

**ANCHORAGE, ALASKA
AO No. 2020-131**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE TITLE 28, ELECTIONS, TO UPDATE AND**
3 **CLARIFY PROVISIONS CONSISTENT WITH THE MUNICIPALITY'S VOTE BY**
4 **MAIL SYSTEM AND RELATED MATTERS.**
5

6 **WHEREAS**, the Municipality held its first regular election conducted primarily by
7 mail voting in 2018; and
8

9 **WHEREAS**, the experience of successfully conducting three regular elections and
10 one special election by mail has illuminated provisions of the Anchorage Municipal
11 Code that could be updated to streamline administration of municipal elections and
12 improve efficiency and voter accessibility; and
13

14 **WHEREAS**, it is wise and desirable to review and update Code governing our local
15 electoral system periodically to maintain integrity and build public confidence; now,
16 therefore,
17

18 **THE ANCHORAGE ASSEMBLY ORDAINS:**
19

20 **Section 1.** Anchorage Municipal Code section 21.10.020 is hereby amended to
21 read as follows:
22

23 **28.10.020 – Powers and duties of municipal clerk.**
24

25 **A.** The municipal clerk shall prepare for, conduct, and supervise all
26 municipal elections, and shall determine whether candidates for
27 municipal office are qualified, in accordance with this title.
28

29 **B.** The municipal clerk may gather information which may be reported to
30 law enforcement about suspected or alleged election offenses.
31

32 (CAC 2.68.020; AO No. 85-75)
33

34 **Section 2.** Anchorage Municipal Code section 28.10.040 is hereby amended to read
35 as follows (*the remainder of the section is not affected and therefore not set out*):
36

37 **28.10.040 – Definitions.**
38

39 The following words, terms and phrases, when used in this title, shall have
40 the meanings ascribed to them in this section, except where the context
41 clearly indicates a different meaning:
42 *** *** ***

43 **[ACCESSIBLE VOTE CENTER MEANS ANY LOCATION DESIGNATED BY**

1 THE ASSEMBLY FOR THE PURPOSE OF PROVIDING VOTER
2 ASSISTANCE THAT IS NOT SOLELY FOR CASTING VOTES FOR A
3 SPECIFIC PRECINCT (A POLLING LOCATION).]
4

5 *Ballot* means any document provided by the municipal clerk or designee on
6 which votes may be cast for candidates or propositions. The clerk shall
7 prepare and distribute only official ballots and sample ballots in accordance
8 with chapter 28.40. When the term "ballot" is used in this title it shall mean
9 the official ballot, except where the context clearly indicates it means the
10 sample ballot or both types of ballots.

11 *** **

12 *Municipal office* means an elective office under the Charter or ordinances of
13 the municipality.
14

15 *MUOCAVA voter* means a municipal uniformed and overseas citizens
16 absentee voting act voter: (1) members of the uniformed services on active
17 duty and the merchant marine who, because of their membership in the
18 service, are absent from their place of residence, and are otherwise qualified
19 to vote; (2) the spouses and dependents of these uniformed services voters
20 who are absent due to the member's active duty or service and (3) qualified
21 voters who reside outside of the United States.
22

23 *Oath* includes affirmation on penalty of perjury.

24 *** **

25 *Proposition* means a proposal offered for acceptance or rejection and is
26 stated as a question on a ballot.
27

28 *Qualified voter* means a person who meets the legal requirements
29 [QUALIFIED] to vote in a municipal election.
30

31 *Signature* includes any mark intended as a signature or subscription and
32 authorized by state law, including controlling court decisions.
33

34 *Vote center* means any location designated by the municipal clerk or
35 assembly for the purpose of providing voter assistance and that is not solely
36 for casting votes for a specific precinct (a polling location), formerly called
37 accessible vote center.
38

39 *Voter declaration* means a statement of the voter qualifications listed below,
40 to which a voter swears or affirms under penalty of unsworn falsification by
41 their signature or mark[THE SIGNATURE OR MARK OF THE VOTER
42 CERTIFYING THE VOTER, UNDER PENALTY OF PERJURY]:
43

- 44 1. Is a citizen of the United States;
- 45 2. Is a resident of the State of Alaska;
- 46 3. Is a resident of the Municipality of Anchorage for 30 days preceding
47 the election;
- 48 4. Is 18 years of age on the date of the election;
- 49
- 50
- 51

- 1
2 5. Is not disqualified from voting due to a felony conviction or court order;
3
4 6. Has not already voted in the election; and
5
6 7. Is voting the ballot provided to the voter by the municipality.
7

*** **

8 (GAAB 7.05.010; AO No. 85-75; AO No. 90-81; AO No. 91-166; AO No.
9 2002-179(S), § 1, 1-7-03; AO No. 2004-176, § 1, 6-1-05; AO No. 2013-130(S-
10 1), § 2, 1-14-14; AO No. 2016-10(S), § 1, 2-9-16 ; AO No. 2017-29(S), § 1,
11 6-1-17; AO No. 2018-4(S), § 1, eff. retroactively 12-1-17; AO 2020-005(S),
12 2-11-20)
13

14 **Section 3.** Anchorage Municipal Code section 28.10.060 is hereby amended to
15 read as follows (*the remainder of the section is not affected and therefore not set*
16 *out*):
17

18 **28.10.060 – Voter use of power of attorney.**
19

- 20 A. An individual with a general power of attorney in accordance with AS
21 13.26.645 [13.26.332] or a special power of attorney in accordance
22 with this section may:
23

- 24 1. Register a voter to vote;
25
26 2. Apply for a ballot [AN ABSENTEE BALLOT BY MAIL OR BY
27 ELECTRONIC TRANSMISSION] on behalf of the voter;
28
29 3. Request a change to the mailing address of the voter's
30 absentee by-mail ballot;
31
32 4. Request a change to the fax [ELECTRONIC TRANSMISSION
33 TELEPHONE] number or email address to which the voter's
34 ballot will be transmitted if voting by fax or email [ELECTRONIC
35 TRANSMISSION]; or
36
37 5. Request a replacement ballot for the voter if the voter's ballot
38 [AN ABSENTEE BY-MAIL OR ELECTRONIC
39 TRANSMISSION BALLOT HAS BEEN PROPERLY APPLIED
40 FOR AND] has not been received[; OR
41
42 6. REQUEST A CHANGE TO OR CLARIFY ON AN
43 APPLICATION WHICH BALLOT THE VOTER WILL RECEIVE
44 IN A PRIMARY ELECTION].
45

- 46 B. A special power of attorney must include:
47

*** **

- 48 4. A specific notation that allows the individual to perform the
49 actions set forth in subsection A. [REGISTER THE VOTER OR
50 REQUEST AN ABSENTEE BY-MAIL BALLOT];
51

*** **

- 1 C. The individual acting on behalf of the voter under A. of this section
 2 must provide all information required by law on the registration
 3 application, absentee by-mail ballot application, or fax or email
 4 [FACSIMILE] ballot application in addition to:
 5
 6 1. The name of the individual acting on behalf of the voter;
 7
 8 2. Proof of identification of the individual acting on behalf of the
 9 voter as set out in 6 AAC 25.027(a)(1)—(7); and
 10
 11 3. A copy of the general power of attorney or special power of
 12 attorney.
 13
 14 D. Unless authorized by federal or state law, no power of attorney may
 15 be used to vote a ballot, sign a voter declaration, or sign a petition for
 16 initiative, referendum, or recall.
 17

18 (AO No. 2013-130(S-1), § 3, 1-14-14)
 19

20 **Section 4.** Anchorage Municipal Code section 28.20.010 is hereby amended to
 21 read as follows (*the remainder of the section is not affected and therefore not set*
 22 *out*):
 23

24 **28.20.010 - Time and method for elections.**

25 *** **

- 26 B. The assembly may call a special election only by adoption of a
 27 resolution establishing the special election date.[UPON AT LEAST 30
 28 DAYS' NOTICE, UNLESS] If the election is for the purpose of electing
 29 candidates to fill offices, the resolution shall establish dates for
 30 publishing notice of vacancies and the time for filing declarations of
 31 candidacy [IN WHICH CASE THE ASSEMBLY SHALL CALL THE
 32 ELECTION UPON AT LEAST 45 DAYS' NOTICE]. Special elections
 33 shall be called in accordance with applicable charter, code, and law,
 34 including:
 35

36 1. The Charter:

- 37
 38 a. Section 3.02, Initiative and referendum;
 39
 40 b. Section 3.03, Recall;
 41
 42 c. Section 7.02, Filling vacancies in elective office;
 43

44 2. Anchorage Municipal Code:

- 45
 46 a. Chapter 2.50, Initiatives, Referenda and Recall;
 47
 48 b. Chapter 2.70, Vacancies in Elective Office;
 49
 50 c. Chapter 28.20, Time for Elections; Notices;
 51

d. Section 28.40.020, Preparation and distribution.

