

Submitted by: Assembly Member
Petersen, Assembly Chair
LaFrance, Assembly Vice-
Chair Constant
Prepared by: Municipal Clerk's Office
Reviewed by: Assembly Counsel
For reading: October 27, 2021

**ANCHORAGE, ALASKA
AO No. 2021-110(S)**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE TITLE 28, ELECTIONS, TO UPDATE AND CLARIFY PROVISIONS OF THE CODE.

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

WHEREAS, following the 2021 Regular Election and Runoff Election, provisions of the Anchorage Municipal code could be updated to streamline administration of municipal elections and improve efficiency and voter accessibility; and

WHEREAS, it is wise and desirable to review and update Code governing our local electoral system periodically to maintain integrity and build public confidence; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 28.10.040 is hereby amended to read as follows (*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:

*** *** ***

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

Tabulate means to tally the votes in a race or measure to produce results.

Valid signature means a signature that has been compared with one or more signatures in the voter's voter registration file or on the voter's government-issued identification and determined to be by the same writer, through evaluation by an election official trained to perform this function using the standards set forth in this title.

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(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)

Section 2. Anchorage Municipal Code section 28.40.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.40.010 - Form.

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D. Contents of official and sample ballots.

1. The official and sample ballots may consist of one or more pages, printed on one or both sides. The official and sample ballots shall contain:
 - a. The names of all candidates for each office with spaces for write-ins equal to the number of offices to be filled, with the title of the office and "Vote for not more than (the number of offices to be filled)" appearing before the names, except that a runoff ballot shall not have a space for a write-in;
 - b. The title, including the number or letter, and a summary description, including the question, of each proposition to be voted on, and any additional information concerning a proposition that is required by law to appear on the ballot. This information shall be prepared in a fair, true and impartial manner by the municipal attorney, in consultation with the municipal clerk;
 - c. An oval preceding the name of each candidate and each line for writing in the name of a candidate, providing a place for the voter to mark the voter's choice of candidate; and an oval below the title and summary description of each proposition, providing a place for the voter to mark a vote of "yes" or "no";
 - d. On each side of the ballot used, the legend, "To vote: use black or blue ink and completely fill-in the oval of the selection of your choice as shown." The legend shall include a visual representation of a properly filled oval. Also, when both sides of the ballot are used, the legend shall include: "Be sure to vote both sides of the ballot."
 - e. When using scanning equipment, the official ballot shall

1 be printed and encoded to ensure proper scanning and
 2 tabulation by [THROUGH] the election [SCANNING]
 3 equipment. Only the official ballot shall bear the serial
 4 numbering on the stub, if serial numbering is used.

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 6 f. The facsimile signature of the municipal clerk, the date
 7 of the election, and the word "official" before the word
 8 "ballot".

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 10 **g. Necessary additional instruction to voters, as**
 11 **determined by the municipal clerk.**

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14 (GAAB 7.05.080; AO No. 85-75; AO No. 89-136; AO No. 96-12, § 1, 1-23-
 15 96; AO No. 97-18, § 1, 2-11-97; AO No. 99-113, § 2, 8-10-99; AO No. 2001-
 16 43, § 1, 2-27-01; AO No. 2001-166, § 1, 1-2-02; AO No. 2001-181(S), § 1, 1-
 17 8-02; AO No. 2002-179(S), § 2, 1-7-03; AO No. 2004-176, § 3, 6-1-05; AO
 18 No. 2013-130(S-1), § 3, 1-14-14; AO No. 2016-10(S), § 3, 2-9-16 ; AO No.
 19 2017-29(S), § 8, 6-1-17; AO No. 2018-4(S), § 4, eff. retroactively 12-1-17;
 20 AO No. 2020-131(S), § 6, 1-14-21)

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 22 **Section 3.** Anchorage Municipal Code section 28.40.020 is hereby amended to
 23 read as follows (*the remainder of the section is not affected and therefore not set*
 24 *out*):

25
 26 **28.40.020 - Preparation and distribution.**

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- 29 C. Voting by mail. The municipal clerk shall cause an official ballot to be
 30 mailed to voters at least 21 days before the regular or special election
 31 day and seven days before a runoff election day. The municipal clerk
 32 is not required to mail ballots to any voter that does not have a valid
 33 residence address, or is in the condition of purge notice (PN),
 34 undeliverable (UN), list maintenance (LM), or list maintenance
 35 undeliverable (LU), as described in AS 15.07.130.

