

CLERK'S OFFICE  
AMENDED AND APPROVED  
Date: 2-27-01

Submitted by: Chairman of the Assembly  
at the Request of the Mayor  
Prepared by: Department of Law  
For Reading: FEBRUARY 26, 2001

ANCHORAGE, ALASKA

AO NO. 2001-43

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 28,  
2 ELECTIONS, TO MODIFY CERTAIN PROCEDURES THEREIN AND TO  
3 IMPLEMENT THE ACCU-VOTE BALLOT TABULATION SYSTEM.

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5 THE ANCHORAGE ASSEMBLY ORDAINS:

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7 Section 1. Anchorage Municipal Code section 28.40.010 is hereby amended to read  
8 as follows:  
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10 28.40.010 Form.

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12 E. Each ballot shall bear the words "Official Ballot," and the date of the  
13 election, [, AND A FACSIMILE SIGNATURE OF THE MUNICIPAL  
14 CLERK.]  
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16 (GAAB 7.05.080; AO No. 85-75; AO No. 89-136; AO No. 96-12, § 1, 1-23-96;  
17 AO No. 97-18, § 1, 2-11-97; AO No. 99-113, § 2, 8-10-99)  
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19 Section 2. Anchorage Municipal Code sections 28.50.010, 28.50.060, 28.50.100,  
20 28.50.140, 28.50.150, 28.50.190, and 28.50.200 are hereby amended to read as follows:  
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22 28.50.010 Election officials.

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24 A. The assembly shall appoint at least four [THREE] election judges in each  
25 precinct to constitute the election board of the precinct. The municipal  
26 clerk shall designate one election judge from each precinct as the election  
27 board person who shall be primarily responsible for administering the  
28 election in that precinct.  
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30 B. Each election judge shall be a qualified voter. Each election judge shall  
31 subscribe to the oath prescribed for municipal officers in the Charter. The  
32 municipal clerk may appoint additional judges for [UP TO THREE  
33 ELECTION CLERKS IN] any precinct.  
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35 (GAAB 7.05.070; AO No. 85-75)  
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**28.50.060 Keeping of register.**

The election board shall keep a register in which each voter's signature, and residence and mailing addresses, shall be entered before the voter receives a ballot. The signing of the register shall constitute an oath that the voter is qualified to vote and has not cast a ballot in any manner in the same election.

(GAAB 7.05.130; CAC 2.68.240.B; AO No. 85-75)

**28.50.100 Disposition of questioned ballots.**

A voter who casts a questioned ballot shall vote the ballot in the same manner as prescribed for other voters. After voting, the voter may [SHALL] insert the ballot into a secrecy sleeve [SMALL ENVELOPE]. An election official shall place the ballot [SMALL ENVELOPE] into an [A LARGER] envelope on which the statement the voter previously signed is located. These [LARGER] envelopes shall be sealed and deposited in the ballot box.

(GAAB 7.05.140; AO No. 85-75; AO No. 86-105)

**28.50.140 Disposition of improperly marked ballot.**

If a voter improperly marks or otherwise damages a ballot, the voter may request and the election board shall provide the voter with another ballot. The board shall record the number and type of the ballot reissued [IMPROPERLY MARKED OR DAMAGED BALLOT] and the board shall destroy the improperly marked or damaged ballot [IT] immediately without examining it.

(GAAB 7.05.130; CAC 2.68.240.B; AO No. 85-75)

**28.50.150 Placing ballot in ballot box or accu-vote scanner.**

When the voter has finished marking [MARKED] the ballot, the voter shall inform the election official. [THE MUNICIPAL CLERK MAY REQUIRE THAT THE VOTER RETURN THE BALLOT TO THE ELECTION OFFICIAL TEMPORARILY SO THAT ANY STUB WHICH MAY BE PART OF THE BALLOT MAY BE REMOVED BY THE ELECTION OFFICIAL. ANY SUCH REQUIREMENT SHALL PROTECT THE SECRECY OF THE BALLOT.] In all cases the ballot shall be deposited in the ballot box or accu-vote scanner by the voter in the presence of the election official [UNLESS THE VOTER REQUESTS THE ELECTION OFFICIAL TO DEPOSIT THE BALLOT].

