

## AMC Chapter 28.90 - ELECTION RECOUNT<sup>[1]</sup>

**State Law reference**— Election recount, AS 15.20.430.

28.90.010 - Recount application.

- A. Within nine days after the election commission has adopted its report of the results of the election, a defeated candidate or ten qualified voters may file an application with the municipal clerk for a recount of the votes from any particular precinct, or for any particular office, proposition or question. The date on which the municipal clerk receives an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under this subsection.
- B. If two or more candidates tie in having the highest number of votes for the same office, to which only one candidate is to be elected, the municipal clerk shall initiate a recount.

(GAAB 7.05.205, 7.05.220; AO No. 85-75; AO No. 2013-130(S-1), § 8, 1-14-14)

**State Law reference**— Similar provisions, AS 15.20.430.

28.90.020 - Form of application.

- A. A recount application shall:
  - 1. Identify the particular precinct, office, proposition or question for which the recount is to be held;
  - 2. Designate by full name, residence address, phone number, and mailing address two persons who shall represent the applicant during the recount;
  - 3. Contain the signature of the candidate or persons making the application; and
  - 4. Contain the typed or printed full name and residence address of the candidate or qualified voters.
- B. The application shall include a deposit in cash, or by certified check. The amount of the deposit shall be \$100.00 for each precinct.

(GAAB 7.05.205, 7.05.220; AO No. 85-75; AO No. 2001-43, § 6, 2-27-01; AO No. 2013-130(S-1), § 8, 1-14-14)

**State Law reference**— Similar provisions, AS 15.20.440(a), 15.20.450.

28.90.030 - Date of recount; notice.

- A. The municipal clerk shall commence a recount within seven days after it has been initiated under section 28.90.010.
- B. The municipal clerk shall give the recount applicant notice of the time and place of the recount by certified mail, by fax, by e-mail or by telephone.
- C. The municipal clerk shall publish notice of the time and place of the recount on the municipal website.

(GAAB 7.05.205, 7.05.220; AO No. 85-75; AO No. 2001-43, § 6, 2-27-01; AO No. 2013-130(S-1), § 8, 1-14-14)

**State Law reference**— Similar provisions, AS 15.20.460, 15.20.470.

28.90.040 - Procedure.

- A. The municipal clerk shall appoint election officials for the recount. The recount shall continue daily until completed. The municipal clerk may designate the hours each day during which the election board is to

conduct the recount. To obtain the most expeditious election results, the municipal clerk may combine two or more recounts.

- B. Candidates or organized groups having a direct interest in a recount may provide two observers to witness the recount. The municipal clerk shall insure that the recount shall be open to observation by the public in a manner consistent with the orderly conduct of the recount and security of the ballots.
- C. In conducting the recount, the election officials shall review all ballots to determine which votes are to be counted in the recount, and shall check the accuracy of the original count. The election officials shall check the number of ballots cast in a precinct against the registers and shall check questioned and absentee ballots voted against questioned and absentee ballots distributed. The rules in chapter 28.70 shall be followed in the recount.

(GAAB 7.05.205, 7.05.220; AO No. 85-75; AO No. 2001-43, § 6, 2-27-01; AO No. 2002-182, § 1, 3-24-03; AO No. 2013-130(S-1), § 8, 1-14-14)

28.90.050 - Certification of recount results.

- A. Upon completing the recount, the municipal clerk shall provide a report of the results of the recount to the assembly.
- B. The assembly shall certify the results of the election in accordance with the report.

(GAAB 7.05.205, 7.05.220; AO No. 85-75; AO No. 2004-176, § 11, 6-1-05; AO No. 2013-130(S-1), § 8, 1-14-14)

28.90.060 - Return of deposit.

If, on the recount, a different candidate or position on a proposition or question is certified, or if the vote on recount is four percent or more greater than the vote originally certified for the candidate or position on a proposition or question supported by the recount applicant, the entire deposit shall be refunded to the recount applicant. If this section does not require that the entire deposit be refunded, the municipal clerk shall refund any money remaining after the cost of the recount has been paid from the deposit.

(GAAB 7.05.205, 7.05.220; AO No. 85-75)

**State Law reference**— Similar provisions, AS 15.20.450.

28.90.070 - Appeals. (Repealed)

(GAAB 7.05.210; AO No. 85-75; AO No. 2013-130(S-1), § 8, 1-14-14)

28.90.080 - Determination of tie votes.

If after a recount and appeal, or after a recount without appeal if the time for appeal has run, two or more candidates tie in having the highest number of votes for the same office, the municipal clerk shall notify the candidates who are tied of a suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the assembly shall certify the result.

(AO No. 85-75)

**State Law reference**— Similar provisions, AS 15.20.530.