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38 (GAAB 7.05.090; CAC 2.68.200; AO No. 85-75; AO No. 2013-130(S-1), § 3,
 39 1-14-14; AO No. 2016-10(S), § 4, 2-9-16 ; AO No. 2017-29(S), § 9, 6-1-17;
 40 AO No. 2018-4(S), § 5, eff. retroactively 12-1-17; AO No. 2020-5(S), § 11, 2-
 41 11-20; AO No. 2020-131(S), § 6, 1-14-21)

42
 43 **Section 4.** Anchorage Municipal Code section 28.50.130 is hereby amended to
 44 read as follows (*the remainder of the section is not affected and therefore not set*
 45 *out*):

46
 47 **28.50.130 - Assisting voter at a polling location or vote center.**

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 49 A. At a polling location or vote center, a[A] qualified voter may request
 50 the assistance of an election official or not more than two persons of
 51 the voter's choice, except as listed below.

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1. If the election official is requested, the official shall assist the voter.
 2. If any other person is requested, such as a family member, friend, or member of the public, the requested person shall state upon oath or affirmation before the election official that the person will not vote the ballot for the voter, coerce the voter into voting for a specific candidate or issue, or divulge the votes cast by the voter. The oath or affirmation shall be on a form prescribed by the municipal clerk. Violation of the oath or affirmation is misconduct involving confidential information punishable under chapter 28.200 and shall create a private cause of action in the voter.
 3. A friend or member of the public may assist the voter, unless the friend or member of the public is:
 - a. The employer of the voter; or
 - b. An agent of the employer of the voter; or
 - c. An officer or agent of the union of the voter; or
 - d. A candidate for office in the election; or
 - e. A paid or unpaid campaign worker of a candidate for office in the election, or a paid or unpaid campaign worker of an organization supporting or opposing a ballot measure.

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- B. If the election official is assisting the voter to insert the ballot in the scanner at a polling location and the scanner will not accept the ballot on the initial try, the election official may request the voter flip or rotate the ballot and re-insert the ballot into the scanner in an effort to get the scanner to read the ballot. The voter may refuse this request. In all cases the ballot shall be deposited in the scanner or ballot box by the voter **or voter assistant** in the presence of the election official.

40 (GAAB 7.05.130; CAC 2.68.240.B; AO No. 85-75; AO No. 2013-130(S-1), §
41 3, 1-14-14; AO No. 2020-5(S), § 2, 2-11-20; AO No. 2020-131(S), § 7, 1-14-
42 21)

43
44 **Section 5.** Anchorage Municipal Code section 28.50.140 is hereby amended to
45 read as follows (*the remainder of the section is not affected and therefore not set*
46 *out*):

47
48 **28.50.140 Replacement ballots.**

49 *** *** ***

- 50
51 B. Voting by mail or as special needs. A voter may obtain a replacement

1 ballot if the original ballot is destroyed, spoiled, lost, or not received by
 2 the voter. Requests may be made in person, in writing, by telephone,
 3 or electronically, by the voter, the voter's designated representative
 4 under section 28.60.040, or by a person exercising the right under a
 5 valid power of attorney. A voter requesting a replacement ballot must
 6 provide sufficient information to confirm their identity. Sufficient
 7 information is at least three of the following: residence address, name,
 8 last four digits of the social security number, and birthdate.

