

Title 4

ELECTIONS

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## Chapter 4.04

### BOROUGH ELECTIONS -- IN GENERAL

#### Sections:

- 4.04.010 Administration of Elections.
- 4.04.020 Voter Qualification.
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4.04.010 Administration of Elections. The Borough Assembly shall prescribe the rules for conducting Borough elections.

4.04.020 Voter Qualification. A person may vote in a Borough election only if he (1) is qualified to vote in state elections under A.S. 15.05.010; (2) has been a resident of the Borough for thirty days immediately preceding the election; (3) is registered to vote in state elections at a residence address within the Borough at least thirty days before the Borough election at which the person seeks to vote; and (4) is not disqualified under Article V of the state constitution.

4.04.030 Regular Election -- Date. On the third Tuesday of October of each year a regular election will be held in the Borough for the election of vacant Borough offices and the determination of such other matters as may be placed on the ballot.

4.04.040 Special Election -- Date. The Borough Assembly, by resolution, may order that a special election be held upon at least twenty days notice.

4.04.050 Expenses. The Borough shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, and any wages due election judges and clerks. Salaries for the election judges and clerks shall be set by the Assembly. However, all expenses

of making a recount pursuant to an election contest shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such recount expenses.

4.04.060 Time off for Voting. If any qualified voter does not have sufficient time outside his working hours within which to vote at any Borough election, he may, without loss of pay, take off as much working time as will enable him to vote. If any employee has two consecutive hours in which to vote, either between the opening of the polls and the beginning of his regular working shift or between the end of his regular working shift and the closing of the polls, he shall be deemed to have sufficient time outside his working hours within which to vote.

4.04.070 Number of Votes to be Cast.

A. For the office of Mayor, or to fill any single, specific School Board or Borough Assembly vacancy, each voter is entitled to cast one vote.

B. For School Board or Borough Assembly seats, excepting elections for vacancies specified in subsection A, each voter is entitled to cast the number of votes equal to the number of Borough Assembly or School Board seats to be filled.

4.04.080 Who is Declared Elected.

A. In a Borough election, the top vote-getting candidate for the office of Mayor, or for the unexpired term of a specific School Board or Borough Assembly vacancy shall be declared elected, whether or not any candidate receives greater than forty percent of the votes cast for that office.

B. In Borough elections in which multiple School Board or Borough Assembly seats are being filled, the candidate(s) receiving the greatest number of votes, and whose standing in the vote count is at least equal to the number of seats to be filled, shall be declared elected, whether or not such candidate(s) receive greater than forty percent of the votes cast for that office.

## Chapter 4.08

### ELECTION OFFICIALS

#### Sections:

- 4.08.010 Election Duties of Borough Clerk -- In General.
- 4.08.020 Election Judges and Clerks.
- 4.08.030 Filling Vacancies in Election Board.
- 4.08.040 Oath.
- 4.08.050 Canvass Committee.

4.08.010 Election Duties of Borough Clerk -- In General.  
The Borough Clerk or his designee will perform the duties necessary for the administration of Borough elections. The election duties of the Borough Clerk include, but are not limited to, obtaining from the State of Alaska a list of voters registered pursuant to AS 15.07.040. The Clerk may publish notices urging voter registration and may cooperate with the State of Alaska in encouraging Borough residents to register.

#### 4.08.020 Election Judges and Clerks.

A. Before each Borough election, the Assembly shall appoint an election board composed of at least three judges for each precinct. The Assembly may appoint two election clerks for each precinct. One judge in each precinct shall be designated chairman by the Assembly and shall be primarily responsible for administering the election in that precinct. Two of the appointed judges may also serve as the election clerks. The Borough Clerk may appoint up to three additional election clerks at any polling place when necessary to facilitate the orderly conduct of the election or to relieve the judges or clerks of undue hardship.

B. Each election judge or clerk must be a qualified voter of the Borough and, where practicable, a resident of the precinct for which appointed.

4.08.030 Filling Vacancies in Election Board. If an appointed election judge or clerk fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or canvass, the election board members present shall elect, by a majority voice vote, a qualified voter to fill the vacancy.

4.08.040 Oath. The Borough Clerk will choose an election judge from each precinct to appear before the Borough Clerk and take the oath set forth in this section. This election official will, in turn, administer the same oath to all other election judges and clerks in his precinct. The oath administered will be as follows:

"I . . . . do solemnly swear (affirm) that I will honestly and faithfully perform the duties of election judge (or clerk) according to law. I will endeavor to prevent fraud, deceit or abuse in conducting the election. All of this I will perform to the best of my ability, so help me God."