*** **

(GAAB 7.05.040.A; AO No. 85-75; AO No. 88-129(S-1); AO No. 91-50; AO No. 99-113, § 1, 8-10-99; AO No. 2000-167, § 1, 1-9-01; AO No. 2014-28, § 1, 2-25-14 - repealed by AO No. 2015-63, § 2, 7-14-15 ; AO No. 2016-33, § 1, 3-22-16 ; AO No. 2017-29(S) , § 2, 6-1-17; AO No. 2019-104 , § 4, 9-10-19)

Section 5. Anchorage Municipal Code section 28.20.040 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.20.040 - Notice of election, including notice of polling locations or [ACCESSIBLE] vote centers, and notice of bonded indebtedness.

*** **

B. A notice of election shall state:

1. Whether the election is a regular, special, or runoff election;
2. The date of the election and whether the election will be conducted at polling locations or by mail;
3. The location of polling locations or [ACCESSIBLE] vote centers and the hours between which the polling locations or [ACCESSIBLE] vote centers will be open;
7. Instructions regarding options for voting [FOR EARLY VOTING, VOTING BY MAIL, AND APPLYING FOR ABSENTEE VOTING]; and

(GAAB 7.05.050.A, B; CAC 2.68.080; AO No. 83-84(S); AO No. 85-75; AO No. 91-50; AO No. 96-159(S), § 2, 1-14-97; AO No. 97-135, § 1, 12-16-97; AO No. 2000-167, § 1, 1-9-01; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S), § 5, 6-1-17; AO No. 2018-4(S), § 2, eff. retroactively 12-1-17; AO No. 2019-104, § 6, 9-10-19)

Section 6. Anchorage Municipal Code chapter 28.40 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

Chapter 28.40 – BALLOTS

28.40.010 – Form.

*** **

B. Number of ballots.

1. Official ballots. For each regular and special election, the municipal clerk shall ensure that official ballots are prepared to present all candidates and propositions to the voters.
 - a. Voting by polling location. The municipal clerk shall print [DELIVER TO EACH POLLING LOCATION] ballots for

1 at least 70 percent of the registered voters within each
2 precinct. Calculations to determine the 70 percent for a
3 regular or special election shall be based on a list
4 prepared by the state at least 21 [60] days but no more
5 than 90 days before a regular or special election.
6

7 1. For each runoff election the municipal clerk shall
8 ensure that the number of ballots prepared
9 equals at least the number of voters who cast
10 ballots in the election requiring the runoff election.
11

12 b. Voting by mail. [THE MUNICIPAL CLERK SHALL
13 ENSURE THAT A BALLOT IS AVAILABLE FOR EACH
14 REGISTERED VOTER WITHIN THE MUNICIPALITY]
15 The determination of registered voters who shall receive
16 mailed ballots in accordance with section 28.40.020C.
17 shall be based on the state's [LISTED BY THE STATE
18 IN ITS] voter registration database as provided to the
19 municipality at least 21 days but no more than 90 days
20 before a regular, runoff, or special election. [,] The
21 municipal clerk shall ensure that [AND] additional ballots
22 are available on demand at [ACCESSIBLE] vote
23 centers.
24

25 2. Sample ballots. The municipal clerk shall provide sample
26 ballots to the polling locations and [ACCESSIBLE] vote centers.
27

28 C. Candidate order. [THE NAMES OF ALL CANDIDATES FOR THE
29 SAME OFFICE SHALL BE ON ONE BALLOT WITH SPACES FOR
30 WRITE-INS EQUAL TO THE NUMBER OF OFFICES TO BE FILLED.]
31 For each election, the clerk shall determine the random alphabetical
32 order in which the candidates' last names are placed on the ballot,
33 regardless of the office sought, by conducting a chance selection of
34 each letter of the alphabet. The sequence in which letters of the
35 alphabet are drawn shall be the sequence of letters utilized in
36 establishing the order in which the candidates' last names appear on
37 the ballot. [THE TITLE OF THE OFFICE AND "VOTE FOR NO MORE
38 THAN (THE NUMBER OF OFFICES TO BE FILLED)" SHALL
39 APPEAR BEFORE THE NAMES.]
40

41 D. Contents of official and sample ballots.
42

43 1. The official and sample ballots may consist of one or more
44 pages, printed on one or both sides. The official and sample
45 ballots shall contain:
46

47 a. The names of all candidates for each office with spaces
48 for write-ins equal to the number of offices to be filled,
49 with the title of the office and "Vote for not more than (the
50 number of offices to be filled)" appearing before the
51 names;

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;

*** *** ***

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

2. The sample ballot shall contain the information that appears on the official ballot. The sample ballot shall be printed on non-white paper, and shall have a watermark that states "SAMPLE" on all sides on which voting information appears. After voting, the voter may retain the sample ballot, or return the ballot to an election official.

[3. EACH OFFICIAL AND SAMPLE BALLOT SHALL BEAR THE WORD "OFFICIAL" BEFORE THE WORD "BALLOT" AND "SAMPLE BALLOT", THE DATE OF THE ELECTION, AND A FACSIMILE SIGNATURE OF THE MUNICIPAL CLERK.]

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

*** *** ***

28.40.020 - Preparation and distribution.

A. The municipal clerk shall obtain the printing of all ballots for municipal elections. The municipal clerk shall possess the printed ballots at least 21 days before each regular and special election and at least ten days before each [SPECIAL AND] runoff election. For purposes of this section, "possess" means, when applicable, delivery of an electronic file of ballot styles to the vendor(s) responsible for printing and mailing ballots for voting by mail.

B. Voting by polling location. The municipal clerk shall deliver to each polling location ballots for at least 70 percent of the registered voters within each precinct served by the polling location. The municipal clerk shall deliver the ballots to the election officials in each precinct before the polls open on election day. The official ballots shall be delivered in a package separate from other election materials. The election official receiving the ballots shall give the municipal clerk a receipt for the ballots.

1 C. Voting by mail. The municipal clerk shall cause an official ballot to be
 2 mailed to voters at least 21 days before the regular or special election
 3 day and seven days before a runoff election day. The municipal clerk
 4 is not required to mail ballots to any voter that does not have a valid
 5 residence address, or is in the condition of purge notice (PN),
 6 undeliverable (UN), or list maintenance undeliverable (LU), as
 7 described in AS 15.07.130.

8
 9 D. Any qualified voter not mailed a ballot will not later be refused a ballot
 10 when requested, but may be required to vote a questioned ballot. The
 11 mailing shall include:

- 12 1. The official ballot applicable to the voter;
- 13 2. Instructions for voting and returning the ballot;
- 14 3. A secrecy sleeve[ENVELOPE];
- 15 4. A return envelope; and
- 16 5. Voter education information, if required.

