

Submitted by: Assembly Chair Constant
and Assembly Members Bronga and Cross
Prepared by: Municipal Clerk's Office
Reviewed by: Assembly Counsel
For reading: Month Day, 2023

**ANCHORAGE, ALASKA
AO No. 2023-XXX**

**AN OMNIBUS ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING AND UPDATING ANCHORAGE MUNICIPAL CODE TITLE 28,
ELECTIONS.**

WHEREAS, the Municipal Clerk's Office, with the assistance of Assembly Counsel, the Anchorage Election Commission, and the Assembly Ethics and Elections Committee, conducts a regular review of the election code, Anchorage Municipal Code Title 28, *Elections*, each year; and

WHEREAS, following the 2023 Regular Election, the Municipal Clerk's Office drafted proposed updates to provisions of the Elections Code to streamline administration correct mistaken cross-references; and

WHEREAS, the Assembly Ethics and Elections Committee reviewed this ordinance at their meeting on October 25, 2023, and the Election Commission reviewed and recommended _____ at their meeting on October 25, 2023; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 28.10.040 is hereby amended to add *(the remainder of the section is not affected and therefore not set out)*:

28.10.040 Definitions

The following words, terms, and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*** *** ***

Voter registration file means a voter's registration file maintained by the State of Alaska, Division of Elections, pursuant to Alaska Statutes Chapter 15.07.

*** *** ***

(GAAB 7.05.010; AO No. 85-75; AO No. 90-81; AO No. 91-166; AO No. 2002-179(S), § 1, 1-7-03; AO No. 2004-176, § 1, 6-1-05; AO No. 2013-130(S-1), § 2, 1-14-14; AO No. 2016-10(S), § 1, 2-9-16; AO No. 2017-29(S), § 1, 6-1-17; AO No. 2018-4(S), § 1, eff. retroactively 12-1-17; AO No. 2020-5(S), § 1, 2-11-20; AO No. 2020-131(S), § 2, 1-14-21; AO No. 2021-110(S), § 1, 12-28-21; AO No. 2022-98, As Amended, § 2, 12-6-22)

1 **Section 2.** Anchorage Municipal Code section 28.80.015 is hereby amended to
 2 read as follows (*the remainder of the section is not affected and therefore not set out*):
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4 **28.80.015 – Supervision and observation of ballot tabulation.**

5 *** *** ***
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 8 B. All ballot tabulation processing using a software application shall be
 9 under the supervision of the municipal clerk, and [OBSERVED BY] at
 10 least one of the following shall be invited [SELECTED] by the municipal
 11 clerk to observe:
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- 13 1. Internal auditor or designee,
- 14 2. IT director or designee, or
- 15 3. Municipal ombudsman or designee.

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 18
 19 (AO No. 2013-130(S-1), § 6, 1-14-14; AO No. 2017-29(S), § 37, 6-1-17; AO
 20 No. 2020-5(S), § 5, 2-11-20; AO No. 2021-110(S), § 12, 12-28-21)
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22 **Section 3.** Anchorage Municipal Code section 28.80.050 is hereby amended to
 23 read as follows (*the remainder of the section is not affected and therefore not set out*):
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25 **28.80.050 – Rules for counting votes.**

26 *** *** ***
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 29 12. A write-in vote shall not be counted for an individual candidate:
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- 31 a. In a runoff election, because the only qualified candidates in a
 32 runoff are the names printed on the ballot; no write-in candidate
 33 is qualified;
- 34 b. For a service area supervisory board candidate if the candidate
 35 has not registered as a qualified write-in pursuant to section
 36 28.30.020; or
- 37 c. Except as set forth in paragraph 12.b [13.B.] above, unless the
 38 aggregate of all votes cast for all write-in candidates for the
 39 particular office is
 - 40 i. The highest number of votes received by any candidate
 41 for the office; or
 - 42 ii. The second highest number of votes received by any
 43 candidate and within the margin requiring an automatic
 44 recount in section 28.90.025C;

45
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 49
 50 In which case the write-in votes will be allocated to the individual
 51 candidates in an automatic recount.

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(GAAB 7.05.160—7.05.170; CAC 2.68.260; AO No. 85-75; AO No. 2001-43, § 4, 2-27-01; AO No. 2002-180, §§ 3—5, 3-24-03; AO No. 2013-130(S-1), § 6, 1-14-14; AO No. 2016-12, § 3, 1-26-16; AO No. 2017-29(S) , § 40, 6-1-17; AO No. 2018-4(S) , § 18, eff. retroactively 12-1-17; AO No. 2020-5(S) , § 5, 2-11-20; AO No. 2020-131(S) , § 10, 1-14-21; AO No. 2021-110(S) , § 13, 12-28-21; AO No. 202-98, As Amended, § 9, 12-06-22)

Section 4. Anchorage Municipal Code section 28.90.025 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.90.025 – Recount by order of the assembly or municipal clerk; automatic recount.

*** **

D. The municipal clerk shall initiate a recount within seven days of the certification of the election if the results show that the aggregate of all votes cast for a write-in candidate meet the requirements of section 28.80.050B.12 [28.80.050B.13.C.] and must be allocated to the individual write-in candidates.

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(AO No. 2016-68, § 1, 6-21-16; AO No. 2020-5(S), § 7, 2-11-20; AO No. 2020-131(S), § 12, 1-14-21; AO No. 2021-110(S), § 13, 12-28-21)

Section 5. Anchorage Municipal Code section 28.100.020 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.100.020 Contest procedure.

A. Notice of contest of an election shall be submitted in writing to the municipal clerk after the election commission has adopted its report of the results of the election, and not later than noon on [WITHIN NINE DAYS AFTER] the day of the first meeting for which the Assembly has issued a public notice that it may take up the question of whether to certify the election[CERTIFICATION OF THE ELECTION].

B. The notice of contest shall:

1. Specify the election being contested,
2. The grounds of the contest, including specific details,
3. Shall bear the notarized signatures of the candidate or the qualified voters bringing the contest. [,] The notarization shall be in the following form: I hereby certify that on the _____ day of _____, _____, before me, _____ (notary’s name), a

notary public of the State of Alaska, personally appeared,
_____ (affiant's name) and made his/her
oath/affirmation in due form of law that the matters and facts set
forth in the Election Contest are true to best of the affiant's
knowledge.

- 4. Shall contain the printed or typed names and residence addresses of the candidate or qualified voters, and
- 5. Shall designate two persons as representatives and include the phone numbers, mailing addresses, and residence addresses of the representatives.

C. The assembly shall vote whether to hear the contest or to certify the results of the [CONTESTED] election at a meeting held pursuant to AMC 28.85.040B. [IN ACCORDANCE WITH THE REPORTS OF THE ELECTION COMMISSION AND MUNICIPAL CLERK.] If the assembly decides to hear the contest, it may appoint one or more persons to take evidence concerning the grounds for the contest and report to the assembly.

(GAAB 7.05.200; CAC 2.68.550; AO No. 85-75; AO No. 2004-176, § 12, 6-1-05; AO No. 2013-130(S-1), § 9, 1-14-14; AO No. 2017-29(S), § 47, 6-1-17; AO No. 2020-131(S), § 13, 1-14-21)

Section 6. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair

ATTEST:

Municipal Clerk