4.08.050 Canvass Committee. The Assembly shall act as the canvass committee, which will canvass all votes after the election judges have completed their tally of votes.

## Chapter 4.12

### CANDIDATES -- NOMINATIONS

#### Sections:

- 4.12.010 Candidates -- Qualifications.
- 4.12.020 Declaration of Candidacy -- Form and Filing.
- 4.12.030 Declaration of Candidacy -- Time for Filing.
- 4.12.040 Declaration of Candidacy -- Record.
- 4.12.050 Declaration of Candidacy - Time for Withdrawing  
Candidacy.
- 4.12.060 Declaration of Candidacy -- Preservation.
- 4.12.070 Declaration of Candidacy for Borough Assembly  
and School Board.
- 4.12.080 Prohibitions.

4.12.010 Candidates -- Qualifications. No person shall hold any elective office or be eligible to seek election thereto, unless he: (1) is a qualified voter of the Borough; and (2) has been a resident of the Borough for a period of not less than one year immediately preceding election day.

A qualified voter of the Borough is a person who possesses the qualifications set forth in AS 15.05.010 and who has registered to vote pursuant to Chapter 07 of Title 15 of the Alaska Statutes.

#### 4.12.020 Declaration of Candidacy -- Form and Filing.

A. A person who seeks to become a candidate for an elected office shall execute and file a declaration of candidacy.

B. The declaration shall be executed under oath on a form provided by the Borough Clerk and shall state the following:

1. The full name of the candidate, and the manner in which he wishes his name to appear on the ballot;
2. The full residence and mailing addresses of the candidate;
3. The office for which the candidate declares;
4. That the candidate is qualified for the office as provided by law and §4.12.010;
5. That the candidate agrees to serve if elected to the office of . . . for a term of . . . years; and
6. Any other information requested by the Borough Clerk which is reasonably necessary to administer the declare of candidacy process.

The Clerk shall record on the petition itself the name and address of the person by whom it is filed, and the date of filing.

4.12.030 Declaration of Candidacy -- Time for Filing. Declarations of candidacy shall be filed with the Borough Clerk no earlier than forty nor later than twenty days prior to a regular election and no earlier than twenty nor later than ten days prior to a special election.

4.12.040 Declaration of Candidacy -- Record. The Borough Clerk shall maintain a record containing the name and address of every person for which a declaration of candidacy is filed and the date and time of the filing.

4.12.050 Declaration of Candidacy -- Time for Withdrawing Candidacy. A candidate may withdraw his declaration of candidacy through the last day for filing declarations, by filing with the Borough Clerk a statement under oath containing the name of the candidate, the office for which the candidate declared, and that the candidate is withdrawing his candidacy for that office.

4.12.060 Declaration of Candidacy -- Preservation. The declaration of candidacy of each candidate will be preserved by the Borough Clerk until the term for which he declared expires.

4.12.070 Declaration of Candidacy for Borough Assembly and School Board. In addition to the other requirements of §4.12.020, the declaration of candidacy of a person who seeks to become a candidate for School Board or Borough Assembly must declare whether the person is seeking election to the board or Assembly at-large for a full three-year or two-year term, respectively, or whether the person is seeking election for the unexpired term of a specific Board or Assembly vacancy.

4.12.080 Prohibitions. A person may not serve simultaneously as Borough Mayor and as a member of the Borough Assembly.

Chapter 4.16

NOTICE OF ELECTIONS

Sections:

- 4.16.010 Notice of Election.
- 4.16.020 Contents of Election Notice.

4.16.010 Notice of Election. Excepting other provisions of this title, the Borough Clerk, subject to any directions from the Assembly, shall give at least twenty days notice of each regular and special election, by posting notice thereof in two or more conspicuous places in the Borough, and by publishing the notice at least twice in a newspaper of general circulation within the Borough, providing there is such a newspaper. The posting of the notices and the first publication shall be done within the twenty-day requirement set forth above. The second publication shall be given no later than the day before the election.

4.16.020 Contents of Election Notice. Notices for regular and special elections shall state:

- A. Whether the election is a regular or special election;
- B. The date of the election;
- C. The hours between which the polling places will be open;
- D. The offices to which candidates are to be elected or the subjects of the propositions to be voted upon;
- E. The location of the polling places; and
- F. A description of the voting precinct boundaries or a reference to the Alaska Administrative Code sections establishing the precinct boundaries.



