

CLERK'S OFFICE

APPROVED

Date: 1-23-07

Submitted by: ASSEMBLY MEMBERS STOUT
TESCHE, OSSIANDER, JENNINGS

Prepared by: Dept. of Law

For reading: January 23, 2007

ANCHORAGE, ALASKA
AO NO. 2006-155(S-1)

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.

7
8
9 THE ANCHORAGE ASSEMBLY ORDAINS:

10
11 **Section 1.** Anchorage Municipal Code section 28.60.040 is amended to read as
12 follows:

13
14 **28.60.040 Special needs voting [EMERGENCY APPLICATION].**

15
16 **A. Persons admitted as hospital patients and persons with a**
17 **disability who, because of the disability, are unable to go to**
18 **[physically prevented from voting at] a polling place, may vote a**
19 **special needs ballot.**

20
21 **B[A]. Persons admitted as hospital patients [Special needs].**

22
23 **1.** Any qualified voter who is an admitted [A] patient under the
24 care of a physician in a hospital [OR IN A PRIVATE HOME]
25 on the date of election and who is unable to vote in the polling
26 place of the voter's [HIS] precinct may request delivery of a
27 **special needs** ballot [TO HIM] during or after the time of
28 application for absentee ballots has elapsed **[, until Election**
29 **Day]. A request for delivery of a special needs ballot**
30 **may be made either by:**

31
32 **a. Telephone; or**

33
34 **b. [Self designation of a personal] A representative**
35 **selected by the voter.**
36

[SUCH REQUESTS MAY BE MADE BY TELEPHONE OR
BY A THIRD PARTY ON THE VOTER'S BEHALF.]

2. Delivery. If, in the opinion of the municipal clerk, there is
sufficient time for a special needs [THE VOTED] ballot to be
delivered and returned before closing of the polls, a duly
appointed and sworn election official shall take the special
needs ballot, along with an absentee ballot application and
other necessary materials, to the voter.

a. After completing and signing [HAVING FILLED OUT
AND HAVING SIGNED] the application for absentee
ballot, the voter shall cast the special needs [HIS]
ballot in the manner provided in this chapter for
absentee voting [IN THE OFFICE OF THE
MUNICIPAL CLERK].

b. If there is doubt of the voter's qualifications, the election
official may request the voter [HE MAY BE
REQUESTED] to comply with the questioned ballot
procedure.

3. The process for a qualified voter to select a representative is
set out in subsection D. below. [Self designation of a
personal representative. See subsection D. below.]

C[2]. A qualified voter with a disability who, because of the disability is
unable to go [with a disability preventing the voter from physically
going] to a polling place to vote, may request pick-up and delivery
of a special needs ballot, through a [self-designated personal]
representative, from one of 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.

D[B] Special needs voting by a [personal] representative selected by the voter.

1. If a qualified voter requests a special needs ballot ~~[under this section,]~~ through a ~~[self-designated personal]~~ representative, the [personal] representative shall sign a register provided by an election official. The register shall ~~[and]~~ include the following information:

- a. The [personal] representative's name;
- b. The [personal] representative's residence address and mailing address;
- c. The [personal] representative's social security number, voter number, or date of birth;
- d. The name of the voter on whose behalf the [personal] representative is requesting a ballot and voting materials;
- e. An oath stating the [personal] representative:
- i. is receiving a ballot and voting materials on behalf of the voter;
- ii. shall [will] not vote the ballot for the voter;
- iii. shall [will] not coerce the voter;
- iv. shall [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 [personal] representative's signature.

2. Delivery.

- a. The *[personal]* representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable.
 - b. The voter shall mark the ballot in secret, place the ballot in the secrecy sleeve, *if provided*, and *then* place the ballot ~~[secrecy sleeve]~~ in the envelope provided.
 - c. The voter shall provide the information on the envelope same as required for voting in person by absentee ballot.
 - d. The voter shall sign the voter certificate in the presence of the *[personal]* representative.
 - e. The *[personal]* representative shall sign as attesting official and date the voter's signature.
3. The *[personal]* representative shall deliver the ballot and voter certificate to an election official as specified in **subsection C. above, [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 **D[B].2.**, the *[personal]* representative *selected by the voter* may perform those requirements, except making the voting decision on the voter's behalf.
5. A person shall not act as a *[personal]* 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; or
 - e. A paid or unpaid campaign worker of a candidate for office in the election.

6. A person shall not act as a representative for more than two (2) qualified voters per 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. In addition, the voter shall 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.

*** *** ***

(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 33rd day of January, 2007.