- 9
- 10 1. The municipal clerk shall keep a record of each request for a
 11 replacement ballot. Unless the first ballot received has been
 12 voided, it shall be the only ballot counted[TABULATED].
 - 13 2. If the municipal clerk receives additional ballots from a voter, as
 14 indicated by the fact that the voter is already credited with
 15 voting, the additional ballots shall not be counted and shall be
 16 forwarded to the election commission for adjudication. The
 17 municipal clerk may provide the voter's information to law
 18 enforcement under section 28.200.120.

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 21
 22 (AO No. 2017-29(S), § 21, 6-1-17; AO No. 2018-4(S), § 11, eff. retroactively
 23 12-1-17; AO No. 2020-5(S), § 2, 2-11-20; AO No. 2020-131(S), § 7, 1-14-21)

24
 25 **Section 6.** Anchorage Municipal Code section 28.50.300 is hereby amended to
 26 read as follows (*the remainder of the section is not affected and therefore not set*
 27 *out*):

28
 29 **28.50.300 - Appointment and privileges of observers.**

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 31 A. A candidate or organization must register their observers with the
 32 municipal clerk for each election, except as specifically noted below.

33
 34 B. After first registering observers with the municipal clerk:

- 35
 36 1. At [EACH CANDIDATE MAY HAVE ONE OBSERVER AT]
 37 each polling location within the boundary area designated for
 38 the seat for which a [THE] candidate is running and [ONE
 39 OBSERVER] at each vote center;

40
 41 [2.] a. Each candidate may have one observer; and

42
 43 b. Any organization or organized group that sponsors or
 44 opposes an initiative, referendum, or recall measure
 45 may have one observer. [AT EACH POLLING
 46 LOCATION WITHIN THE BOUNDARY AREA
 47 SUBJECT TO THE MEASURE AND ONE OBSERVER
 48 AT EACH VOTE CENTER; AND]

49
 50 2[3]. Subject to space or regulatory constraints, each[EACH]
 51 candidate, organization, or organized group may have at least

one, but no more than four observers at the designated return location, if the municipal clerk determines **based on good cause [AT THE CLERK'S SOLE DISCRETION]** that the election process can accommodate at least[MORE THAN] one observer per candidate or organization. Otherwise, each candidate or organization is limited to an equal share of the total number of observers designated by the municipal clerk.

C[B]. The municipal clerk shall provide a form for the registration of observers.

~~1. All observer registration forms must be submitted between 62 days and 22 days before a regular election, and between 37 days and 22 days before a special election.~~

~~2. In a runoff election, observers registered in the regular election for a candidate who is in the runoff election may observe in the runoff election. Registration forms for new observers in a runoff election must be submitted between 28 days and 18 days before the runoff election.~~

~~3. In an election recount, observers who are already registered may observe the recount in accordance with section 28.90.040B. New observers must submit registration forms to the municipal clerk at least 24 hours before the start of the recount. Late-filed registration forms may be accepted and processed subject to the availability of staff and resources.]~~

D. A complete submitted **observer registration** form shall contain:

1. Proof of appointment of observers by:
 - a. The organization or organized group, signed by the chairperson of the organization or organized group; or
 - b. The candidate the observer represents, signed by the candidate or [DESIGNATED] campaign manager.
2. An oath or affirmation by the appointing person that each observer has been provided the most current version of the Election Observer's Handbook, incorporated herein by reference, and instructed on their rights and obligations. **The Observer's Handbook may be revised by the Assembly by resolution.**
3. A signed confidentiality agreement for each observer on a form provided by the municipal clerk. In addition to other terms required by the municipal clerk, each agreement shall contain the following:

1 I, (name of observer), swear or affirm that I have read the
 2 applicable guide for observers and I will not disclose
 3 confidential information, including voter identification numbers,
 4 social security numbers or the last four digits of the social
 5 security numbers, dates of birth, Alaska driver's license or state
 6 identification numbers, place of birth, confidential residence
 7 addresses and telephone numbers, and for whom or for what
 8 propositions a person voted. I also swear or affirm I will not use
 9 confidential information for purposes other than determining
 10 whether to challenge a ballot or voter qualification.