## Chapter 4.20

### ELECTION EQUIPMENT

#### Sections:

- 4.20.010 Election Supplies and Equipment.
- 4.20.020 Furnishing Instruction Cards.
- 4.20.030 Ballots -- Printing and Inspection.
- 4.20.040 Ballots -- Form.
- 4.20.050 Sample Ballots.
- 4.20.060 Registration List and Original Register --  
Distribution to Precinct Officials.
- 4.20.070 Voting Machines.

#### 4.20.010 Election Supplies and Equipment.

A. Before the polls open, the Borough Clerk shall provide all materials, forms, supplies and equipment required for the election.

B. The Clerk shall provide ballot boxes and an adequate number of voting booths for each polling place. At least three sides of each voting booth shall be enclosed and said booths shall enable each voter to mark a ballot screened from observation. Ballot boxes shall be placed outside of the voting booths in plain view of the election officials and other persons at the polling place.

4.20.020 Furnishing Instruction Cards. The Borough Clerk will furnish to each election board instructions for the guidance of voters, covering the following:

- A. How to obtain ballots;
- B. The manner for marking ballots;
- C. The method for obtaining information; and
- D. How to procure new ballots to replace any ballot destroyed or spoiled.

4.20.030 Ballots -- Printing and Inspection. In all Borough elections, the Borough Clerk shall be responsible for the printing or mimeographing of ballots. The ballots shall be in the possession of the Borough Clerk at least five days prior to any election and subject to the inspection of candidates or their agents.

4.20.040 Ballots -- Form.

A. A ballot shall consist of a list of candidates and issues to be decided at the election.

B. The title of the office, and "Vote for no more than (the number of offices to be filled)" shall precede the list of candidates.

C. Under the title of each office and below the printed names of the candidates, there shall be printed blank lines for write-in candidates equal to the number of offices to be filled.

D. When voting machines are used, a vote may be cast for any person whose name does not appear on the machine. The vote will be written upon the device provided on the machine for that purpose.

E. Each ballot shall bear, so as to be clearly visible, the words "Official Ballot," the date of the election, and a facsimile signature of the Clerk.

F. The ballots will be printed on plain white paper and numbered consecutively. The names of the candidates will be printed in the same size capital letters. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch per side will be printed.

G. The names of candidates shall be printed as they appear upon the declarations filed with the Borough Clerk, except that any honorary or assumed title or prefix shall be omitted. The positions on the ballot of the names of candidates shall be changed from one ballot to the next, as required by the laws of the State of Alaska for state elections.

H. All propositions and questions to be voted on shall be placed on the ballot, following the candidates for office. The words "Yes" and "No" shall be placed below the statement of each proposition and question.

4.20.050 Sample Ballots. The Borough Clerk shall have a number of sample ballots printed. The sample ballots shall be printed on non-white paper and clearly labeled "Sample Ballot." Sample ballots shall be delivered to the election board in each precinct.

4.20.060 Registration List and Original Register -- Distribution to Precinct Officials. Prior to the opening of the polls, the Borough Clerk shall deliver an official registration list, and an original register to the election officials in every precinct. The original register will provide sufficient space to enable voters to sign their name and enter residential and mailing addresses. The signing of the register constitutes

an oath by the voter that he is qualified to vote. A record shall also be kept in the original register of the names of persons who offer to vote but are refused, and a brief statement of the basis for the refusal.

4.20.070 Voting Machines. Voting machines may be used in addition to or instead of paper ballots in any election. All necessary supplies for the assistance of voters, such as sample ballots, shall be provided in the same manner as where paper ballots are used.

## Chapter 4.24

### ELECTION PROCEDURES

#### Sections:

- 4.24.010 Time for Opening and Closing Polls.
- 4.24.020 Distribution of Ballots.
- 4.24.030 Preparation of Ballot Box.
- 4.24.040 Voting Procedure.
- 4.24.050 Marking of Ballots by Voters.
- 4.24.060 Exhibiting Marked Ballots Prohibited.
- 4.24.070 Identification of Ballots Prohibited.
- 4.24.080 Challenging of Voters of Suspect Qualification.
- 4.24.090 Questioning a Voter's Ballot.
- 4.24.100 Disposition of Challenged Ballots.
- 4.24.110 Ballots -- Counting and Tallying.
- 4.24.120 Defective and Unused Ballots.
- 4.24.130 Election Certificate.
- 4.24.140 Majority Decision of Election Board.
- 4.24.150 Prohibition of Persuasion near Election Polls.

