

Submitted by: ASSEMBLY MEMBER STOUT and
ASSEMBLY MEMBER TESCHE

Prepared by: Assembly Counsel

For reading: November 21, 2006

See AO 2006-155 (8-1)

ANCHORAGE, ALASKA

AO NO. 2006-155

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE SECTIONS 28.60.040 AND 28.60.050**
3 **REGARDING SPECIAL NEEDS BALLOTS TO HOSPITAL PATIENTS,**
4 **ALLOWING PERSONAL REPRESENTATIVE ASSISTANCE TO DISABLED**
5 **VOTERS, AND REQUIRING ONE ATTESTATION ON AN ABSENTEE BALLOT**
6 **BY MAIL.**

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9 THE ANCHORAGE ASSEMBLY ORDAINS:

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11 **Section 1.** Anchorage Municipal Code section 28.60.040 is amended to read as
12 follows:

13
14 **28.60.040** **Emergency application.**

15
16 **A.** **Special Needs.**

- 17
18 **1.** Any qualified voter who is an admitted [A] patient under the
19 care of a physician in a hospital [OR IN A PRIVATE HOME]
20 on the date of election and who is unable to vote in the polling
21 place of the voter's [HIS] precinct may request delivery of a
22 ballot [TO HIM] during or after the time of application for
23 absentee ballots has elapsed. Such requests may be made
24 by telephone or by a third party on the voter's behalf. If, in the
25 opinion of the municipal clerk, there is sufficient time for the
26 voted ballot to be returned before closing of the polls, a duly
27 appointed and sworn election official shall take the ballot,
28 along with an absentee ballot application and other necessary
29 materials, to the voter. After completing and signing
30 [HAVING FILLED OUT AND HAVING SIGNED] the
31 application for absentee ballot, the voter shall cast the [HIS]
32 ballot in the manner provided in this chapter for absentee
33 voting in the office of the municipal clerk. If there is doubt of
34 the voter's qualifications, the election official may request the
35 voter [HE MAY BE REQUESTED] to comply with the
36 questioned ballot procedure.

2. A qualified voter, with a disability preventing the voter from physically going to a polling place to vote, may request a special needs ballot from the following election officials during the periods specified:

- a. An absentee voting official on or after the 15th day before an election, up to and including Election Day; or
- b. An election supervisor on or after the 15th day before an election, up to and including Election Day; or
- c. An absentee voting official at an absentee voting station designated under section 28.60.030B, on or after the 15th day before an election, up to and including Election Day; or
- d. A member of the precinct election board on Election Day.

B. Personal representative.

1. If a qualified voter requests a special needs ballot under this section, through a representative, the representative shall sign a register provided by an election official and include the following information:

- a. The representative's name;
- b. The representative's residence address and mailing address;
- c. The representative's social security number, voter number, or date of birth;
- d. The name of the voter on whose behalf the representative is requesting a ballot and voting materials;
- e. An oath stating the representative:
 - i. is receiving a ballot and voting materials on behalf of the voter;

- ii. will not vote the ballot for the voter;
- iii. will not coerce the voter;
- iv. will not divulge the vote cast by the voter; and
- v. has been notified that unlawful interference with voting is punishable under AS 15.56.030;

f. The representative's signature.

2. The representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable. Upon receipt by the voter, these requirements shall be performed:

a. The voter shall mark the ballot in secret, place the ballot in the secrecy sleeve, and place the secrecy sleeve in the envelope provided.

b. The voter shall provide the same information on the envelope as required when voting in person by absentee ballot.

c. The voter shall sign the voter certificate in the presence of the representative.

d. The representative shall sign as attesting official and date the voter's signature.

3. The representative shall deliver the ballot and voter certificate to an election official as specified in section 9.28.060B.1. no later than 8:00 p.m. Alaska time on Election Day.

4. If a qualified voter's disability precludes the voter from performing any of the requirements of subsection B.2., the representative may perform those requirements, except making the voting decision on the voter's behalf.

5. A person shall not act as a representative for a voter if:

a. The person is the employer of the voter; or

b. An agent of the employer of the voter; or

c. An officer or agent of the union of the voter; or

d. A candidate for office in the election.

(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)

Section 2. Anchorage Municipal Code section 28.60.050 is amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

28.60.050 **Voting absentee by mail.**

*** *** ***

D. Attestation.

1. 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, the designated United States postal official, or other person qualified to administer oaths, shall mark the ballot in secret, place the ballot in the secrecy sleeve, if provided, place the ballot in an envelope, and sign the voter's certificate on the back of the envelope in the presence of an official listed in this subsection, who shall sign as attesting official and shall date the signature.

2. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall also certify under penalty of perjury that no official empowered to administer oaths is available, as prescribed in AS 09.63.020, and sign the voter certificate in the presence of an individual [HAVE THE VOTER'S CERTIFICATE ATTESTED BY TWO PERSONS OVER THE AGE OF] 18 years of age or older, who shall sign as a witness and attest to the date the voter signed the voter certificate in the presence of the witness.

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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)

Section 3. This ordinance shall become effective on the date the United States Department of Justice issues its non-objection, or on the date by which the United States Department of Justice must object, if no objection is issued within the objection period.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2006.

Chair of the Assembly

ATTEST:

Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 28.60.040 AND 28.60.050 REGARDING SPECIAL NEEDS BALLOTS TO HOSPITAL PATIENTS, ALLOWING PERSONAL REPRESENTATIVE ASSISTANCE TO DISABLED VOTERS, AND REQUIRING ONE ATTESTATION ON AN ABSENTEE BALLOT BY MAIL.

AO Number: 2006-155

Title:

Sponsor: Assemblymember Tesche and Stout

Preparing Agency: Assembly

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>
Operating Expenditures					
1000 Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -
2000 Non-Labor	-	-	-	-	-
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

There are no significant public sector economic effects associated with this ordinance.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no significant private sector economic effects associated with this ordinance.

Prepared by: Guadalupe Marroquin, Election Coordinator
Reviewed by: Barbara E. Gruenstein, Municipal Clerk

Telephone: 343-4376
Telephone: 343-4312



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. AM 829-2006

Meeting Date: November 21, 2006

From: Municipal Clerk's Office

Subject: **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 28.60.040
AND 28.60.050 REGARDING SPECIAL NEEDS BALLOTS TO
HOSPITAL PATIENTS, ALLOWING PERSONAL REPRESENTATIVE
ASSISTANCE TO DISABLED VOTERS, AND REQUIRING ONE
ATTESTATION ON AN ABSENTEE BALLOT BY MAIL**

The attached ordinance AO No. 2006-155 would allow the Municipal Clerk to deliver ballots to admitted hospital patients; allow disabled voters to vote with the assistance of a personal representative; and require only one witness on an absentee ballot envelope.

Upon request, the Clerk's Office would continue to deliver ballots to admitted patients in hospitals.

Ballots by Personal Representation is modeled after the State of Alaska process. A disabled voter would be able to request a family member or personal representative to pick up an absentee ballot, assist in voting and return the voted ballot to the Clerk's Office. Not only will it be more convenient and comfortable for the voter, it will also eliminate the need to send election workers to unfamiliar and sometimes unsafe locations to deliver ballots.

Requiring only one attestation on an absentee ballot when an official is not available will bring the municipality in line with current practice in the State of Alaska and many other Alaskan communities. This will be more convenient for the voter.

Your approval of this ordinance is requested.

Prepared by: Municipal Clerk's Office

Submitted by: Allan Tesche, Co-Chair & Ken Stout, Co-Chair

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2006-155

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT AMEND AMC 28.60.040 AND 28.60.060 REGARDING SPECIAL NEEDS BALLOTS	DATE PREPARED 11/9/06	
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Daniel A. Sullivan, Chairman	
	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Julia Tucker, Assembly Counsel	HIS/HER PHONE NUMBER 343-4419	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Municipal Clerk		
	Municipal Attorney		
	Employee Relations		
	Municipal Manager		
	Anchorage Parks & Recreation		
	Fire		
	Health & Human Services		
	Merrill Field Airport		
	Municipal Light & Power		
	Office of Management and Budget		
	Police		
	Port of Anchorage		
	Office of Economic & Community Development		
	Solid Waste Services		
	Public Transportation		
	Anchorage Water & Wastewater Utility		
	Executive Manager		
	Planning Department		
	Chief Fiscal Officer		
	Heritage Land Bank		
	Information Technology Department		
	Project Management & Engineering		
	Purchasing		
	Other		
5	Special Instructions/Comments		
	CONSENT AGENDA - INTRODUCTION		
6	ASSEMBLY HEARING DATE REQUESTED 11/21/06	7	PUBLIC HEARING DATE REQUESTED 12/12/06

M.O.A.
 2006 NOV -9 PM 3:06
 ULENS OFFICE