(AO No. 85-75)

**28.50.190**      **Closing of polls.**

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- A. Fifteen minutes before the closing of the polls, and at the time of closing the polls, an election official shall announce the [PRESENT] time and the time of closing the polls. Every qualified voter present and in line inside or outside the building at the time prescribed for closing the polls may vote.
  - B. When the polls are closed and the last vote has been cast, the election board shall immediately proceed to relay the accu-vote results to the counting center or open the ballot box and count the votes cast in accordance with sections 28.70.020 and 28.70.030.
  - C. The election board shall account for all ballots by completing a ballot statement containing, in a manner prescribed by the municipal clerk, the number of official ballots supplied.
  - D. The election board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted on the comments section of the "Accounting for Ballots" booklet. [BALLOT STATEMENT].

22 (GAAB 7.05.140; CAC 2.68.180; AO No. 84-139; AO No. 85-75)

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**28.50.200**      **Preparation of voted [PUNCH-CARD] ballots.**

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- A. All ballots shall be removed from the ballot box. Any ballots that contain write-in votes shall be segregated from the remaining ballots. Any questioned ballots shall be placed in an envelope separate from the remaining ballots. [AND INSPECTED INDIVIDUALLY BY THE ELECTION BOARD. ANY BALLOTS WHICH ARE DAMAGED SO THAT THEY CANNOT BE READ BY THE COMPUTER, CONTAIN WRITE-IN VOTES, OR ARE MARKED IN A QUESTIONABLE MANNER SHALL BE WITHDRAWN AND BANDED TOGETHER]. All voted [THESE] ballots[, THE COMPUTER-READY BALLOTS,] and the envelope containing questioned ballots shall be placed in a special container and sealed[, WITH THE SEAL SIGNED BY THE ELECTION BOARD MEMBERS].
  - B. Two election board members shall transport [DELIVER] the sealed container from the precinct polling place to the election official at the collection [COMPUTER COUNTING] center. If weather or road conditions prevent election board members from making the delivery, the municipal clerk may cause the delivery to be made by a peace officer.
  - C. The election board shall send the "Accounting for Ballots" booklet [BALLOT STATEMENT], the voter register, the accu-vote tally tape and,

if applicable, the manual tally sheets [CERTIFICATE] described in section 28.70.020.D to the municipal clerk in one [SEALED] package. The election board shall send all voted ballots properly cast to the municipal clerk in [A] separate sealed packages. All materials shall clearly indicate the precinct from which they come.

(GAAB 7.05.160--7.05.170; CAC 2.68.260; AO No. 85-75)

Section 3. Anchorage Municipal Code Chapter 28.60, *absentee voting*, is hereby amended by amending sections 28.60.020, 28.60.030, and 28.60.050 to read as follows:

**28.60.020 Administration.**

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B. The municipal clerk shall provide ballots for use as absentee ballots. The municipal clerk may [SHALL] provide a secrecy sleeve [SMALL ENVELOPE] in which the voter may [SHALL] initially place the marked ballot, and shall provide an [LARGER] envelope[,] with the prescribed voter's certificate on the back[,] in which the [SMALL ENVELOPE WITH THE] ballot [ENCLOSED] shall be placed. The municipal clerk shall prescribe the form of and prepare the voter's certificate, envelopes and other material used in absentee voting.

(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)

**28.60.030 Absentee voting in person.**

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C. On receipt of an absentee ballot [IN PERSON,] the voter shall [PROCEED TO] mark the ballot in secret, [TO] place the ballot in the secrecy sleeve, if provided, [SMALL ENVELOPE], [TO] place the ballot [SMALL ENVELOPE] in an [THE LARGER] envelope, and [TO] sign the voter's certificate on the back of the [LARGER] envelope in the presence of the election official [MUNICIPAL CLERK], who shall sign as attesting official and date that signature. The municipal clerk shall then accept the ballot.

D. The municipal clerk or election official may not accept a marked ballot that has been exhibited by an absentee voter with intent to influence other voters. If the absentee voter improperly marks or otherwise damages a ballot, the voter may request and the municipal clerk shall provide another ballot. Exhibited, improperly marked, or damaged ballots exchanged by the voter shall be destroyed. The numbers and types of all ballots reissued [DESTROYED] shall be noted on the "Accounting for Ballots" booklet [BALLOT STATEMENT].