#### 4.24.010 Time for Opening and Closing Polls.

A. Each election day, the polls in each precinct shall be open for voting from 8:00 a.m. to 8:00 p.m. The election board members shall report to the polling place at 7:30 in the morning of an election day.

B. 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.

4.24.020 Distribution of Ballots. The Borough Clerk shall deliver the ballots to the election board before the polls open on election day. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside. A receipt for each package shall be taken from the election board to which it is delivered, and preserved by the Borough Clerk. No ballots shall be taken from the polling place before the closing of the polls.

4.24.030 Preparation of Ballot Box. Before receiving any ballots, the election board must, in the presence of all persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. Thereafter, the box will be

sealed and not opened again until the polls are closed. At the close of polls and upon the receipt within the ballot box of all ballots timely voted, the ballot box will be personally opened by the election judges as specified in § 4.24.110.

4.24.040 Voting Procedure.

A. Before being allowed to vote, each voter shall exhibit to an election official one form of identification, including but not limited to, an official voter registration card, driver's license, passport, or hunting or fishing license. An election official may waive the identification requirement if the election official knows the identity of the voter. The voter shall then write his name and residence and mailing addresses on the first available line of the original register. If any election official believes the voter is not qualified to vote, he shall immediately challenge the voter in accordance with Section 4.24.080.

B. When a voter has qualified to vote, the election official shall give the voter an official ballot. The voter shall retire alone to a voting booth and without undue delay, prepare his ballot by marking the appropriate boxes opposite the names of the candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose, and the appropriate boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number thereon and deliver it to one of the judges or clerks, who shall tear the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by the judges and clerks.

C. A voter who by accident or mistake mutilates or spoils his ballot shall, upon returning the same to the judges and clerks, be given another.

D. A qualified voter who cannot see, read or is otherwise incapable of marking his ballot may request an election official to assist him. If the election official is requested, he shall assist the voter.

4.24.050 Marking of Ballots by Voters.

A. A voter shall mark his ballot only by the use of crossmark, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced within the square opposite the name of the candidate or proposition or question desired to be designated.

B. A failure to properly mark a ballot does not in itself invalidate the entire ballot.

1. 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.

2. 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.

3. A voter's mark shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

4. Improper marks on a ballot shall not be counted and shall not invalidate proper marks on the ballot.

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

6. Write-in votes are not invalidated by writing in the name of a candidate whose name is already 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.

C. Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name.

D. No voter may leave the polling place with the official ballot that he received to mark.

4.24.060 Exhibiting Marked Ballots Prohibited. No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in Section 4.24.040(d).

4.24.070 Identification of Ballots Prohibited. While the polls are open, no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.

4.24.080 Challenging of Voters of Suspect Qualification. Every election judge and election clerk shall challenge, and every watcher and any other person qualified to vote in the precinct may challenge a person attempting to vote if the challenger has good reason to suspect that the challenged person is not qualified to vote. All challenges regarding a person's qualification to vote shall be made in writing setting out the reason for the challenge. A challenged person before

voting shall subscribe to an oath and affidavit provided by the Borough Clerk attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. The challenged person shall also state the place from which he came immediately before living in the precinct where he is now offering to vote and the length of time of residency in the former place. After the challenged person has taken the oath and signed the affidavit, the person may vote. If the challenged person refuses to take the oath or sign the affidavit, the person may not vote.

4.24.090 Questioning a Voter's Ballot. If his polling place is in question, a voter shall be allowed to vote, and election officials shall consider the ballot as a challenged ballot.

4.24.100 Disposition of Challenged Ballots. A voter who casts a challenged ballot shall vote the ballot in the same manner as prescribed for other voters. After voting, the voter shall insert the ballot into a small blank envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The oath and affidavit envelope shall be sealed by an election official and inserted into a large envelope. The envelope will be delivered to the Borough Clerk, who will present it to the canvass committee and assist in determining the merits of the challenge.

4.24.110 Ballots -- Counting and Tallying.

A. Immediately after the polls close and the last vote has been cast, the election judges shall immediately open the ballot boxes in full view of all persons present and count the votes cast in accordance with subsections B and C.

B. The ballots will be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the original register. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the register to have been cast in the precinct, the ballots shall be recounted until the election board finds that there is a discrepancy or that the number of ballots cast matches the number of ballots indicated by the register. If a discrepancy is determined to exist, it shall be explained in detail in writing on the tally paper or papers and such explanation shall be signed by the judges.