17
 18
 19
 20
 21
 22
 23 E.[D.] The return envelope may be supplied by the municipal clerk with
 24 postage pre-paid, if so directed by the assembly for the specific
 25 election.

26
 27 F.[E.] The full text of any ordinance or resolution mentioned in a measure or
 28 proposition shall be available for viewing at each [ACCESSIBLE] vote
 29 center.

30
 31 (GAAB 7.05.090; CAC 2.68.200; AO No. 85-75; AO No. 2013-130(S-1), § 3,
 32 1-14-14; AO No. 2016-10(S), § 4, 2-9-16; AO No. 2017-29(S), § 9, 6-1-17;
 33 AO No. 2018-4(S), § 5, eff. retroactively 12-1-17)

34
 35 **Section 7.** Anchorage Municipal Code chapter 28.50 is hereby amended to read
 36 as follows (*the remainder of the section is not affected and therefore not set out*):

37
 38 **Chapter 28.50 - OPERATION OF POLLS AND [ACCESSIBLE] VOTE**
 39 **CENTERS**

40
 41 **28.50.010 - Election officials.**

42
 43 A. Appointment.

- 44 1. Voting by polling location. The municipal clerk shall appoint at
 45 least two election officials in each precinct. The municipal clerk
 46 shall designate one election official from each precinct as the
 47 precinct chair, who shall be primarily responsible for
 48 administering the election in that precinct.

- 49 2. Vote centers [VOTING EARLY, ABSENTEE OR BY MAIL]. The

municipal clerk shall appoint at least two election officials for each [ACCESSIBLE] vote center. The municipal clerk shall designate one election official as the chair, who shall be primarily responsible for administering the election in that center.

*** *** ***

(GAAB 7.05.070; AO No. 85-75; AO No. 2001-43, § 2, 2-27-01; AO No. 2004-176, § 4, 6-1-05; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S), § 10, 6-1-17; AO No. 2018-4(S), § 6, eff. retroactively 12-1-17; AO 2020-005(S), 2-11-20)

*** *** ***

28.50.030 - Hours when places to cast your vote are open.

A. Voting by polling location. On election day, the polling locations shall be open for voting from 7:00 a.m. to 8:00 p.m.

B. Voting by mail.

1. Ballot drop boxes shall be open no later than the day after ballot packages are mailed to voters and shall close at 8:00 p.m. on election day.

[C.] 2. Vote [ACCESSIBLE VOTE] centers shall be open during weekdays at least seven days prior to a regular and special election day, and at least five days prior to a runoff election day. Vote centers shall close at 8:00 p.m. on election day. Hours of operation shall be posted by the municipal clerk.

(CAC 2.68.180; AO No. 84-139; AO No. 85-75; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S), § 13, 6-1-17; AO No. 2018-4(S), § 8, eff. retroactively 12-1-17; AO 2020-005(S), 2-11-20)

28.50.040 - Political discussion by election officials.

A. While on duty at polling locations and [ACCESSIBLE] vote centers, no election official may discuss any political party, candidate, measure, or proposition, except as necessary to perform the duties of the position.

*** *** ***

(AO No. 85-75; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S), § 14, 6-1-17; AO No. 2018-4(S), § 9, eff. retroactively 12-1-17; AO 2020-005(S), 2-11-20)

28.50.050 - Political persuasion near polling locations, [ACCESSIBLE] vote centers, or drop boxes.

A. During the hours the polling locations or [ACCESSIBLE] vote centers are open for voting, a person who is in the polling location or vote center or within 200 feet of any entrance to the polling location or vote center may not

*** *** ***

(AO No. 85-75; AO No. 89-136; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S), § 15, 6-1-17; AO 2020-005(S), 2-11-20)

*** **

28.50.090 - Questioning of voter qualifications.

A. Every election official shall question, and every observer [POLL WATCHER] and any other person qualified to vote in the polling location [PRECINCT] or at a [AN ACCESSIBLE] vote center may question[,] a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned.

B. The following persons may only vote a questioned ballot:

1. A person requesting a ballot at a polling place or [ACCESSIBLE] vote center without proper identification compliant with section 28.50.110;
2. A person whose address has changed or whose address is different from the voter registration database, unless the person votes an areawide ballot;
3. A person whose name, in whole or part, is different that the name in the voter registration database;
4. A person whose qualifications to vote are questioned under subsection A.; or
5. A person whose [PERSON'S] name does not appear in the voter registration database as eligible to vote within the municipality.

*** **

(GAAB 7.05.130; CAC 2.68.240.B; AO No. 85-75; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S), § 19, 6-1-17; AO 2020-005(S), 2-11-20)

*** **

28.50.110 - Voter identification at polling locations and [ACCESSIBLE] vote centers.

A. Before being allowed to vote at a polling location or [ACCESSIBLE] vote center, each voter shall exhibit to an election official at least one form of valid identification, including but not limited to:

*** **

(GAAB 7.05.130; CAC 2.68.150, 2.68.240.B; AO No. 85-75; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S), § 20, 6-1-17; AO 2020-005(S), 2-11-20)

28.50.120 - Providing ballot to voter; marking, returning, and delivering the ballot.

A. Voting at a polling location. When a voter has qualified to vote, the

1 election official shall give the voter an official ballot and secrecy
 2 sleeve. The voter shall use a booth or other designated private place
 3 to mark the ballot. After the voter has marked the ballot, the voter shall
 4 deliver the ballot to the scanner. Voters voting a questioned ballot shall
 5 place the ballot into the provided secrecy sleeve [ENVELOPE] and
 6 then into a questioned envelope, and deliver the questioned envelope
 7 to the secure questioned envelope container.

8
 9 B. Voting at a [AN ACCESSIBLE] vote center. When a voter has qualified
 10 to vote, the election official shall give the voter an official ballot, a
 11 secrecy sleeve [SECURITY ENVELOPE], and a return envelope. The
 12 voter shall use a booth or other designated private place to mark the
 13 ballot. After the voter has marked the ballot, the voter shall place the
 14 ballot into the provided secrecy sleeve [SECURITY ENVELOPE] and
 15 then into a return envelope, and deliver the return envelope to the
 16 ballot box or other secure container. Voters voting a questioned ballot
 17 shall place the ballot into the provided secrecy sleeve [SECURITY
 18 ENVELOPE] and then into a questioned envelope, and deliver the
 19 questioned envelope to the secure questioned envelope container.

20
 21 C. Voting by mail. When a voter has qualified to vote, the municipal clerk
 22 shall have an official ballot, a secrecy sleeve [SECURITY
 23 ENVELOPE], and a return envelope delivered to the voter by mail
 24 pursuant to section 28.40.020. The instructions for returning the ballot
 25 after the voter has marked the ballot shall direct the voter to place the
 26 ballot into the provided secrecy sleeve [SECURITY ENVELOPE] and
 27 then into a return envelope, and then do one of the following:

- 28
 29 1. Place the ballot return envelope in the mail, postage paid. The
 30 municipality shall not accept ballots collect on delivery or in any
 31 other fashion that requires payment by the municipality in order
 32 to receive the envelope, unless required by law. The
 33 municipality shall not accept return envelopes [BALLOTS]
 34 delivered restricted delivery or otherwise requiring the
 35 signature of a named individual;
 36
 37 2. Deliver the ballot return envelope to a drop box;
 38
 39 3. Deliver the ballot return envelope to a [AN ACCESSIBLE] vote
 40 center; or
 41
 42 4. Deliver the ballot return envelope to the Municipal Clerk's Office
 43 at City Hall, or at the Election Center, or at any designated
 44 return location.