E. The municipal clerk shall keep a record of the names and signatures of voters who cast absentee ballots [IN PERSON] and the dates on which the ballots were cast. Such record shall be kept for 30 days after the date of certification 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. 91-50; AO No. 97-135, § 2, 12-16-97)

**28.60.050**      **Voting by mail.**

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D. Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, or other person qualified to administer oaths, shall [MAY PROCEED TO] mark the ballot in secret, [TO] place the ballot in the secrecy sleeve, if provided, [SMALL ENVELOPE, TO] place the ballot [SMALL ENVELOPE] in an [THE LARGER] envelope, and [TO] sign the voter's certificate on the back of the [LARGER] envelope in the presence of an official listed in this subsection, who shall sign as attesting official and shall date the signature. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall have the voter's certificate [BALLOT] witnessed by two persons over the age of 18 years [AND, IN ADDITION, SHALL PROVIDE THE CERTIFICATION PRESCRIBED IN AS 9.63.020].

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F. The municipal clerk shall maintain a record of the name of each voter to whom an absentee ballot is sent by mail. The record shall list the date on which the ballot is mailed and the date on which the returned ballot is received by the municipal clerk. Such record shall be kept for 30 days after the date of certification 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. 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)

**Section 4.**      Anchorage Municipal Code 28.70 is hereby amended to read as follows:

**28.70.010**      **Methods of counting.**

Votes shall be counted:

A. Manually [BY HAND], in accordance with sections 28.70.020 and 28.70.030; or

B. By computer, in accordance with sections 28.70.040 and 28.70.050.

(GAAB 7.05.160--7.05.170; CAC 2.68.260; AO No. 85-75)

**28.70.020 Manual [HAND] counting of votes.**

A. The municipal clerk may issue rules prescribing the manner in which votes are counted manually [BY HAND] to ensure accuracy in the count and to expedite the counting process.

B. Ballots are counted manually [BY HAND] by the election board at the polling place. The election board shall allow watchers to see the ballots when the votes are counted. No person handling a ballot after it has been taken from the ballot box may have a marking device in hand other than a stamp for marking rejected ballots. No person handling the ballots may remove a ballot from the immediate vicinity of the polls.

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D. [WHEN THE COUNT OF VOTES IS COMPLETED, THE ELECTION BOARD SHALL MAKE A CERTIFICATE OF THE RESULTS.] The manual tally sheet(s) [CERTIFICATE] shall state the number of votes cast for each candidate, [FOR AND AGAINST EACH PROPOSITION,] yes or no on each question, and any additional information prescribed by the municipal clerk. The election board shall immediately send the manual tally sheet(s) [CERTIFICATE] to the municipal clerk [IN A SEALED PACKAGE WITH THE BALLOT STATEMENT AND THE REGISTER].

(GAAB 7.05.1600--7.05.170; CAC 2.68.260; AO No. 85-75)

**28.70.030 Rules for manually counting [HAND-MARKED] ballots.**

A. The election board shall manually count [HAND-MARKED] ballots according to the following rules:

1 [A VOTER MAY MARK A BALLOT ONLY] Ballots marked by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks or plus signs that clearly indicate the oval or the square the voter desires [TO DESIGNATE].

2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.

3.[2.] 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.[3.] If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

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

6.[4.] Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates or propositions properly made.

7.[5.] An erasure or correction invalidates only that section of the ballot in which it appears.

8.[6.] In order to vote for a write-in candidate, the voter must

- a.     Write in the candidate's name in the space provided; [AND, IN ADDITION,]
- b.     Mark the oval or square opposite the candidate's name in accordance with subsection A.1 of this section; and
- c.     Not have marked ovals or squares in excess of the number of offices available.

9.[7.] A write-in vote for a candidate whose name is also printed on the ballot may be counted only if the oval or square following the written name is filled-in, the filled-in oval or square following the printed name is not filled-in, and the number of filled-in ovals or squares does not exceed the number of offices available.

[WRITE-IN VOTES ARE NOT INVALIDATED BY WRITING IN THE NAME OF A CANDIDATE WHOSE NAME IS PRINTED ON THE BALLOT UNLESS THE ELECTION BOARD DETERMINES ON THE BASIS OF OTHER EVIDENCE THAT THE BALLOT WAS SO MARKED FOR THE PURPOSE OF IDENTIFYING THE BALLOT.]