11
 12 **4. A signed statement for each observer on a form provided**
 13 **by the municipal clerk where each observer affirms the**
 14 **following statement:**

15
 16 **I, (name of observer), swear or affirm that I completed the**
 17 **training for observers, received the Observer's Handbook,**
 18 **and attended a tour of the designated return location.**

19
 20 **5.** Other information that may be required by the municipal clerk
 21 in order to properly administer open, but secure and efficient,
 22 elections.

23
 24 **E[C].** Observers. Once **credentialed[REGISTERED]**, the observer may be
 25 present **as described in this section** at a position inside the polling
 26 location, vote center, or designated return location that affords a full
 27 view of all action of the election officials.

28
 29 **1.** Observers may be present **each day until certification of the**
 30 **election:**

31
 32 **a.** during set up and tear down;[,]

33
 34 **b.** from the time the polls are opened until the polls are
 35 closed;[,]

36
 37 **c.** **during all processing [THROUGH THE FINAL**
 38 **TABULATION] of ballot envelopes and [THE] ballots**
 39 **[AND CERTIFICATION OF THE ELECTION BY THE**
 40 **ASSEMBLY].**

41
 42 **2[1].** Election officials may require observers to sign in and out of the
 43 polling location, vote center, or designated return location.
 44 Election officials may also require an observer to present
 45 identification and proof of registration prior to allowing the
 46 observer a full view of all action of the election officials. Failure
 47 to show identification or proof of registration is grounds for
 48 removal. The election officials or the municipal clerk may
 49 request the assistance of law enforcement for this purpose.

50
 51 **3[2].** Observers may be required to wear identifying badges at all

1 times while in the polling location, vote center, or designated
2 return location. Coats and large bags are only allowed in places
3 designated by the municipal clerk, chair of the polling location
4 or [ACCESSIBLE] vote center, or other designee. Failure to
5 wear a required identifying badge at all times is grounds for
6 removal. Election officials or the municipal clerk may request
7 the assistance of law enforcement for this purpose.
8

9 **4[3].** Observers at a polling location or vote center may not sit in the
10 area behind the table where election officials are working or in
11 between election officials handling voter registers, and shall
12 remain a distance away from voting machines, if any, and
13 voting booths to ensure the privacy of the ballots. The observer
14 may be in close enough proximity to hear and record the name
15 of a person who is voting.
16

17 **5[4].** While in the polling location, vote center, or designated return
18 location, observers:

19
20 a. Shall not make or receive phone calls from designated
21 areas;

22
23 b. Shall not possess any mechanical or electronic means
24 of recording images or sound within designated areas;

25
26 c. Shall not [TAKE A PHOTOGRAPH OF OR
27 OTHERWISE] record confidential information by any
28 means or method;

29
30 d[C]. Are not allowed to handle ballots, registers, other
31 election materials, or computers;

32
33 [D. MAY NOT CLOSELY OBSERVE THE SIGNATURES
34 APPEARING ON THE POLLING LOCATION
35 REGISTER. HOWEVER, THE OBSERVER MAY SIT
36 CLOSE ENOUGH TO HEAR THE ELECTION
37 OFFICIAL SAY THE VOTER'S NAME;]

38
39 e. May check the voting booths after each voter leaves the
40 booth to make sure no campaign material has been left
41 in the booth;

42
43 f. May not campaign at a polling location, vote center, or
44 designated return location. Any type of campaigning by
45 the observer should be reported immediately to the
46 election officials or the municipal clerk and is grounds for
47 immediate removal;

48
49 g. May remain at the polling location, vote center, or
50 designated return location until election officials have
51 completed all procedures [ARE COMPLETED]; [AND]

1
2 h. May ask brief questions of the municipal clerk or
3 designee[ELECTION OFFICIALS] regarding processes
4 used by the election officials or about[ON] the ballot
5 envelopes;[. OTHER QUESTIONS SHALL BE
6 DIRECTED TO THE MUNICIPAL CLERK.]

