



June 13, 2012

Final Investigative Report Concerning Ombudsman Complaint 2012-0109

COMPLAINT

An Anchorage citizen alleged that on Election Day, April 3, 2012, at or around 4:15 p.m., he entered the polling place at Wonder Park Elementary School and found what he described as an “electioneering” sign inside the building. The citizen stated that a sign labeled “Proposition 1” was prominently displayed and situated over a metal basket that contained handouts or flyers regarding a bond proposal that would fund improvements to the Anchorage School District, including this school. The citizen alleges that this sign is prohibited at a polling place during an election.

FINDINGS

This complaint against the Anchorage School District is INDETERMINATE. Although there is no dispute that the ASD Bond Fact Sheets regarding Proposition 1 were on display at a school that was a polling place, the ASD Bond Facts Sheets are informational, and thus, may or may not be prohibited at polling locations under Title 28 of Anchorage Municipal Code.

ANALYSIS AND CONCLUSION

According to the Anchorage School District, the ASD Bond Fact Sheet and a document labeled Proposition 1 were approved by ASD’s Bond Counsel. (Copies attached as Exhibits 1 and 2, respectively.) The Bond Fact Sheet contains information about Proposition 1, and indicates Wonder Park Elementary would receive \$400,000 for certain improvements if the bond passed. (Exhibit 1.) ASD’s position is that the Bond Fact Sheet and the other document were informational.

The principal of Wonder Park Elementary put copies of the ASD Bond Fact Sheet on display at the school for parents to have access to the bond information before Election Day. Wonder Park Elementary School was used as a polling place for the April 3, 2012 municipal election and ASD acknowledges that ASD staff did not check and see if the copies of the Bond Fact Sheet were still out on Election Day. There is no dispute that the bond information was in the polling place at Wonder Park Elementary School on Election Day, April 3, 2012.

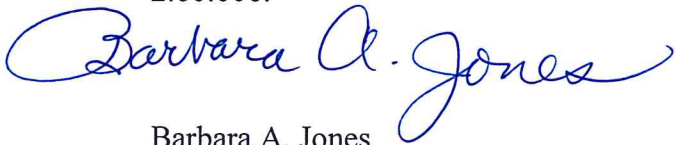
Title 28 of the Anchorage Municipal Code regulates municipal elections and provides that “[d]uring the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question....” A.M.C. 28.50.050. The code also

specifies that "...the entrance to a polling place that is in a school is the entrance to the school building." Ibid. The municipal code does not define "electioneering."¹

Because the municipal code prohibits persons who "attempt to persuade" others, but does not prohibit "informational" material, at or within 200 yards of the polling location, the Municipal Ombudsman finds this complaint to be INDETERMINATE. For all of the above reasons, the Municipal Ombudsman recommends the following: (1) if ASD places informational material in its schools that are used as polling places, staff members shall remove those materials before Election Day; (2) the Assembly should consider an amendment to Title 28 of the Anchorage Municipal Code to include a provision to prohibit informational material, such as signs, flyers, handouts, brochures, or similar documents, regarding any candidate, proposition or question in the polling place or within 200 feet of any entrance to the polling place on Election Day. Based on this finding and these recommendations, this investigation is closed.

A preliminary report regarding this matter was provided to the Anchorage School District.

If you object to the Ombudsman's decision to decline or discontinue this investigation or review, you may file a grievance with the Ombudsman as specified in A.M.C.R. 2.60.006.



Barbara A. Jones
Municipal Ombudsman

¹ This investigation looked at the municipal election manual and the sign that election workers post at polling places. Although it may have made sense for the election workers to remove the materials, the election manual and sign echo the municipal code and do not direct election workers to remove informational material.

2012 BOND

Anchorage School District



Your money at work

\$54.5 million

in bond debt paid off this year

\$248 million

in outstanding bond debt paid off in past 5 years

\$279 million

in outstanding bond debt to be paid off in next 5 years

40 schools plus relocatables

districtwide will benefit from this bond



Anchorage School District
Educating All Students for Success in Life

ASD Bond – \$59 million

state to pay 60–70% of total costs*†

Funds improvements to 40 schools plus districtwide relocatable upgrades

Career and technical education improvements – \$23.8 million

13 middle and high schools to develop or enhance CTE programs within their schools

\$14.6 million of the project funds will build a new CTE structure for the West High School and Romig Middle School joint campus

Service High School – \$9.1 million

Funds needed in order to receive \$21 million state grant
Project scaled back based on community response

Building life extension projects – \$23.8 million

30 schools to benefit from fire alarm upgrades, roof replacements, mechanical and lighting upgrades, and building and on-site improvements

District used a new Facility Condition Index that rated buildings based on their components; schools with a “poor” ranking have projects on the bond proposal