10.[8.] A write-in vote shall not be counted in a runoff election[, EXCEPT AS PROVIDED IN SUBSECTION A.7 OF THIS SECTION].

11.[9.] A sticker bearing a candidate's name may not be used on the ballot.

B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot shall not be counted unless marked in compliance with these rules.

[C. THE RULES SET OUT IN THIS SECTION APPLY TO HAND-MARKED PUNCH-CARD BALLOTS IF PUNCH-CARD MACHINES ARE NOT AVAILABLE.]

(CAC 2.68.270; AO No. 85-75)

**28.70.040 Computer counting of ballots.**

A. The election judge responsible for scanning the ballots shall process the ballots by:

1. Assisting the voter's placement of the ballot into the accu-vote scanner;
2. Notifying the municipal clerk if there are any ballots which cannot be processed;
3. Transmitting the results to the collection center after the polls close; and
4. Returning the counted ballots, damaged ballots, and ballots marked in a questionable manner to the collection center.

B.[A.] The election official inside the collection [COMPUTER COUNTING] center shall:

1. Receive the sealed ballot container and examine the seal; if the seal is damaged or otherwise not intact the election official shall notify the municipal clerk immediately and proceed as instructed by the municipal clerk;
2. Check the precinct off on a log sheet, enter the arrival time, initial the entry, and sign the log sheet;
3. Cut the seal and remove all ballots and all envelopes from the special container; and
4. Give the envelopes containing questioned ballots, write-in, damaged and ballots marked in a questionable manner to the municipal clerk. [;]



[5. INSPECT THE COMPUTER-READY BALLOTS AND ENSURE THAT ALL WRITE-IN BALLOTS, DAMAGED BALLOTS AND BALLOTS MARKED IN A QUESTIONABLE MANNER ARE SEPARATED AND PLACED IN THE "DAMAGED/WRITE-IN/MARKED IN A QUESTIONABLE MANNER" ENVELOPE;]

[6. INSERT THE PROPER HEADER AND TRAILER CARDS INTO THE BALLOTS;]

[7. PLACE THE BALLOT BUNDLES AND UNPROCESSABLE BALLOTS ENVELOPE IN A TRAY FOR DELIVERY TO THE COMPUTER CENTER; AND

[8. GIVE THE BALLOTS TO THE COMPUTER OPERATOR.

[B. ALL VOTE-COUNTING PROCESSING USING AN APPLICATION ON THE MAIN FRAME COMPUTER IN THE COMPUTER ROOM SHALL BE UNDER THE SUPERVISION OF THE DIRECTOR OF THE INFORMATION SYSTEMS DEPARTMENT, AND SHALL BE OBSERVED BY THE DATA PROCESSING REVIEW BOARD.]

C. All vote compilation [COUNTING] processing using a PC application shall be under the supervision of the municipal clerk and shall be observed by the data processing review board.

D. Prior to certification of the results of the election by the assembly, election officials may be appointed by the municipal clerk if necessary to speed tabulation of election results. The election officials shall prepare facsimiles of all damaged [DEFECTIVE] ballots [AND BALLOTS WHICH CONTAIN WRITE-IN VOTES]. The facsimile ballots shall be suitable for machine tabulation. Ballot numbers shall be recorded in such a fashion to ensure that the accurate duplication of ballots can be verified at a later date. The facsimile ballots shall be placed with the questioned and absentee ballots of each precinct to be delivered to the computer area for final tally of ballots by the computer.

[E. THE COMPUTER OPERATOR SHALL PROCESS THE BALLOTS BY:

1 COMPARING THE PRECINCT IDENTIFICATION ON THE HEADER CARD AGAINST THAT OF THE ENVELOPE TO ENSURE THAT THEY ARE THE SAME;

2. PICKING UP THE BALLOTS OF ONE PRECINCT;

3. PLACING THE BALLOTS IN THE COMPUTER CARD READER AND ACTIVATING IT;
4. NOTIFYING THE MUNICIPAL CLERK IF THERE ARE ANY BALLOTS WHICH CANNOT BE PROCESSED; AND
5. RETURNING THE COUNTED BALLOTS WITH THE ENVELOPES CONTAINING WRITE-IN BALLOTS, DAMAGED BALLOTS AND BALLOTS MARKED IN A QUESTIONABLE MANNER SEPARATED TO THE ELECTION OFFICIAL.]