45
 46 (GAAB 7.05.130; CAC 2.68.240.B; AO No. 85-75; AO No. 2013-130(S-1), §
 47 3, 1-14-14; AO 2020-005(S), 2-11-20)

48
 49 **28.50.130 - Assisting voter at a polling location or [ACCESSIBLE] vote**
 50 **center.**

51 *** **

(GAAB 7.05.130; CAC 2.68.240.B; AO No. 85-75; AO No. 2013-130(S-1), § 3, 1-14-14; AO 2020-005(S), 2-11-20)

28.50.140 - Replacement ballots.

A. Voting at a polling location or [ACCESSIBLE] vote center. When provided a ballot at a polling location or accessible vote center, if a voter improperly marks or otherwise damages the, the voter may request, and an election official shall provide, another ballot. In order to receive a new ballot, the voter must surrender the improperly marked ballot to the election official. The official shall record the serial number, if provided, and the ballot style of the ballot reissued, and the voter or election official shall tear up the improperly marked or damaged ballot. The election official shall place the torn up ballot in a special envelope immediately without examining it.

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

1. The municipal clerk shall keep a record of each request for a replacement ballot. Unless the first ballot received has been voided, it shall be the only ballot tabulated.

2. If the municipal clerk receives additional ballots from a voter, as indicated by the fact that the voter is already credited with voting, the additional ballots shall not be counted and shall be forwarded to the election commission for adjudication. The municipal clerk may provide the voter's information to law enforcement under section 28.200.120.

*** *** ***
 (AO No. 2017-29(S), § 21, 6-1-17; AO No. 2018-4(S), § 11, eff. retroactively 12-1-17; AO 2020-005(S), 2-11-20)
 *** *** ***

28.50.160 - Leaving polling location or [ACCESSIBLE] vote center with ballot prohibited.

A. No person may leave a polling location or [ACCESSIBLE] vote center with an official ballot given to the person at the location by an election official.

B. A violation of this section is subject to enforcement and a fine under Title 14.

(AO No. 85-75; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S) , §

23, 6-1-17; AO 2020-005(S), 2-11-20)

28.50.170 - Exhibiting marked ballots prohibited at a polling location or [AN ACCESSIBLE] vote center.

*** *** ***

(AO No. 85-75; AO No. 2013-130(S-1), § 3, 1-14-14; AO 2020-005(S), 2-11-20)

*** *** ***

28.50.190 - Closing of the election.

Approximately fifteen minutes before the closing of the election, and at the time of closing the election, an election official shall announce the time and the time of closing the election. Every qualified voter present and in line at a polling location, [ACCESSIBLE] vote center, or drop box at the time prescribed for closing the election may vote or drop off their completed return ballot envelope.

(GAAB 7.05.140; CAC 2.68.180; AO No. 84-139; AO No. 85-75; AO No. 2001-43, § 2, 2-27-01; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S), § 24, 6-1-17; AO 2020-005(S), 2-11-20)

*** *** ***

28.50.200 - Election closure procedures.

A. When the election is closed and the last vote has been cast, the election officials shall, in accordance with election procedures, immediately proceed to:

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2. Vote [ACCESSIBLE VOTE] centers.

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c. Collect the ballot accountability report, the voter register, the questioned ballot register, and all other election supplies. All materials shall clearly indicate the [ACCESSIBLE] vote center location from which they came; and

d. Two election officials shall transport the materials and sealed containers from the [ACCESSIBLE] vote center to the election official at the designated return location.

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(GAAB 7.05.160—7.05.170; CAC 2.68.260; AO No. 85-75; AO No. 2001-43, § 2, 2-27-01; AO No. 2013-130(S-1), § 3, 1-14-14; AO No. 2017-29(S), § 25, 6-1-17; AO 2020-005(S), 2-11-20)

28.50.210 - Receipt of ballots at designated return location.

A. The election officials inside the designated return location shall:

1. If applicable, receive the voting machine from election officials working at the polling location and examine the card seal. If the seal is damaged or otherwise not intact, the election official shall notify the municipal clerk immediately and proceed as

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instructed by the municipal clerk. If the seal is intact, the official shall cut the seal and deliver the card to the municipal clerk or designee;

2. Receive the sealed containers from the election workers working at the polling location, [ACCESSIBLE] vote centers, and drop boxes and examine the seals; if a seal is compromised the election official shall notify the municipal clerk immediately and proceed as instructed by the municipal clerk;
3. Check the polling location, [ACCESSIBLE] vote center [LOCATION], and drop box off on a log sheet, enter the time, have the delivering election official initial the entry, and sign or initial the log sheet; and
4. Give the containers containing questioned ballots and ballots that did not scan to the municipal clerk or designee.

B. The municipality shall not accept return envelopes [BALLOTS] collect on delivery or in any other fashion that requires payment by the municipality in order to receive the envelope, unless required by law. The municipality shall not accept return envelopes [BALLOTS] delivered restricted delivery or otherwise requiring the signature of a named individual.

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(AO No. 2013-130(S-1), § 4, 1-14-14; AO No. 2017-29(S), § 26, 6-1-17; AO 2020-005(S), 2-11-20)

28.50.300 - Appointment and privileges of observers.

A. After first registering observers with the municipal clerk:

1. Each candidate may have one observer at each polling location within the boundary area designated for the seat for which the candidate is running and one observer at each [ACCESSIBLE] vote center;
2. Any organization or organized group that sponsors or opposes an initiative, referendum, or recall measure may have one observer at each polling location within the boundary area subject to the measure and one observer at each [ACCESSIBLE] vote center; and

*** *** ***

C. Observers. Once registered, the observer may be present at a position inside the polling location, [ACCESSIBLE] vote center, or designated return location that affords a full view of all action of the election officials. Observers may be present during set up and tear down, from the time the polls are opened until the polls are closed, through the final tabulation of the ballots and certification of the election by the assembly.

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

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

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

4. While in the polling location, [ACCESSIBLE] vote center, or designated return location, observers:
 - *** *** ***
 - f. May not campaign at a polling location, vote center, or designated return location. Any type of campaigning by the observer should be reported immediately to the election officials or the municipal clerk and is grounds for immediate removal;
 - g. May remain at the polling location, [THE ACCESSIBLE] vote center, or [THE] designated return location until all procedures are completed; and
 - h. May ask brief questions of election officials regarding processes used by the election officials or on the ballot envelopes. Other questions shall be directed to the municipal clerk.

*** *** ***
 (AO No. 2013-130(S-1), § 4, 1-14-14; AO No. 2017-29(S), § 27, 6-1-17; AO No. 2020-005(S))

Section 8. Anchorage Municipal Code chapter 28.60 is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

**Chapter 28.60 - ALTERNATIVE VOTING IN POLL BASED ELECTIONS
AND SPECIAL NEEDS VOTING**

*** *** ***

28.60.040 - Special needs voting.

A. Who may vote a special needs ballot. Persons who are admitted as hospital patients on the day of the election, or persons who because of a disability are unable to vote at the voter's designated polling location or a [AN ACCESSIBLE] vote center on election day, or persons who cannot have their vote by mail ballot package delivered to them may request delivery and return of a special needs ballot during the times specified in this section.

B. Procedures for special needs voting.

1. A request for a special needs ballot may be made either by the voter or a representative of the voter.

a. A request for a special needs ballot by the representative of the voter shall be made in person at a polling location or [ACCESSIBLE] vote center at least one hour before the polls close to allow for the special needs ballot to be delivered and returned before the closing of the polls;

b. A request by telephone shall be made with sufficient time for a special needs ballot to be delivered and returned before the closing of the election. If the municipal clerk determines sufficient time and resources allow, an election official shall take the special needs ballot, along with other necessary materials or forms, to the voter.