Girdwood K-8 School design – \$2.4 million

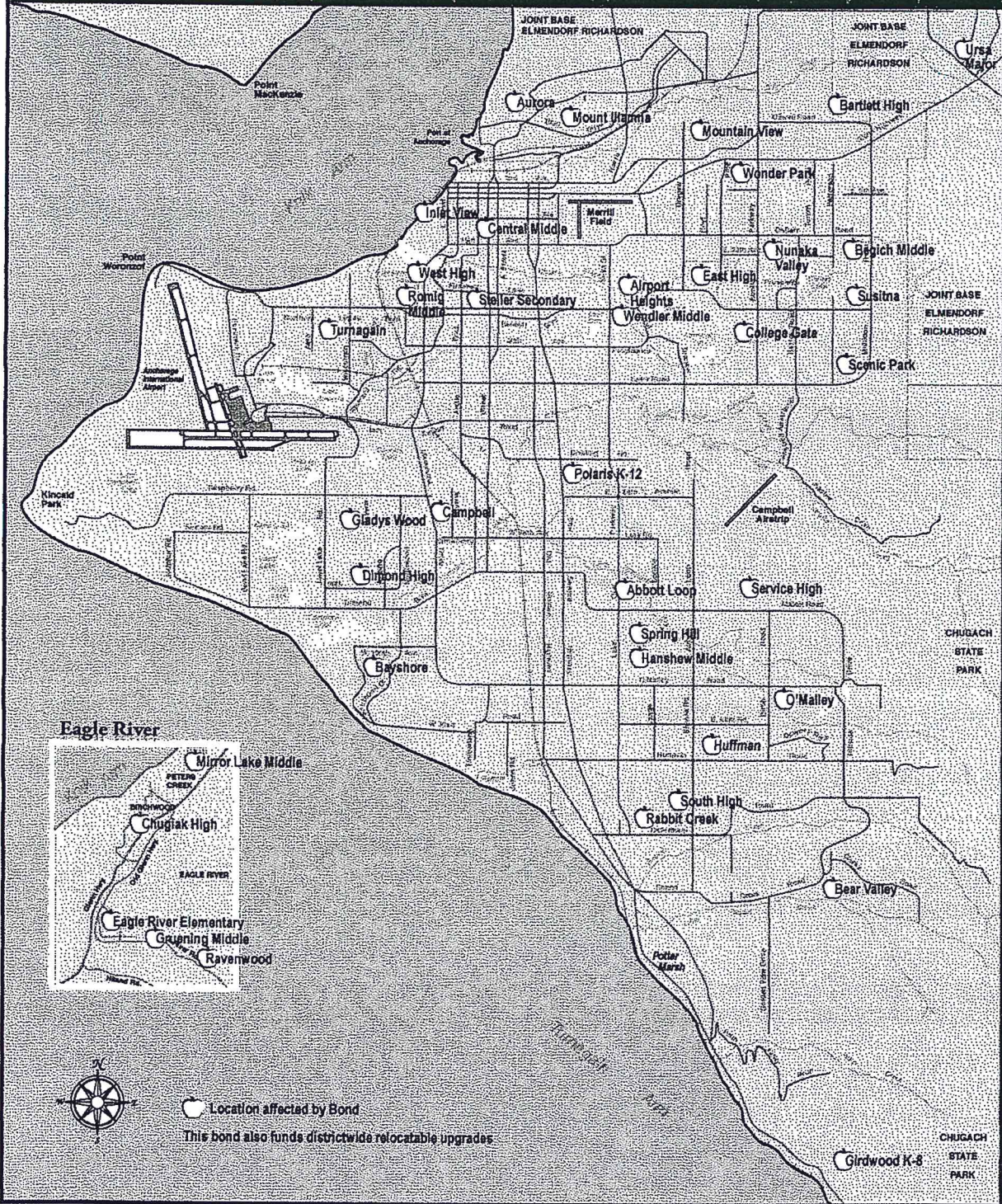
New design will address both infrastructure upgrades and additional space for classrooms, gym and support areas

* The state reimbursement approved for each of the bonds significantly reduces the cost to local taxpayers. Funding of the state reimbursement plan is supported by legislators and is subject to annual legislative appropriation. It will cost the average property owner \$20.57 per year to retire the bond.

† Service High School matching grant funds and \$500,000 for districtwide relocatable upgrades are not eligible for state reimbursement.

How will it affect your neighborhood?

Funding for improvements at 40 schools



*How will you vote?
 Make an informed decision on April 3.
 Learn more at www.asdk12.org/bonds*



Scan the QR code with your smartphone (free QR readers are available online).



Anchorage School District
Educating All Students for Success in Life

This Informational material was reviewed and approved by the Municipal Bond Counsel.

Exhibit 1, page 2

Proposition 1

Wonder Park Elementary

has a project on the city ballot.

In Proposition 1, our school would receive \$400,000 for traffic safety and site improvements.

Improvements would include dedicated bus drop-off area to increase pedestrian safety. The project would replace the concrete sidewalk, curb, gutter and the underground site drainage.

The project costs qualify for 70 percent state debt reimbursement which means, if approved, the state would cover 70 percent of the costs.

Grab a flier, learn more.

Make an informed decision on election day, April 3.



Anchorage School District
Educating All Students for Success in Life

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