E.[F.] The [PUNCH-CARD] counting process shall be available for public viewing to the extent that the municipal clerk determines that election officials and computer personnel will not be hindered in the performance of their duties.

F.[G.] The municipal clerk shall make provision for security guards to be on duty at the collection [COUNTING] center during the receiving and processing of ballots.

(GAAB 7.05.160--7.05.170; CAC 2.68.260; AO No. 85-75; AO No. 86-105; AO No. 91-50)

28.70.050      Rules for counting scanned [PUNCH-CARD] ballots.

A. The scanner [COMPUTER] shall be programmed to count ballots as follows:

1. A vote shall be counted if the oval following the name of the candidate or other designation the voter desires to select [PUNCH] is wholly or partially filled in; [PLACED IN THE SQUARE CONTAINING A PLUS SIGN FOLLOWING THE NAME OF THE CANDIDATE OR OTHER DESIGNATION THE VOTER DESIRES TO SELECT;]
2. A failure to properly mark [PUNCH] a ballot [CARD] as to one or more candidates or propositions does not itself invalidate the entire ballot;
3. If a voter marks [PUNCHES] fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked; [and]

1 4. If a voter marks [PUNCHES] more names than there are persons to  
2 be elected to the office, the votes for candidates to that office shall  
3 not be counted.

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5 5. The mark specified in 1. of this subsection shall be counted only if  
6 it is substantially inside the oval provided, or touching the oval so  
7 as to indicate clearly that the voter intended the particular oval to  
8 be designated.  
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10 6.[B.] Improper marks on the ballots shall not be counted and shall not  
11 invalidate marks [PUNCHES] for candidates or propositions  
12 properly made.

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14 7.[C.] An erasure or correction invalidates only that section of the ballot  
15 in which it appears.

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17 8.[D.] In order to vote for a write-in candidate, the voter must:  
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- 19 a. Write in the candidate's name in the space provided;  
20 b. Mark the oval opposite the candidate's name in accordance  
21 with subsection A.1 of this section; and  
22 c. Not have marked ovals in excess of the number of offices  
23 available.  
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25 [A VOTE FOR A CANDIDATE WHOSE NAME IS NOT  
26 PRINTED ON THE BALLOT SHALL BE COUNTED ONLY IF  
27 THE NAME IS WRITTEN IN, THE SQUARE FOLLOWING IT  
28 IS PUNCHED, AND THE NUMBER OF PUNCHES DOES NOT  
29 EXCEED THE NUMBER OF OFFICES AVAILABLE.]  
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31 9.[E.] A write-in vote for a candidate whose name is also printed on the  
32 ballot may be counted only if the oval [SQUARE] following the  
33 written name is filled-in [PUNCHED], the filled-in oval  
34 [SQUARE] following the printed name is not filled-in  
35 [PUNCHED], and the number of filled-in ovals [PUNCHES] does  
36 not exceed the number of offices available.  
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38 10. A write-in vote shall not be counted in a runoff election.  
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40 11. A sticker bearing a candidate's name may not be used on the ballot.  
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42 12.[F.] If an equipment failure occurs, the municipal clerk shall determine  
43 whether the ballots are to be counted manually, or are to be  
44 transported to a backup facility. In either case, the ballot counting  
45 shall be done in accordance with the requirements of this section.  
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B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot shall not be counted unless marked in compliance with these rules.

(GAAB 7.05.160--7.05.170; CAC 2.68.260; AO No. 85-75)

**Section 5.** Anchorage Municipal Code section 28.80.030, 28.80.040 and 28.80.060 are hereby amended to read as follows:

