within 60 days after the date the petition is issued;
- 5. Spaces for each signature, the printed name of each signer, the date of each signature, and the residence and mailing addresses of each signer;
- 6. A statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
- 7. Space for indicating the number of signatures on the petition.

B. The City Clerk shall notify the contact person in writing when the petition is available. That person is responsible for notifying sponsors. Copies of the petition shall be provided by the City Clerk to each sponsor who appears in the City Clerk's office and requests a petition, and the City Clerk shall mail the petition to each sponsor who requests that the petition be mailed.

2.56.050 - Recall petition signature requirements.

A. The signatures on a recall petition shall be secured within 60 days after the date the City Clerk issues the petition. The statement provided under AS 29.26.270(a)(6) shall be completed and signed by the sponsor. Signatures shall be in ink or indelible pencil.

B. The City Clerk shall determine the number of signatures required on a petition and inform the contact person in writing. If a petition seeks to recall an official who represents the City at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office at the last regular election held before the date written notice is given to the contact person that the petition is available.

C. Illegible signatures shall be rejected by the City Clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence shall be rejected.

D. A petition signer may withdraw the signer's signature upon written application to the City Clerk before certification of the petition.

2.56.060 - Sufficiency of recall petition.

A. The copies of a recall petition shall be assembled and filed as a single instrument. A petition may not be filed within 180 days before the end of the term of office of the official sought to be recalled. Within 10 days after the date a petition is filed, the City Clerk shall:

1. Certify on the petition whether it is sufficient; and
2. If the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

B. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected if:

1. The petition contains an adequate number of signatures, counting both valid and invalid signatures; and
2. The supplementary petition is filed more than 180 days before end of the term of office of the official sought to be recalled.

C. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under subsection B of this section. Within 10 days after the supplementary filing the City Clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

2.56.070 - New recall petition application.

A new application for a petition to recall the same official may not be filed sooner than six months after a petition is rejected as insufficient.

2.56.080 - Recall petition submission.

If a recall petition is sufficient, the City Clerk shall submit it to City council at the next regular meeting, or at a special meeting held before the next regular meeting.

2.56.090 - Recall election.

A. If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to Council, City Council shall submit the recall at that election.

B. If no regular election occurs within 75 days, City Council shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to City Council.

C. If a vacancy occurs in the office after a sufficient recall petition is filed with the City Clerk, the recall question may not be submitted to the voters. City Council may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official.

2.56.100 – Recall-ballot form.

A recall ballot must contain:

A. The grounds for recall as stated in 200 words or less on the recall petition;

B. A statement by the official named on the recall petition of 200 words or less, if the statement is filed with the City Clerk for publication and public inspection at least 20 days before the election;

C. The following question: “Shall (name of person) be recalled from the office of (office)? Yes [] No [].”

2.56.110 – Recall-election-procedure.

Procedures for conducting a recall election are those of a regular election.

2.56.120 - Effect.

A. If a majority vote favors recall, the office becomes vacant upon certification of the recall election.

B. If an official is not recalled at the election, an application for a petition to recall the same official may not be filed sooner than six months after the election.

2.56.130 - Successors.

A. If a City Council member or the Mayor is recalled, the office is filled in accordance with Section 2-10 of the City Charter. If all members of City Council are recalled, the governor shall appoint three qualified persons to City Council. The appointees shall appoint additional members to fill remaining vacancies in accordance with Section 2-10 of the City Charter.

B. If a member of the School Board is recalled, the office of that member is filled in accordance with AS 14.12.070. If all members are recalled from the school board, the governor shall appoint three qualified persons to the School Board. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 14.12.070.

C. A person who has been recalled may not be appointed under subsection A or B of this section to the office from which the person was recalled. A person appointed under subsection A or B of this section serves until a successor is elected and takes office.

D. If an official other than a member of City Council or School Board is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held not more than 60 days after the

date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election.

E. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Chapter 2.60 - ELECTION OFFENSES

2.60.010 Violations-removal from office.

2.60.020 Violations-recovery of costs.

2.60.010 - Violations—removal from office.

Any person elected to any City office who is convicted of a corrupt practice or election offense under Alaska law shall be removed from office.

2.60.020 - Violations—recovery of costs.

In the event Council or any court of competent jurisdiction determines that corrupt practices or election offenses attributable to one or more individuals were sufficient to have changed the outcome of the election and recommends or orders a new election be held, the City may recover the total costs and expenses of the new election from the persons who engaged in corrupt practice or election offenses.

Section 2. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, within ten (10) days after its passage.

1st reading: October 21, 2020

2nd reading and public hearing: November 4, 2020

PASSED AND APPROVED THIS 4th DAY OF NOVEMBER 2020.



Clay R. Koplín

Clay R. Koplín, Mayor

ATTEST:

Susan Bourgeois

Susan Bourgeois, CMC, City Clerk