2. If the special needs representative selected by voter requests the ballot at a polling location or [ACCESSIBLE] vote center, the representative shall provide government issued identification and sign a register provided by an election official. The register shall include the following information:

*** *** ***

4. The representative shall return the ballot in the special needs envelope with the completed representative and voter certificates to an election official at a polling location, [AN ACCESSIBLE] vote center, or designated return location, or at a drop box, before the closing of the election.

*** *** ***

(GAAB 7.05.120, 7.05.180.B; CAC 2.68.300—2.68.330, 2.68.370, 2.68.390; AO No. 80-101; AO No. 84-139; AO No. 85-75; AO No. 2006-155(S-1), § 1, 3-13-07; AO No. 2007-173, § 1, 4-14-08; AO No. 2017-29(S), § 29, 6-1-17; AO No. 2017-93, § 3, 3-21-17; AO No. 2018-4(S), § 15, eff. retroactively 12-1-17)

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28.60.050 - Voting by mail in poll based elections.

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D. Voter declaration.

- [1.] Upon receipt of a ballot by mail, the voter shall mark the ballot in secret, place the ballot in the secrecy sleeve [ENVELOPE], if provided, place the ballot in the return ballot envelope, and sign the voter's declaration on the envelope.

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(GAAB 7.05.120, 7.05.180.B; CAC 2.68.300—2.68.330, 2.68.370, 2.68.390; AO No. 80-101; AO No. 84-139; AO No. 85-75; AO No. 86-105; AO No. 91-50; AO No. 96-13, § 1, 1-23-96; AO No. 97-135, § 3, 12-16-97; AO No. 99-113, § 3, 8-10-99; AO No. 2001-43, § 3, 2-27-01; AO No. 2004-176, § 8, 6-1-05; AO No. 2006-155(S-1), § 2, 3-13-07; AO No. 2013-130(S-1), § 5, 1-14-14; AO No. 2014-38, § 1, 5-9-14; AO No. 2017-29(S), § 30, 6-1-17; AO No. 2018-4(S), § 16, eff. retroactively 12-1-17)

28.60.060 - Voting by fax [FACSIMILE] or email [(ELECTRONIC TRANSMISSION)].

- A. A qualified voter may apply for a ballot to be sent by fax [FACSIMILE] or email [(ELECTRONIC TRANSMISSION)].

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- B. In order to receive a ballot, the request must include:

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8. Acknowledgement that a marked or unmarked ballot sent by fax [FACSIMILE] or email [ELECTRONIC TRANSMISSION] is less secure than a ballot cast by mail or in person, and acceptance of this risk.

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- D. The transmittal to the voter shall contain a copy of the ballot to be used at the election in a form suitable for return transmission. If by fax [FACSIMILE], a photocopy of the ballot to be used by persons voting in person at the polling locations or by mail is acceptable.

- E. A ballot that is completed and returned by the voter by fax or email [ELECTRONIC TRANSMISSION] must contain or be accompanied by the voter declaration and the following statement: "I understand that by using fax or email [ELECTRONIC TRANSMISSION] to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature.

- F. Deadlines for returning ballot.

1. Return by mail. The voter shall mark the ballot on or before the date of the election and shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the municipal clerk. The ballot may not be counted unless it is:

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- a. Postmarked on or before election day and received before the opening of the public session of canvass;[, OR]
 - b. Verified as received by the USPS or mail distributor (e.g. UPS, FedEx) on or before election day and received before the opening of the public session of canvass; or [, AND]
 - c. Postmarked on or before election day and received from a MUOCAVA voter no later than noon on the day of certification of the election. [RECEIVED ON OR BEFORE OPENING OF THE PUBLIC SESSION OF CANVASS.]
2. Return electronically. A voter who returns the ballot by fax or email [ELECTRONIC TRANSMISSION] must comply with the same deadlines as for voting in person on or before the closing of the election.
- a. Voted ballots received by fax or email [RETURNED ELECTRONICALLY] no later than 8:00 p.m. on election day are timely even if the hard copy subsequently returned contains a postmark after election day.
 - b. Voted ballots returned by email may be returned with multiple attachments or as multiple emails.
- G. When a completed ballot is received by fax or email [ELECTRONIC TRANSMISSION], the election official will note the date of receipt on the fax and email [ABSENTEE] ballot application [LOG] and, if the ballot is received on election day, the time of receipt.
- [1. RECEIVED BY FACSIMILE. IF THE BALLOT IS RECEIVED BY FAX, THE ELECTION OFFICIAL SHALL:
 - A. REMOVE THE BALLOT PORTION OF THE TRANSMISSION FROM THE PORTION THAT IDENTIFIES THE VOTER;
 - B. PLACE THE BALLOT PORTION IN AN ENVELOPE OF THE TYPE USED FOR BALLOTS RETURNED BY MAIL, AND SEAL THAT ENVELOPE;
 - C. ATTACH THE VOTER IDENTIFICATION PORTION TO THE ENVELOPE; AND
 - D. FORWARD THE SEALED ENVELOPE TO THE DESIGNATED ELECTION OFFICIALS FOR REVIEW.

2. RECEIVED BY EMAIL. IF RETURNED BY EMAIL, THE EMAIL AND ITS ATTACHMENT(S) SHALL BE PRINTED. THE PRINTED EMAIL AND ATTACHMENT(S), EXCLUDING THE BALLOT, SHALL BE PROCESSED AND RETAINED AS GENERAL CORRESPONDENCE, IN ACCORDANCE WITH THIS TITLE. THE PRINTED BALLOT SHALL BE PROCESSED AND RETAINED LIKE OTHER BALLOTS.]

H. Ballots returned by fax or email [ELECTRONICALLY] with a missing or mismatched signature are processed as established in section 28.70.020.

I. Election officials shall prepare facsimiles of all ballots received by fax or email. A[AN ELECTRONICALLY TRANSMITTED] ballot transmitted by fax or email shall be counted in the same manner as other ballots, even though this procedure may reveal to one or more election officials the manner in which a particular voter cast his or her ballot. However, it shall be unlawful to display a [AN ELECTRONICALLY TRANSMITTED] ballot transmitted by fax or email in a manner revealing the way in which a particular voter cast his or her ballot to any person other than the municipal clerk, a member of the clerk's staff, an election official, or an attorney advising the clerk on legal questions concerning the ballot for the sole purpose of allowing these individuals to perform their duties as necessary to the administration of the election.

(AO No. 2004-21 § 1, 6-1-04; AO No. 2013-130(S-1), § 5, 1-14-14; AO No. 2017-29(S), § 31, 6-1-17)

Section 9. Anchorage Municipal Code chapter 28.70 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

Chapter 28.70 - BALLOT RETURN ENVELOPE REVIEW

28.70.010 - Time for ballot return envelope review.

*** *** ***

(GAAB 7.05.180; CAC 2.68.502; AO No. 80-101; AO No. 83-84(S); AO No. 85-75; AO No. 90-119; AO No. 2013-130(S-1), § 7, 1-14-14; AO No. 2017-29(S), § 33, 6-1-17)

28.70.020 - Ballot return envelope review procedure.

A. The review of return envelopes shall be open to viewing [OBSERVATION] by the public in a manner consistent with the orderly conduct of the review and the security of [THE] confidential voter information [ON THE ENVELOPES].

*** *** ***

(GAAB 7.05.180; CAC 2.68.502; AO No. 80-101; AO No. 83-84(S); AO No. 85-75; AO No. 2013-130(S-1), § 7, 1-14-14; AO No. 2017-29(S), § 34, 6-1-17)

28.70.030 - Ballot return envelope review standards: regular.A. Ballots that shall or shall not be counted base on ballot return envelope review.