7
8 i. Shall not disturb election officials in the execution of their
9 duties [so that the election officials may process the
10 election as efficiently as possible];

11
12 j. Shall follow instructions of the municipal clerk or
13 designee and on-site security; and

14
15 k. Shall conform to the obligations set forth in the Election
16 Observer's Handbook.

17
18 [D]. An observer may not interfere with the election process. An observer
19 who violates a provision of[THE RESTRICTIONS OR RULES IN]
20 subsection E[C]., [OR] otherwise interferes with the election process,
21 or does not comply with applicable municipal law or the Observer's
22 Handbook, may be removed from the location at the direction of [AN
23 ELECTION OFFICIAL OR] the municipal clerk or designee. The[AN
24 ELECTION OFFICIAL OR THE] municipal clerk or designee may
25 request the assistance of law enforcement for this purpose.

26
27 (AO No. 2013-130(S-1), § 4, 1-14-14; AO No. 2017-29(S) , § 27, 6-1-17; AO
28 No. 2020-5(S) , § 2, 2-11-20; AO No. 2020-131(S) , § 7, 1-14-21)

29
30 **Section 7.** Anchorage Municipal Code section 28.70.010 is hereby amended to
31 read as follows (*the remainder of the section is not affected and therefore not set*
32 *out*):

33
34 **28.70.010 Time for ballot return envelope review.**

35
36 A. The election officials shall review all ballot envelopes to determine
37 each voter's eligibility and the status of the envelope as a valid, eligible
38 return [FOR LATER COUNTING OF ITS ENCLOSED BALLOT]. The
39 review of ballot envelopes may commence upon receipt and shall
40 commence no later than the day after election day. No votes[BALLOT]
41 shall be tabulated[COUNTED] before 8:00 p.m. on election day or the
42 closing of the polls pursuant to subsection 28.150.030B.2.
43 (emergency extension of poll hours), whichever is later.

44
45 B. The review of envelopes shall continue daily until completed. The
46 municipal clerk may designate the hours each day during which the
47 election officials will conduct the review of envelopes.

48
49 (GAAB 7.05.180; CAC 2.68.502; AO No. 80-101; AO No. 83-84(S); AO No.
50 85-75; AO No. 90-119; AO No. 2013-130(S-1), § 7, 1-14-14; AO No. 2017-
51 29(S) , § 33, 6-1-17; AO No. 2020-5(S) , § 4, 2-11-20; AO No. 2020-131(S) ,

1 § 9, 1-14-21)
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4 **Section 8.** Anchorage Municipal Code section 28.70.030 is hereby amended to
 5 read as follows (*the remainder of the section is not affected and therefore not set*
 6 *out*):
 7

8 **28.70.030 - Ballot return envelope review standards: Regular.**
 9

10 A. Ballots that shall or shall not be counted based on ballot return
 11 envelope review.
 12

13 *** **

14 2. A vote by mail ballot shall be counted if:
 15

16 a. The voter declaration is signed with a valid signature or,
 17 if the voter is unable to sign the voter's name, the voter
 18 marked the signature line and one other person has
 19 properly witnessed the voter's mark;
 20

21 b. If signed by the voter, the voter's signature has been
 22 verified pursuant to subsection C. on or before the close
 23 of the public session of canvass; and
 24

25 c. The ballot is received in one of the following ways:
 26

27 i. The ballot return envelope is postmarked no later
 28 than the day of the election or the USPS or mail
 29 distributor (e.g. UPS, FedEx) can verify receipt of
 30 the envelope on or before election day, and
 31 received not later than the opening of the public
 32 session of canvass, or, if received from a
 33 MUOCAVA voter, not later than noon on the day
 34 of certification of the election.
 35

36 ii. The ballot return envelope is deposited in a ballot
 37 drop box no later than 8:00 p.m. on election day,
 38 or the ballot return envelope was voted at a vote
 39 center and was properly cast before the closing
 40 of the election.
 41

42 iii. The ballot is received by fax or email no later than
 43 8:00 p.m. on election day.
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45 *** **