C. Ballots are counted by hand by the election judges. The counting of the ballots shall be public and the election

board shall allow any person to see the ballots when the votes are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed election officials from their duties, and no one other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. No person handling the ballots may remove a ballot from the immediate vicinity. The election judges shall cause the vote tally to be continued without adjournment until the court is complete.

4.24.120 Defective and Unused Ballots. If a voter shall mark more names than there are persons to be elected to any office, or if, for any reason, it is impossible to determine from his ballot any voter's choice for any office to be filled or proposition or question to be answered, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine from an inspection of the ballot the person for whom the voter intended to vote and the office intended to be designated by the voter or the answer to the propositions or questions presented. Ballots not counted shall be marked "Defective" on the back thereof, and ballots to which objection has been made shall be marked "Objected To" on the back thereof. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with a description of its contents. All defective or objected to ballots, all ballots not voted, and all ballots mutilated or spoiled by voters shall be returned by the judges to the Borough Clerk, who shall give a receipt therefore and keep a record of the number and character of ballots returned to him, indicating when and by which judge each was returned.

4.24.130 Election Certificate. When the count of votes is completed, the election board shall make a certificate of the results. The 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 Clerk. The register and the tally of votes will be attached to the certificate and the certificate will be signed by the election judges. The registration list, original register,



tallies or tally papers, oath of judges, oath of voters, all other papers and the election certificate will be placed in an envelope. The envelope will be marked "Election Returns" and delivered to the Borough Clerk.

4.24.140 Majority Decision of Election Board. The decision of the majority of the judges determines the action that the election board shall take regarding any question which arises during the course of the election.

4.24.150 Prohibition of Persuasion Near Election Polls. During the hours the polls are open, no person who is in the polling place or within one hundred feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question.

Chapter 4.28

CANVASSING OF ELECTION RETURNS

Sections:

- 4.28.010 Canvass Committee -- Meeting -- Postponing  
Canvass.
- 4.28.020 Canvassing Procedure.
- 4.28.030 Investigation of Challenged Ballots.
- 4.28.040 Challenged Ballots -- Subpoenas.
- 4.28.050 Canvass Committee -- Report -- Contents.
- 4.28.060 Results of Election -- Public Declaration.

4.28.010 Canvass Committee -- Meeting -- Postponing  
Canvass. A minimum of two members of the Borough Assembly, with the Mayor qualified to serve as one of the members, acting as the canvass committee will meet on or before the second Thursday after the election for which they are appointed and canvass all ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three days in total.

4.28.020 Canvassing Procedure.

A. The canvass of all absentee and challenged ballots will be made in public by opening the returns, and announcing the results thereof, in front of whomever may be present.

B. Absentee ballots shall be counted by the Borough Clerk and two or more assistants appointed by him in the following manner: All ballot envelopes shall be removed from return envelopes, and placed in a ballot box. The return envelopes shall be delivered to the Borough Clerk. The absentee ballots shall then one by one be removed from the ballot box, taken out of the ballot envelopes and counted in the same manner in which ballots cast at the polls are counted by an election board.

C. The canvass shall include a review and comparison of the tallies of paper ballots with the precinct election certificates to correct any mathematical error in the count of paper ballots.

D. If the Borough Clerk finds an unexplained error in the tally of paper ballots in any precinct election tally, he may count the ballots from the precinct. The Borough Clerk shall certify in writing to the state canvass board any changes resulting from the count.

4.28.030 Investigation of Challenged Ballots.

A. The canvass committee may request the assistance of the Borough Clerk, Borough Attorney or the Mayor to investigate the challenges made. Any Borough voter may appear to give testimony concerning the challenged ballots. The canvass committee will deliver the challenged ballots to the Assembly and submit a report of their findings. The Assembly may, by a majority vote of those present, affirm or deny a challenge. If a challenge is upheld, the ballot challenged will not be opened and counted, but will be stored and preserved as other ballots. If a challenge is denied, the ballot will be counted with the absentee ballots. The Borough Clerk will notify a voter whose ballot is not counted that the challenge was upheld.

B. The Assembly may act separately as the canvass committee, and then review its own findings in the manner outlined in subsection (A).

4.28.040 Challenged Ballots -- Subpoenas. The Assembly may order testimony of witnesses and issue subpoenas or subpoenas duces tecum while investigating challenged ballots. The subpoenas may be enforced by the court upon certification as provided for by the state rules of civil procedure concerning the enforcement of administrative and state agency subpoenas.