1. A vote by mail ballot shall not be counted if:
 - a. The voter failed to properly execute the declaration on the envelope with a valid signature;
 - b. If a witness is required, the witness authorized by law to attest the voter's declaration failed to properly execute the witness declaration on the envelope, except that a ballot cast in person and accepted by an election official may be counted despite failure of the election official to properly sign and date the witness's declaration;
 - c. The ballot return envelope, if mailed, is postmarked after the date of the election;
 - d. The ballot return envelope, if mailed, is received after election day, has no postmark, and the USPS or mail distributor (e.g. UPS, FedEx) cannot verify the ballot return envelope was mailed on or before election day; [OR]
 - e. The ballot return envelope, although postmarked on or before election day, is not received before the opening of the public session of [THE] canvass, or, if received from a MUOCAVA voter, before noon on the day of certification of the election;
 - f. The voter is not qualified to vote for any of the propositions and for candidates in any of the races on the ballot; [OR]
 - g. The voter already voted in the election; or
 - h. The voter did not provide required identification before the opening of the public session of canvass.
2. A vote by mail ballot shall be counted if:
*** *** ***
 - c. The ballot is received in one of the following ways:
 - i. The ballot return envelope is postmarked no later than the day of the election or the USPS or mail distributor (e.g. UPS, FedEx) can verify receipt of the envelope on or before election day, and received not later than the opening of the public session of canvass.

- ii. The ballot return envelope is deposited in a ballot drop box no later than 8:00 p.m. on election day, or the ballot return envelope was voted at a [AN ACCESSIBLE] vote center and was properly cast before the closing of the election.

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E. Multiple and replacement ballots. Consistent with section 28.50.140B., the first valid ballot received is counted. Subsequently received ballots from the same voter are not counted. Subsequent ballot envelopes received from a voter who has already voted shall be marked "rejected," segregated from approved ballot envelopes, remain unopened, and forwarded to the election commission for adjudication. The voter shall be [IMMEDIATELY] notified in accordance with section 28.85.010D. by letter mailed to their mailing address and, if applicable, temporary mailing address. The municipal clerk may provide the voter's information and supporting information to law enforcement under section 28.200.120.

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

28.70.040 - Ballot return envelope review standards: questioned ballots.

- A. A questioned ballot shall not be counted if:
 - 1. [THE VOTER FAILED TO PROPERLY EXECUTE THE VOTER DECLARATION ON THE ENVELOPE WITH A VALID SIGNATURE, OR THE WITNESS TO THE VOTER'S MARK FAILED TO PROPERLY EXECUTE THE WITNESS DECLARATION ON THE ENVELOPE.
 - 2. WHERE REQUIRED, AN ELECTION OFFICIAL FAILED TO EXECUTE THE CERTIFICATE ON THE ENVELOPE, UNLESS THE VOTER SIGNED THE QUESTIONED BALLOT REGISTER.
 - 3.] The voter is not qualified to vote for any of the propositions and for candidates in any of the races on the ballot.
 - 2.[4.] The voter already voted in the election.
- B. A questioned ballot envelope not rejected under subsection A. shall be reviewed further under the standards of section 28.70.030 to determine if the ballot shall be counted.

(AO No. 2020-005(S))

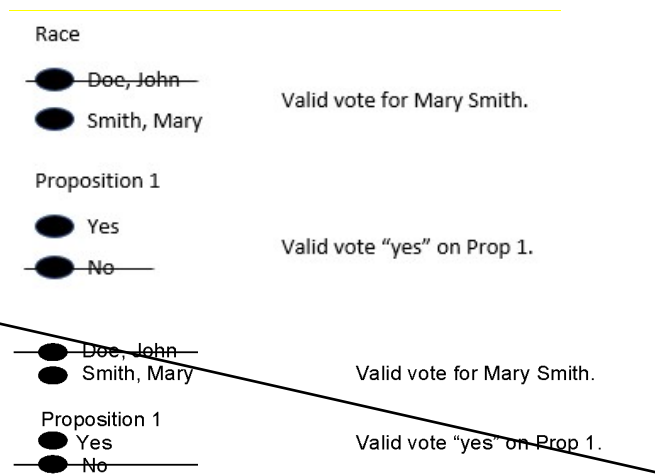
Section 10. Anchorage Municipal Code section 28.8.050 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.80.050 - Preparation and rules for counting ballots.

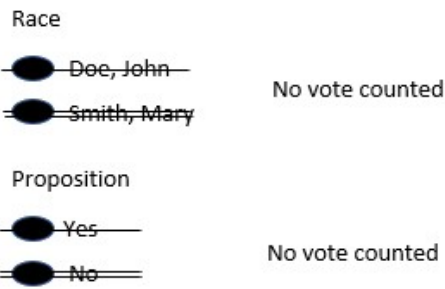
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B. Ballot adjudication shall use the following rules:

1. A vote shall be counted if the oval preceding the name of the candidate or answer to a proposition question is wholly or partially filled-in.
2. A failure to properly mark a ballot as to one or more candidates or proposition questions does not itself invalidate the entire ballot.
3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates to that office shall not be counted. Marks for both a write-in and a candidate named on the ballot shall not be counted, unless challenged.
5. Candidates and answers to proposition questions marked with a strikethrough across the oval and name or answer shall be treated as indicating the voter's intent to not vote for the candidate or answer so stricken:



6. To invalidate a vote without making an alternate choice, the voter must vote and strike through more than one oval and name or answer.



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[A. VOTERS: DO NOT SIGN OR INITIAL YOUR BALLOT.]

[B. ALL OTHER OVERVOTES SHALL NOT BE COUNTED AS A VOTE FOR ANY CANDIDATE OR FOR AN ANSWER TO A PROPOSITION QUESTION, REGARDLESS OF MARKINGS OR HANDWRITTEN NOTES.]

7. All other overvotes shall not be counted as a vote for any candidate or for an answer to a proposition question, regardless of markings or handwritten notes.

8.[6.] The mark specified in 1. of this subsection shall be counted only if it is substantially inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval to be designated.

9.[7.] Improper marks on the ballots shall not be counted and shall not invalidate marks for candidates or propositions properly made.

10.[8.] Except as provided in subsection 5., an erasure or correction invalidates that section of the ballot in which it appears.

11.[9.] In order to vote for a write-in candidate, the voter must:

- a. Write in the candidate's first and last name in the space provided;
- b. Mark the oval preceding the candidate's name in accordance with subsection A.1. of this section; and
- c. Not mark ovals for additional candidates for the same office in excess of the number of offices available, except as otherwise provided in this code.

11.[10.] A write-in vote shall not be counted:

- a. In a runoff election, or
- b. For a service area supervisory board candidate if the

candidate does not meet the requirements of section 28.30.020.

12.[11.]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.

(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)

Section 11. Anchorage Municipal Code chapter 28.85 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

Chapter 28.85 - PUBLIC SESSION OF CANVASS; CERTIFICATION

28.85.010 - Public session of canvass.

*** *** ***

- D. The vote of the election commission is final. [IF A BALLOT ENVELOPE IS REJECTED, THE MUNICIPAL CLERK SHALL MAIL A NOTICE OF BALLOT REJECTION TO THE VOTER. THE NOTICE SHALL STATE THE REASON FOR REJECTION. THE MUNICIPAL CLERK SHALL PLACE ALL REJECTED BALLOT ENVELOPES, UNOPENED, IN A SEPARATE CONTAINER WITH STATEMENTS OF CHALLENGE. THE CONTAINER SHALL BE LABELED "REJECTED BALLOTS ENVELOPES" AND SHALL BE RETAINED FOR A PERIOD OF 30 DAYS AFTER THE DATE OF CERTIFICATION OF THE ELECTION.]
- E. Preliminarily rejected [REJECTED] or challenged envelopes that the commission decides to accept shall be opened and the ballots counted under the procedures of chapter 28.80.
- F. The municipal clerk shall place all ballot return envelopes rejected by the election commission, unopened, in a separate container with statements of challenge. The container shall be labeled "rejected ballot return envelopes" and shall be retained for a period of 30 days after the date of certification of the election.
- G. Within 30 days of certification of the election, the municipal clerk shall mail a notice of ballot rejection to each voter whose ballot return envelope was rejected. The notice shall state the reason for rejection.