46 (GAAB 7.05.180; CAC 2.68.502; AO No. 80-101; AO No. 83-84(S); AO No.
 47 85-75; AO No. 94-65, § 1, 4-12-94; AO No. 99-113, § 4, 8-10-99; AO No.
 48 2001-43, § 5, 2-27-01; AO No. 2004-176, § 9, 6-1-05; AO No. 2013-130(S-
 49 1), § 7, 1-14-14; AO No. 2017-29(S), § 35, 6-1-17; AO No. 2018-4(S), § 17,
 50 eff. retroactively 12-1-17; AO No. 2020-5(S), § 4, 2-11-20; AO No. 2020-
 51 131(S), § 9, 1-14-21)

1
2 **Section 9.** Anchorage Municipal Code section 28.80.005 is hereby amended to
3 read as follows (*the remainder of the section is not affected and therefore not set*
4 *out*):

5
6 **28.80.005 Ballot counting procedure.**

- 7
8 A. Ballot envelopes that are not rejected or challenged based on
9 envelope validity shall be opened and the ballot removed for counting.
10 **[WHEN NECESSARY A BALLOT SHALL BE FACSIMILED AND**
11 **THEN INCLUDED WITH OTHER UNCOUNTED BALLOTS.]**
- 12
13 B. **Election officials shall prepare facsimiles of all damaged,**
14 **electronically transmitted, or other ballots that cannot be read by**
15 **the election equipment. The facsimile ballots shall be suitable for**
16 **machine scanning and tabulation. Ballot numbers shall be**
17 **recorded in such a fashion to ensure that the accurate**
18 **duplication of ballots can be verified at a later date. The facsimile**
19 **ballots shall be processed in the same manner as other ballots.**
20 **[THE BALLOTS SHALL BE COUNTED ACCORDING TO THE**
21 **RULES FOR DETERMINING PROPERLY MARKED BALLOTS IN**
22 **SECTION 28.80.050, EXCEPT THAT QUESTIONED BALLOTS**
23 **MAY NOT BE COUNTED BY PRECINCT.]**
- 24
25 C. **When a voter casts a ballot containing races or propositions for**
26 **which the voter is not eligible to vote, only votes cast in those**
27 **races and propositions for which the voter is eligible to vote shall**
28 **be counted. Facsimile ballots shall be created for counting of**
29 **these votes in accordance with this section. [BALLOTS**
30 **REJECTED FOR COUNTING SHALL BE SET ASIDE**
31 **SEPARATELY FROM ALL OTHER BALLOTS AND RETAINED**
32 **FOR A PERIOD OF 30 DAYS AFTER THE DATE OF**
33 **CERTIFICATION OF THE ELECTION.]**
- 34
35 ~~D. **When a voter casts a ballot containing races or propositions for**~~
36 ~~**which the voter is not eligible to vote, only votes cast in those**~~
37 ~~**races and propositions for which the voter is eligible to vote shall**~~
38 ~~**be counted. Facsimile ballots shall be created for counting of**~~
39 ~~**these votes in accordance with section 28.80.050.]**~~

40
41 (AO No. 2013-130(S-1), § 7, 1-14-14; AO No. 2017-29(S), § 43, 6-1-17; AO
42 No. 2020-5(S), § 5, 2-11-20)

43
44 **Section 10.** Anchorage Municipal Code section 28.80.010 is hereby amended to
45 read as follows (*the remainder of the section is not affected and therefore not set*
46 *out*):

47
48 **28.80.010 Methods of counting.**

- 49
50 A. Votes shall be counted in accordance with section 28.80.050, **except**
51 **that questioned ballots may not be counted by precinct.**

1
2 B. Reserved. [IMPROPER OR DAMAGED BALLOTS. WHEN A VOTER
3 CAST A BALLOT CONTAINING RACES OR PROPOSITIONS FOR
4 WHICH THE VOTER IS NOT ELIGIBLE TO VOTE OR WHICH
5 CANNOT BE TABULATED DUE TO DAMAGE OR TECHNICAL
6 DIFFICULTIES, ONLY VOTES CAST IN THOSE RACES AND
7 PROPOSITIONS FOR WHICH THE VOTER IS ELIGIBLE TO VOTE
8 WOULD HAVE VOTED IF USING A PROPER BALLOT SHALL BE
9 COUNTED. FACSIMILE BALLOTS SHALL BE CREATED FOR
10 COUNTING OF THESE VOTES IN ACCORDANCE WITH SECTION
11 28.80.050.]

