

Submitted by: Assembly Chair Constant  
Assembly Vice Chair Zaletel  
Prepared by: Assembly Counsel's Office  
For reading: November 21, 2023

**ANCHORAGE, ALASKA**  
**AO No. 2023-125**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**  
2 **MUNICIPAL CODE CHAPTER 8.30, OFFENSES AGAINST PUBLIC ORDER, TO**  
3 **EXPAND THE SCOPE OF CRIMINAL ACTIVITY PUNISHABLE AS AN**  
4 **ELECTION VIOLATION AND TO INSERT A NEW SECTION 8.30.190 CODIFYING**  
5 **THE OFFENSE OF TAMPERING WITH A PUBLIC RECORD IN THE THIRD**  
6 **DEGREE.**

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7  
8 **WHEREAS**, the Assembly and Municipal Ombudsman have recently investigated  
9 the facts and circumstances surrounding use of an IT Department internal policy  
10 statement in an election complaint filed by an election observer; and  
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12 **WHEREAS**, the available evidence indicates that the former IT Director initiated and  
13 directed the revision and posting of an OIT USB policy statement and provided a  
14 copy of that policy to the above referenced election observer in the space of one  
15 morning on April 11, 2023; and  
16

17 **WHEREAS**, the available evidence indicates that the only person, outside of the IT  
18 Department, the former IT Director communicated the existence of this policy  
19 statement to was the election observer by way of an email from his municipal email  
20 account to the observer's personal email; and  
21

22 **WHEREAS**, almost within an hour of having received the IT Director's email, the  
23 election observer filed a renewed complaint to election officials, citing the OIT USB  
24 policy statement; and  
25

26 **WHEREAS**, on April 14, 2023 at 11:31am, the former IT Director sent another email  
27 from his municipal email account to the observer's personal account with the text  
28 "See this proposed code update being introduced at the next assembly." Followed  
29 by what appears to be the entry for AO 2023-45 copied from Assembly's Agenda  
30 for its special meeting on April 18, 2023; and  
31

32 **WHEREAS**, once again, shortly after receiving the IT Director's email, the election  
33 observer filed a complaint form with election officials, alleging election misconduct  
34 and citing exclusively the information provided to them in the email from the IT  
35 Director; and  
36

37 **WHEREAS**, all of the election observer's allegations were ultimately determined to  
38 be baseless; and  
39

40 **WHEREAS**, the Municipal Charter vests the responsibility for administration and  
41 adjudication of elections in the Assembly as the legislative branch of the Municipal  
42 Government; and  
43

1 **WHEREAS**, the Assembly is bound by duty, not only to their office, but to the people  
2 of the Municipality of Anchorage, to investigate any attempt to subvert the electoral  
3 process and to propose legislative solutions to ensure the security of our elections;  
4 and

5  
6 **WHEREAS**, the Ombudsman's report specifically recommended that the "Assembly  
7 and Administration work together to develop and implement in Municipal Code  
8 penalties for tampering or attempting to tamper with Municipal elections"; and

9  
10 **WHEREAS**, beyond accepting the IT Director's resignation, the Mayor has declined  
11 to take any action regarding these allegations;

12  
13 **NOW, THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS:**

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15 **Section 1.** Anchorage Municipal Code section 8.30.180 is hereby amended to  
16 read as follows (*the remainder of the section is not affected and therefore not set*  
17 *out*):

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19 **8.30.180 Election violations.**

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21 A Unless another penalty is provided in Title 28 of this Code, a person  
22 who knowingly violates any provision of Title 28 regarding the conduct  
23 of municipal elections is guilty of a class A misdemeanor.

24  
25 B. Voter violations. It shall be unlawful for a[A]ny person to[WHO]:

- 26  
27 1. Knowingly vote[S] or attempt[S] to vote more than once in an  
28 election;
- 29  
30 2. Knowingly provide[S] false information on an application for  
31 voter registration under any provision of this title;
- 32  
33 3. Knowingly make[S] or attest[S] to a false declaration as to his  
34 or her qualifications as a voter;
- 35  
36 4. Knowingly cause[S] or permit[S] himself or herself to be  
37 registered using the name of another person;
- 38  
39 5. Knowingly cause[S] himself or herself to be registered under  
40 two or more different names;
- 41  
42 6. Knowingly cause[S] himself or herself to be registered in two or  
43 more locations;
- 44  
45 7. Offer[S] to pay another person to assist in registering voters,  
46 where payment is based on a fixed amount of money per voter  
47 registration;
- 48  
49 8. Accept[S] payment for assisting in registering voters, where  
50 payment is based on a fixed amount of money per voter  
51 registration; or

9. Knowingly cause[S] any person to be registered or cause[S] any registration to be transferred or canceled except as authorized under Title 28, is guilty of a class A misdemeanor.