(GAAB 7.05.180; CAC 2.68.502; AO No. 80-101; AO No. 83-84(S); AO No. 85-75; AO No. 91-50; AO No. 2001-43, § 5, 2-27-01; AO No. 2002-181, §§

1 1, 2, 3-24-03; AO No. 2013-130(S-1), § 7, 1-14-14; AO No. 2017-29(S), § 42,
2 6-1-17)

3 *** **

4 **28.85.040 - Certification of election.**

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6 A.

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8 [1.] The election commission and the municipal clerk shall report
9 the results of the commission's ballot review and election
10 results at an assembly meeting as soon as practicable.

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12 B.[2.] If, after considering the information, the assembly determines that the
13 election was validly held, the assembly shall certify the results of the
14 election in accordance with the reports of the election commission and
15 municipal clerk.

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17 C. The certification shall be subject to the outcome of any recount under
18 chapter 28.90 and any election contest under chapter 28.100.
19 Certification of the election is not subject to an assembly motion to
20 reconsider.

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22 D.[B.] If the election commission or municipal clerk reports a failure to comply
23 with the provisions of law or illegal election practices, and that such
24 failure is sufficient to change the outcome of the election, the assembly
25 may exclude the votes cast where such failure or illegal practices
26 occurred from the total return or may declare the entire election invalid
27 and order a new election.

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29 E.[C.] If the election commission or municipal clerk reports an apparent
30 discrepancy in the returns, the assembly may order a recount of the
31 votes in a specific race or contest, or for the entire election. The
32 recount shall be conducted immediately by election officials.

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34 F.[D.] After the certification of the results of the election, and after any
35 additional process for the results of the election for a particular office
36 to become final, the municipal clerk shall prepare an oath of office for
37 the elected candidate and schedule the swearing in ceremony.

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39 G.[E.] A runoff election for the office of mayor shall be held as required in the
40 Charter.

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42 (GAAB 7.05.190; CAC 2.68.580; AO No. 252-76; AO No. 77-330; AO No. 85-
43 75; AO No. 2001-43, § 5, 2-27-01; AO No. 2004-176, § 10, 6-1-05; AO No.
44 2017-29(S), § 45, 6-1-17)

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46 **Section 12.** Anchorage Municipal Code chapter 28.90 is hereby amended to read
47 as follows (*the remainder of the section is not affected and therefore not set out*):

48
49 **Chapter 28.90 – ELECTION RECOUNT**

50
51 **28.90.010 - Recount application.**

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2 Within seven days after the certification of the election, [ELECTION
3 COMMISSION HAS ADOPTED ITS REPORT OF THE RESULTS OF THE
4 ELECTION,] a defeated candidate or ten qualified voters may file an
5 application with the municipal clerk for a recount of the votes from any
6 particular precinct, or for any particular office, proposition, or measure. The
7 date on which the municipal clerk receives an application rather than the date
8 of mailing or transmission determines whether the application is filed within
9 the time allowed under this subsection.

10
11 (GAAB 7.05.205, 7.05.220; AO No. 85-75; AO No. 2013-130(S-1), § 8, 1-14-
12 14; AO No. 2020-5(S) , § 7, 2-11-20)

13 *** **

14 **28.90.025 - Recount by order of the assembly or municipal clerk;
15 automatic recount.**

16
17 A. The assembly, by resolution, may order the municipal clerk to conduct
18 a recount of the votes from any particular precinct, or for any particular
19 office, proposition, or measure, within seven days after the certification
20 of the election [COMMISSION HAS ADOPTED ITS REPORT OF THE
21 RESULTS OF THE ELECTION].

22
23 B. The municipal clerk, within seven days after the certification of the
24 election [COMMISSION HAS ADOPTED ITS REPORT OF THE
25 RESULTS OF THE ELECTION], may, on the clerk's own initiative,
26 conduct a recount of the votes from any particular precinct, or for any
27 particular office, proposition, or measure when, in the judgment of the
28 clerk, conducting a recount may increase voter confidence in the
29 election process.

30
31 C. The municipal clerk shall initiate a recount within seven days of the
32 certification of the election [ADOPTION OF THE ELECTION
33 COMMISSION'S REPORT] if the results show that [IT CONCLUDES]:

34
35 1. a candidate[, PROPOSITION, OR MEASURE] wins [OR
36 PASSES] by less than a 0.5% margin.

37
38 2. a candidate receives less than 0.5% over the required margin;

39
40 3. when no candidate has achieved the required margin, the
41 second and third place candidates are separated by less than
42 0.5%; or

43
44 4. a proposition or measure passes or fails by less than a 0.5%
45 margin.

46
47 (AO No. 2016-68, § 1, 6-21-16; AO No. 2020-5(S), § 7, 2-11-20)

48
49 **28.90.040 - Procedure.**

50
51 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 officials are [BOARD IS] to conduct the recount. To obtain the most expeditious election results, the municipal clerk may combine two or more recounts.

*** *** ***

(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; AO No. 2017-29(S), § 46, 6-1-17)

Section 13. 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 within nine days after the certification of the election [COMMISSION HAS ADOPTED ITS REPORT OF THE RESULTS OF THE ELECTION].

*** *** ***

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. [28.85.040A.] 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)

Section 14. Anchorage Municipal Code chapter 28.150 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

Chapter 28.150 - EMERGENCY PLAN

*** *** ***

28.150.030 - Powers of the municipal clerk.

A. In an emergency, the municipal clerk is authorized to take action to preserve the integrity of the election, while at the same time allowing eligible voters to vote who might otherwise not get an opportunity.

B. Actions authorized under this chapter may include, but are not limited to:

1. Requesting expedited relief from a court of competent jurisdiction;[,]

2. Keeping all or some polling locations, [ACCESSIBLE] vote centers, and ballot drop boxes open longer than allowed by code;[,]

3. Closing all or some polling locations, [ACCESSIBLE] vote centers, and ballot drop boxes permanently or for a limited time regardless of the requirements in this title, while providing eligible voters other opportunities to vote;[,]
4. Accepting applications to vote at temporary addresses, to vote by fax or email [ELECTRONICALLY], or for special needs voting after the deadlines in this title but before the close of an election;[,]
5. Moving polling locations, [ACCESSIBLE] vote centers, and ballot drop boxes;[,]
6. Accepting votes not cast on official ballots.

C. The municipal clerk shall take steps to maintain a record of the action taken and, if possible, adequately segregate votes cast, so that a court may rule on the action taken and accurately add or subtract votes as may be necessary. The municipal clerk shall provide public notice of changes to matters required by other sections of this title. This includes the notice of election, polling locations, [ACCESSIBLE] vote centers, and ballot drop boxes, if the changes substantially differ from a previous published notice. A notice of changes may, but is not required to, be published in a newspaper of general circulation.

(AO No. 2013-130(S-1), § 12, 1-14-14; AO No. 2017-29(S), § 55, 6-1-17; AO 2020-033, 3-20-20)

28.150.050 - Unofficial ballots.

- A. Unofficial ballots. If there are insufficient official ballots available at a polling location or vote center, election officials shall use the available sample ballots and may create photocopies of the same, if needed. If sample ballots are not available and the election officials determine it is unlikely additional ballots will be received prior to the closing of the polls, election officials may provide any available paper to voters. If possible, election officials should receive direction from the municipal clerk prior to using unofficial ballots.
- B. Unofficial ballots cast shall be treated as unscanned or paper ballots, not questioned ballots, and shall be secured with all other unscanned or paper ballots.