12
13 C. If an equipment failure occurs, the municipal clerk shall determine
14 where and how the ballots are to be counted. The ballot counting shall
15 be done in accordance with the rules for adjudication of ballots in
16 section 28.80.050.

17
18 (GAAB 7.05.160—7.05.170; CAC 2.68.260; AO No. 85-75; AO No. 2001-43,
19 § 4, 2-27-01; AO No. 2013-130(S-1), § 6, 1-14-14; AO No. 2017-29(S), § 36,
20 6-1-17; AO No. 2020-5(S), § 5, 2-11-20)

21
22 **Section 11.** Anchorage Municipal Code section 28.80.015 is hereby amended to
23 read as follows (*the remainder of the section is not affected and therefore not set*
24 *out*):

25
26 **28.80.015 Supervision and observation of ballot tabulation[COUNTING].**

27
28 *** **

29 (AO No. 2013-130(S-1), § 6, 1-14-14; AO No. 2017-29(S), § 37, 6-1-17; AO
30 No. 2020-5(S), § 5, 2-11-20)

31
32 **Section 12.** Anchorage Municipal Code section 28.80.050 is hereby amended to
33 read as follows (*the remainder of the section is not affected and therefore not set*
34 *out*):

35
36 **28.80.050 - [PREPARATION AND R]Rules for counting**
37 **votes[BALLOTS].**

38
39 A. ~~**Reserved.** [The election officials shall prepare facsimiles of all~~
40 ~~**damaged, electronically transmitted, or other ballots that cannot**~~
41 ~~**be read by the election equipment**[MACHINES]. The facsimile~~
42 ~~**ballots shall be suitable for machine scanning and tabulation.**~~
43 ~~**Ballot numbers shall be recorded in such a fashion to ensure that**~~
44 ~~**the accurate duplication of ballots can be verified at a later date.**~~
45 ~~**The facsimile ballots shall be processed in the same manner as**~~
46 ~~**other ballots.]**~~

47
48 B. Adjudication of votes[BALLOT ADJUDICATION] shall use the
49 following rules:

50
51 *** **

- 1 4. If a voter marks more names than there are persons to be
 2 elected to the office, the votes for candidates to that office shall
 3 not be counted. Marks for both a write-in and a candidate
 4 named on the ballot shall not be counted, unless the write-in
 5 name is the same as the candidate printed on the ballot
 6 marked by the voter [except during a recount in
 7 accordance with section B.12. below][UNLESS
 8 CHALLENGED].

9
 10 *** **

- 11 11. In order to vote for a write-in candidate, the voter
 12 should[must]:
 13
 14 a. Write in the candidate's first and last name in the space
 15 provided;
 16
 17 b. Mark the oval preceding the candidate's name in
 18 accordance with subsection B.1. [A.1.] of this section[
 19 except during a recount in accordance with section
 20 B.12. below]; and
 21
 22 c. Not mark ovals for additional candidates for the same
 23 office in excess of the number of offices available,
 24 except as otherwise provided in this code.
 25

26 ~~[12. In a recount, a vote for a candidate named on the ballot~~
 27 ~~shall be counted:~~

28
 29 ~~a. If the voter also wrote in the same candidate's name~~
 30 ~~on the write-in line and filled in the corresponding~~
 31 ~~oval; or~~

32
 33 ~~b. If the voter wrote in the candidate's name on the~~
 34 ~~write-in line but did not fill in the corresponding~~
 35 ~~oval.]~~