C. Public employee violations. It shall be unlawful for any person employed by, or retained under contract with, the municipality to intentionally:

1. Use or authorize the use of municipal resources for political or partisan activity subject to exceptions provided under 1.15.110C;

2. Engage in political activity while at the workplace or in the performance of work duties beyond the extent allowed under 1.15.110E.

D. Violation of this section is a class A misdemeanor.

(AO No. 2017-29(S) , § 57, 6-1-17)

**Section 2.** Anchorage Municipal Code chapter 8.30 is hereby amended insert a new section *(requiring no legislative drafting)*:

**8.30.190 Tampering with a public record in the third degree.**

A. A person commits the crime of tampering with public records in the third degree if, with the intent to impair, mislead, or unduly influence a public official or decision-making body in performance of their duty, the person:

- 1. Destroys, mutilates, suppresses, conceals, removes, or otherwise impairs the verity, legibility, or availability of a public record;
- 2. Creates or disseminates a public record without proper authority;
- 3. Falsifies an existing or creates a fraudulent public record; or
- 4. Omits or otherwise prevents the making of an accurate public record in violation of a duty imposed by law or by the nature of their position.

B. Violation of this section is a class A misdemeanor.

**Section 3.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

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

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ATTEST:

Chair \_\_\_\_\_

\_\_\_\_\_  
Municipal Clerk





**MUNICIPALITY OF ANCHORAGE**  
**ASSEMBLY MEMORANDUM**  
No. AM 913-2023

Meeting Date: November 21, 2023

1 **From: Assembly Chair Constant and Vice Chair Zaletel**

2  
3 **Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING**  
4 **ANCHORAGE MUNICIPAL CODE CHAPTER 8.30, OFFENSES**  
5 **AGAINST PUBLIC ORDER, TO EXPAND THE SCOPE OF**  
6 **CRIMINAL ACTIVITY PUNISHABLE AS AN ELECTION VIOLATION**  
7 **AND TO INSERT A NEW SECTION 8.30.190 CODIFYING THE**  
8 **OFFENSE OF TAMPERING WITH A PUBLIC RECORD IN THE**  
9 **THIRD DEGREE.**

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11  
12 In the past several years, after each year's regular municipal election and before the  
13 processes begin for the next one, the Municipal Clerk coordinates a comprehensive  
14 review of Title 28, Election Code, the Observer's Handbook, associated forms, and  
15 the practices and procedures in administering and conducting the municipal election.  
16 In addition to this effort, this year the Assembly conducted a legislative inquiry in  
17 response to findings and recommendations made by the Ombudsman in their Final  
18 Investigative Report Concerning Ombudsman Complaint 2023-0550.

19  
20 The proposed ordinance makes several minor, but substantive, changes to Chapter  
21 8.30 of the Anchorage Municipal Code, Offenses Against Public Order, to address  
22 recent apparent attempts to subvert the results of the 2023 Regular Election.

23  
24 The proposed amendments to Chapter 8.30 include the following:

- 25  
26
  - **AMC 8.30.180 – Election violations.**

27  
28 The ordinance proposes the addition of a new subsection C, which would make both  
29 the diversion of municipal resources for political or partisan activity as well as  
30 engaging in political activity in the municipal workplace misdemeanor offenses under  
31 the code. This conduct is already forbidden under the ethics code, however codifying  
32 these prohibitions under Title 8 will enhance their enforceability.

- 33  
34
  - **AMC 8.30.190 – Tampering with a public record in the third degree.**

35  
36 The ordinance proposes the codification of a new misdemeanor offense which would  
37 forbid the manipulation of public records when done with the intent to impair or  
38 mislead a public official or body, in performance of their duty.

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40 There are no economic effects associated with this ordinance and so a summary of  
41 economic effects is not provided.

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43 **We respectfully request support for this ordinance.**

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Prepared by: Assembly Counsel's Office  
Respectfully submitted: Christopher Constant, Assembly Chair  
District 1, North Anchorage  
  
Meg Zaletel, Assembly Vice Chair  
District 4, Midtown