(AO No. 2013-130(S-1), § 12, 1-14-14)

28.150.060 - Assistance of peace officers.

- [A.] If weather, road conditions, or other unforeseen circumstances prevent election officials from delivering election materials or ballots to or from the polling locations, [ACCESSIBLE] vote centers, ballot

drop boxes, or the designated return location, the municipal clerk may cause the delivery to be made by a peace officer or other municipal official.

(AO No. 2013-130(S-1), § 12, 1-14-14; AO No. 2017-29(S), § 56, 6-1-17; AO 2020-033, 3-20-20)

Section 15. Anchorage Municipal Code chapter 28.200 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

Chapter 28.200 - ELECTION OFFENSES

*** *** ***

28.200.100 - Campaign misconduct in the third degree.

A. A person commits the offense of campaign misconduct in the third degree if:

1. During the hours the election is open and after election officials have posted warning notices at the required distance in the form and manner prescribed by this Title, the person is in the polling location or within 200 feet of an entrance to a polling location or [ACCESSIBLE] vote center, and:

- a. Attempts to persuade a person to vote for or against a candidate, measure, or proposition[, OR QUESTION];
- b. Circulates cards, handbills, or marked ballots, or posts political signs or posters relating to a candidate, measure, or proposition [AT AN ELECTION OR ELECTION PROPOSITION OR QUESTION]; or
- c. Conducts other political activities that may pertain to any future election or potential ballot proposition.

2. During the hours the election is open the person is within 50 feet of a ballot drop box and engages in any of the activities described in subsections A.1.a.—c.

B. For the purposes of this section, the entrance to a polling location or vote center that is in a school is the entrance to the school building. The election official or precinct chair responsible shall post warning notices in the form and manner prescribed by the municipal clerk.

C. Campaign misconduct in the third degree is subject to enforcement and a fine under Title 14.

(AO No. 2013-130(S-1), § 13, 1-14-14; AO No. 2017-29(S), § 58, 6-1-17)

AS 15.56.016

28.200.110 - Unlawful interference with voting in the second degree.

1
2 A. A person commits the crime of unlawful interference with voting in the
3 second degree if the person:

- 4
5 1. Has an official ballot issued from a polling location or vote
6 center in possession outside of the polling location or vote
7 center [VOTING ROOM DURING A POLL BASED ELECTION
8 OR OUTSIDE AN ACCESSIBLE VOTE CENTER] unless the
9 person is an election official or other person authorized by law;
10
11 2. Makes, or knowingly has in possession, a counterfeit of an
12 official election ballot;
13
14 3. Knowingly solicits or encourages, directly or indirectly, a
15 registered voter who is no longer qualified to vote under section
16 28.30.010, to vote in an election;
17
18 4. As a registration official:
19
20 a. Knowingly refuses to register a person who is entitled to
21 register; or
22
23 b. Accepts a fee from an applicant applying for registration;
24
25 5. Knowingly submits or encourages or assists another person to
26 submit an absentee ballot application to an intermediary who
27 could control or delay the submission of the application to the
28 municipality or who could gather data from the application form
29 as prohibited by law;
30
31 6. Violates the oath of confidentiality in section 28.50.130;
32
33 7. Obstructs the doors or entries to a building in which a [AN
34 ACCESSIBLE] vote center or ballot drop box is located, or
35 prevents free access to and from any [ACCESSIBLE] vote
36 center or ballot drop box;
37
38 8. Removes an official ballot from a ballot drop box without lawful
39 authority; or
40
41 9. Moves, tampers with, or damages a ballot box or ballot drop
42 box, or inserts into a ballot box or ballot drop box anything other
43 than an official ballot return envelope [PACKAGE], without
44 lawful authority.
45

46 B. Unlawful interference with voting in the second degree is a class A
47 misdemeanor.
48

49 (AO No. 2013-130(S-1), § 13, 1-14-14; AO No. 2017-29(S), § 59, 6-1-17)
50

51 AS 15.56.035

28.200.120 - Voter misconduct in the second degree.

A. A person commits the crime of voter misconduct in the second degree if the person

1. registers to vote without being entitled to register under section 28.30.010; [or]
2. votes or attempts to vote in an election after being disqualified under AS 15.05.030;
3. votes or attempts to vote more than once in the same election with the intent that the person's vote be counted more than once;
4. votes or attempts to vote in the name of another person or in a name other than the person's own; or
5. intentionally makes a false affidavit, swears falsely, or falsely affirms under an oath required by this title.

B. Voter misconduct in the second degree is a class A misdemeanor.

(AO No. 2013-130(S-1), § 13, 1-14-14)

AS 15.56.040; AS 15.56.050

28.200.130 - Election official misconduct in the second degree.

A. A person commits the crime of election official misconduct in the second degree if while an election official, and between the date that ballots are provided to voters and the certification of the election, [WHILE THE POLLS ARE OPEN,] the person

1. Opens a ballot received from a voter at an election, unless permitted by code or regulation;
2. Marks a ballot by folding or otherwise so as to be able to recognize it;
3. Otherwise attempts to learn how a voter marked a ballot; or
4. Allows a person to do one of the acts prescribed by subsections 1., 2., or 3.
5. Violates the oath of confidentiality in section 28.50.130.

B. Election official misconduct in the second degree is a class A misdemeanor.

1 (AO No. 2013-130(S-1), § 13, 1-14-14)

2
3 AS 15.56.080

4
5 **28.200.140. - Improper subscription to petition.**

6
7 A. A person commits the crime of improper subscription to petition if the
8 person

9
10 1. Signs a name other than the person's own to a petition
11 proposing an initiative, referendum, recall, or nomination of a
12 candidate for municipal office;

13
14 2. Knowingly signs more than once for the same proposition,
15 question, or candidate at one election;

16
17 3. Signs a petition proposing an initiative, referendum, recall, or
18 nomination of a candidate for municipal office, while knowingly
19 not being a qualified voter; or

20
21 4. Solicits, accepts, or agrees to accept money or other valuable
22 thing in exchange for signing or refraining from signing a
23 petition proposing an initiative, referendum, or recall; in this
24 paragraph, "other valuable thing" has the meaning given in AS
25 15.56.030(d).

26
27 B. Improper subscription to petition is a class B misdemeanor.

28
29 (AO No. 2013-130(S-1), § 13, 1-14-14)

30
31 AS 15.56.090

32
33 **28.200.150 - Refusal to allow employees time off.**

34
35 A. An employer commits the offense of refusal to allow employees time
36 off if the employer refuses to allow an employee time off for the
37 purpose of voting, or if, after allowing the time off, the employer
38 deducts the time from the wages of the employee, except as provided
39 in subsection B. of this section.

40
41 B. An employee who has two consecutive hours in which to vote, either
42 between the opening of the polls or vote centers and the beginning of
43 the employee's regular working shift, or between the end of that
44 regular working shift and the close of the polls or vote centers, is
45 considered to have sufficient time outside of working hours within
46 which to vote.

47
48 C. Refusal to allow employees time off to vote is a violation.

49
50 (AO No. 2013-130(S-1), § 13, 1-14-14)

51

AS 15.56.100

Section 16. Anchorage Municipal Code section 28.300.010 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

28.300.010 - Appeals.

A. A person may not appeal or seek judicial review of an election or recount unless the person

- 1. is qualified to vote in the municipality;
- 2. has exhausted the administrative remedies before the assembly; and
- 3. has commenced, within ten days after the assembly has finally certified [DECLARED] the election results applicable to the appeal, an action in the superior court.

B. If an action under this section is not commenced within the ten-day period, the election and election results shall be conclusive, final and valid in all respects.

*** *** ***

(AO No. 2013-130(S-1), § 13, 1-14-14)

Section 17. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2020.

Chair _____

ATTEST:

Municipal Clerk