Dan Sullivan
Chair of the Assembly

ATTEST:

Brian S. Mast

Municipal Clerk

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 77-2007

Meeting Date: January 23, 2007

1 **From:** Election Coordinator - Office of the Municipal Clerk

2
3 **Subject:** AO 2006-155(S-1): AN ORDINANCE OF THE ANCHORAGE
4 MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL
5 CODE SECTIONS 28.60.040 AND 28.60.050 REGARDING SPECIAL
6 NEEDS BALLOTS TO HOSPITAL PATIENTS, ALLOWING
7 PERSONAL REPRESENTATIVE ASSISTANCE TO DISABLED
8 VOTERS, AND REQUIRING ONE ATTESTATION ON AN
9 ABSENTEE BALLOT BY MAIL.

10
11 The suggestions and concerns voiced by Assembly Vice Chair Osslander and Assembly
12 Member Jennings are addressed in AO 2006-155 (S-1), accompanying this memorandum.
13 Changes from the original AO and the S version are reflected by *italics and underlining*, and
14 are set out in the following Anchorage Municipal Code sections:

- 15
16 1. Section 28.60.040A. The provision is revised to match the State's more restrictive
17 language, permitting special needs voting only by "... voters with a disability who,
18 because of that disability, are unable to go to a polling place, may vote special
19 needs."
20
21 2. Section 28.60.040C. For clarity, the phrase "self-designated" is replaced in all text
22 with "*a representative selected by the voter*", to eliminate potential confusion.
23
24 3. Section 28.60.040D.5.d. The restrictions on person allowed to be a voter
25 representative is expanded to include candidates and their campaign volunteers and
26 employees.
27
28 4. Section 28.60.040D.6. A person selected as a voter representative is limited to
29 representation of a maximum of 2 persons in any one election.
30
31 5. Section 28.60.040D.2.b. The procedure for using a secrecy sleeve, if provided, is
32 amended to match language in existing section 28.60.030C.
33
34 6. Throughout the ordinance, the phrase "personal representative" is replaced with
35 "*representative*", to match the State's language.
36

37 Respectfully submitted,

38
39 Guadalupe Marroquin, Election Coordinator – Office of the Municipal Clerk

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

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

AO 2006-155(S-1)

| | | | | |
|----------|--|----------|---|--|
| 1 | SUBJECT OF AGENDA DOCUMENT | | DATE PREPARED | |
| | AMENDING AMC 28.50.040 AND 28.60.050 | | 1/19/07 | |
| | REGARDING SPECIAL NEEDS BALLOTS | | | |
| | | | Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM | |
| 2 | DEPARTMENT NAME | | DIRECTOR'S NAME | |
| | Assembly | | Daniel A. Sullivan, Chairman | |
| 3 | THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY | | HIS/HER PHONE NUMBER | |
| | Rhonda Westover, Deputy Municipal Attorney | | 343-4532 | |
| 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 | | | |
| | | | | |
| | Addendum - Old Business | | | |
| | | | | |
| | | | | |
| 6 | ASSEMBLY HEARING DATE REQUESTED | | PUBLIC HEARING DATE REQUESTED | |
| | 1/23/07 | | 1/23/07 | |

M.O.A.
 2007 JAN 19 AM 8:27
 CLERK'S OFFICE



MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATION MEMORANDUM

No. AIM 24-2007

MEETING DATE: January 23, 2007

FROM: Assemblymembers Stout and Tesche

SUBJECT: SUMMARY OF ECONOMIC EFFECTS FOR AO 2006-155(S-1): 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 Summary of Economic Effects for the above-referenced ordinance is provided for your information.

Respectfully submitted: Assemblymembers Stout and Tesche

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

An ordinance of the Anchorage Municipal Assembly amending AMC 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: 2007-155 (S-1) Title:

Sponsor: Assemblymembers Stout and Tesche

Preparing Agency: Assembly

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

| | <u>FY07</u> | <u>FY08</u> | <u>FY09</u> | <u>FY10</u> | <u>FY11</u> |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|
| Operating Expenditures | | | | | |
| 1000 Personal Services | \$ - | \$ - | \$ - | \$ - | \$ - |
| 2000 Non-Labor | - | - | - | - | - |
| 3900 Contributions | | | | | |
| 4000 Debt Service | | | | | |
| TOTAL DIRECT COSTS: | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> |
| Add: 6000 Charges from Others | | | | | |
| Less: 7000 Charges to Others | | | | | |
| FUNCTION COST: | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> |

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

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

M.O.A.
2007 JAN 23 PM 2:44
CLEANS OFFICE

PRIVATE SECTOR ECONOMIC EFFECTS:

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

Prepared by: Steven B. King, Utility Budget Analyst
Date prepared: 1/23/2007
Reviewed by: Guadalupe Marroquin

Telephone: 343-4714

Telephone: 343-4376