36
 37 12[3].[11].A write-in vote shall not be counted for an individual
 38 candidate:

39
 40 a. In a runoff election, because the only qualified
 41 candidates in a runoff are the names printed on the
 42 ballot; no write-in candidate is qualified; [there is no
 43 space for a write-in candidate on a runoff ballot per
 44 section 28.40.010D.;][OR]

45
 46 b. For a service area supervisory board candidate if the
 47 candidate has not registered as a qualified write-in
 48 pursuant to[DOES NOT MEET THE REQUIREMENTS
 49 OF] section 28.30.020; or

50
 51 c. [UNLESS THERE ARE MORE WRITE-IN VOTES

THAN VOTES FOR ANY CANDIDATE IN THE SAME RACE, E] Except as set forth in paragraph 13.b. above, unless the aggregate of all votes cast for all write-in candidates for the particular office is

i. the highest number of votes received by any candidate for the office; or

ii. the second highest number of votes received by any candidate and within the margin requiring an automatic recount in section 28.90.025C;

in which case the write-in votes will be allocated to the individual candidates in an automatic recount.

13[4][12]. A sticker bearing a candidate's name may not be used on the ballot and the vote shall not be counted for that office.

C. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot or vote shall not be counted unless marked in compliance with these rules. The rejection of a ballot or vote for counting under these rules is a final determination and only reviewed in an election recount or election contest.

D. A registered observer may challenge the adjudication of a vote under this section by submitting a form to the municipal clerk that sets forth with specificity the rule that has been improperly applied by election officials.

(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)

Section 13. 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.

*** *** ***

C. The municipal clerk shall initiate a recount within seven days of the certification of the election if the results show that:

1. A candidate wins by less than a 0.5% margin;
2. When a runoff election is required between the top two candidates and the second and third place candidates are

1 separated by less than 0.5%; or

- 2
3 3. A proposition or measure passes or fails by less than a 0.5%
4 margin.

5
6 **D. The municipal clerk shall initiate a recount within seven days of**
7 **the certification of the election if the results show that the**
8 **aggregate of all votes cast for a write-in candidate meet the**
9 **requirements of section 28.80.050B.13.c. and must be allocated**
10 **to the individual write-in candidates.**

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

14
15 **Section 14.** Anchorage Municipal Code section 28.90.040 is hereby amended to
16 read as follows (*the remainder of the section is not affected and therefore not set*
17 *out*):

18
19 **28.90.040 Procedure.**

20
21 *** **

- 22 C. In conducting the recount, the election officials shall review all ballots
23 to determine which votes are to be counted in the recount and declare
24 which ballots will be recounted. When available, the recount shall be
25 limited to reviewing the electronic version of the ballot images,
26 adjudicating those images, tabulating them, and comparing to the
27 original results[COUNT]. Otherwise:

- 28
29 1. The election officials shall check the number of ballots cast in
30 a precinct:
31
32 a. Against the registers for a poll based election; and
33
34 b. Against the number of properly returned and validated
35 ballot envelopes for a vote by mail election; and
36
37 2. Shall check questioned and absentee ballots voted against
38 questioned and absentee ballots distributed. [THE RULES IN
39 CHAPTER 28.80 SHALL BE FOLLOWED IN THE RECOUNT.]
40

41 **D. The rules regarding adjudication of votes in chapter 28.80 shall be**
42 **followed in the recount.**

43
44 (GAAB 7.05.205, 7.05.220; AO No. 85-75; AO No. 2001-43, § 6, 2-27-01; AO
45 No. 2002-182, § 1, 3-24-03; AO No. 2013-130(S-1), § 8, 1-14-14; AO No.
46 2017-29(S) , § 46, 6-1-17; AO No. 2020-5(S) , § 7, 2-11-20; AO No. 2020-
47 131(S) , § 12, 1-14-21)

48
49 **Section 14.** This ordinance shall be effective immediately upon passage and
50 approval by the Assembly.
51

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PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2021.

Chair _____

ATTEST:

Municipal Clerk

DRAFT