**28.80.030**      **Public session of canvass.**

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- B. Any person present at the public session of the canvass may challenge the name of a questioned or absentee voter if he/she has good reason to suspect that the voter is not qualified to vote at the election, or the ballot has not been properly cast under the standards in section 28.80.040. Any person present at the public session of the canvass may challenge the rejection of a ballot if he has good reason to believe that the ballot has not been properly rejected. The person making the challenge shall specify the basis of the challenge in writing. The election commission by majority vote may refuse to accept and count the ballot of a person properly challenged under this subsection.
- C. If a questioned or absentee ballot is rejected, the municipal clerk shall send a notice of ballot rejection to the voter. The notice shall state the reason for rejection. The municipal clerk shall place all rejected ballots in a separate container [ENVELOPE] with statements of challenge. The container [ENVELOPE] shall be labeled "rejected ballots" and shall be retained with the election certificates and other returns for a period of 30 days after the date of certification of the election.
- D. If a questioned or absentee ballot is not rejected, the [LARGE] envelope shall be opened and the secrecy sleeve, if enclosed, [SMALL ENVELOPE] containing the ballot shall be placed in a container and mixed with other secrecy sleeves [SMALL ENVELOPES] containing questioned and absentee ballots.
- E. The secrecy sleeves containing the ballot [SMALL ENVELOPES] shall be drawn from the container, ballots removed [OPENED,] and the ballots counted according to the rules for determining properly marked ballots in section 28.70.030 or 28.70.050, except that absentee and questioned ballots need not be counted by precinct.

(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)

**28.80.040**      **Ballot review standards.**

A.      A questioned ballot may not be counted if:

- 1      The voter [HAS] failed to properly execute the certificate.
2.      An election judge [HAS] failed to execute the certificate.

B.      An absentee ballot may not be counted if:

- 1      The voter [HAS] failed to properly execute the certificate;
2.      The official or witnesses authorized by law to attest the voter's certificate failed to execute the certificate;
3.      The voter's certificate is not attested on or before the date of the election;
4.      The ballot, if mailed [POSTMARKED], is not postmarked on or before the date of the election;
- 5      The ballot is not received before the public session of the canvass;  
or
6.      The ballot envelope has no postmark and is received after election day.

(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)

**28.80.060**      **Certification of election.**

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E.      A runoff election for the offices of mayor, assembly or school board shall be as required in the Charter.

(GAAB 7.05.190; CAC 2.68.580; AO No. 252-76; AO No. 77-330; AO No. 85-75)

**Section 6.**      Anchorage Municipal Code sections 28.90.020, 28.90.030, and 28.90.040 are hereby amended to read as follows:

**28.90.020**      **Form of application.**

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1 B. The application shall include a deposit in cash, or by certified check[, OR  
2 BY BOND WITH A SURETY APPROVED BY THE MUNICIPAL  
3 CLERK]. The amount of the deposit shall be \$100.00 for each precinct.  
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5 (GAAB 7.05.205, 7.05.220; AO No. 85-75)  
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7 **28.90.030 Date of recount; notice.**  
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9 A. The municipal clerk shall commence a recount within seven days after it  
10 has been initiated under section 28.90.010.  
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12 B. The municipal clerk shall give the recount applicant and other directly  
13 interested parties notice of the time and place of the recount by certified  
14 mail, by telegraph, by fax, by e-mail or by telephone.  
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16 (GAAB 7.05.205, 7.05.220; AO No. 85-75)  
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18 **28.90.040 Procedure.**

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20 C. In conducting the recount, the election board shall review all ballots to  
21 determine which votes are to be counted in the recount, and shall check  
22 the accuracy of the original count. The election board shall check the  
23 number of ballots [AND QUESTIONED BALLOTS] cast in a precinct  
24 against the registers and shall check questioned and absentee ballots voted  
25 against questioned and absentee ballots distributed. The rules in section  
26 28.70[.030 FOR COUNTING VOTES ON HAND-MARKED BALLOTS  
27 AND THE RULES IN SECTION 28.70.050 FOR COUNTING VOTES  
28 ON PUNCH-CARD BALLOTS] shall be followed in the recount.  
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30 (GAAB 7.05.205, 7.05.220; AO No. 85-75)  
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32 **Section 7.** In order to assure the success of the accu-vote system in its inaugural  
33 application, the Municipal Clerk, upon the advice of the Municipal Attorney, may take  
34 whatever action is necessary to ensure the full and fair count of legally cast valid votes,  
35 consistent with Federal and State election law and the Municipal Charter. This section  
36 shall supercede inconsistent municipal code provisions, but shall sunset upon Assembly  
37 certification of the inaugural election.  
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39 **Section 8.** This ordinance shall become effective ~~February 28, 2001~~. January 1, 2002  
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1 PASSED AND APPROVED by the Anchorage Municipal Assembly this 27<sup>th</sup>  
2 day of February, 2001.  
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5  
6  
7 Fay Von Leammagen  
8 Chairman  
9

10 ATTEST:  
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13 Lynne Ferguson  
14 Municipal Clerk  
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