4.28.050 Canvass Committee -- Report -- Contents. The canvass committee will submit a report of its findings to the Assembly on or before the Tuesday following the canvass committee meeting referred to in § 4.28.010. The report will show:

- A. The number of ballots cast in the election;
- B. The names of the persons voted for and the propositions voted upon;
- C. The offices voted for;
- D. The number of votes cast for each candidate and the number of votes cast for or against each proposition or question voted on;
- E. A proposed disposition of all challenged, absentee, write-in and voided ballots; and
- F. Other matters which the canvass committee may determine to be necessary.

4.28.060 Results of Election -- Public Declaration.

A. If a contest is not initiated under the provisions of Chapter 4.36, the result of the election shall be publicly declared by the Assembly and entered in the minutes of a special

meeting of the Assembly on or before the second Tuesday following the election, which may be at the same time as the canvass committee report set out in 4.28.050.

B. If a contest is held and determined, the result of the election shall be publicly declared by the Assembly and entered in the minutes of a special meeting of the Assembly within a week after the contest if determined.

## Chapter 4.32

### ABSENTEE VOTING

#### Sections:

- 4.32.010 Persons who Vote Absentee.
- 4.32.020 Application for Absentee Ballot.
- 4.32.030 Delivery of Absentee Ballot.
- 4.32.040 Mailing by Clerk.
- 4.32.050 Notation of Ballot Number and Date of Application.
- 4.32.060 Identification and Return Envelopes.
- 4.32.070 Absentee Voting in Person.
- 4.32.080 Absentee Voting by Mail.
- 4.32.090 Absentee Ballots -- Voting Supplies.
- 4.32.100 Liberal Construction.

4.32.010 Persons who Vote Absentee. At any election, a qualified voter may vote an absentee ballot for any reason.

#### 4.32.020 Application for Absentee Ballot.

A. A person who seeks to vote by absentee ballot may apply either in person or by mailing his written application to the Borough Clerk.

B. An application made by mail must be received by the Borough Clerk not more than twenty days, nor less than three days before a Borough election. An application made in person must be filed with the Borough Clerk not more than fifteen days before the Borough election, and not later than noon on the day before a Borough election.

C. The application must be signed by the applicant and show his place of residence.

D. Nothing in this section is intended to limit the Borough Clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the Borough Clerk's office for an absentee ballot.

#### 4.32.030 Delivery of Absentee Ballot.

Upon timely receipt of an application for an absentee ballot, the receiving Clerk will first file it and then check the latest state registration listings to determine whether the applicant is registered pursuant to AS Chapter 15.07. If the applicant is properly registered, the Clerk will deliver to the



certify that in my presence this affiant enclosed said ballot and handed me this envelope sealed; that he or she signed this affidavit and I acknowledged the same, all in accordance with the law.

\_\_\_\_\_  
Official's Signature

(SEAL)

\_\_\_\_\_  
Title of Officer

NOTICE: After receiving the sealed envelope back from the person taking your affidavit, when voting outside the office of the Borough Clerk of the City and Borough of Yakutat, you must immediately return it by mail, postage prepaid, to the Borough Clerk, PO Box 160, Yakutat, Alaska.

MARKED BALLOT ENCLOSED TO BE  
OPENED ONLY BY  
CANVASSING COMMITTEE

4.32.070 Absentee Voting in Person. A voter who receives an absentee ballot may, on any day prior to the day of the election, appear at the office of the Borough Clerk, Yakutat, Alaska, and execute his ballot under the scrutiny of the Borough Clerk or his designee in the following manner:

A. The voter will first display the ballot to the Clerk to show that the ballot has not been previously marked. He then will proceed to mark the ballot in the voting booth at the Clerk's office. The voter will place the ballot into the identification envelope provided him, in a manner that permits the Clerk to see the ballot number. The voter will then hand the ballot to the Clerk, who will examine it. If the Clerk determines that the ballot is numbered correctly, he will tear the printed number off and permit the voter to enclose the ballot into the identification envelope;

B. The voter will then make out and swear to the affidavit printed on the face of the envelope. He will then seal the envelope and deliver it to the Clerk. The Clerk will certify the affidavit printed on the identification envelope by writing or stamping his name across the seal. The Clerk will then deposit the envelope into a safe place in his office, to be kept by him and delivered to the canvassing committee;

If an absent voter does not execute the absentee ballot sent to him by the Clerk and returns to his voting precinct on election day, he will not be allowed to vote until he surrenders

the unused absentee ballot and any other supplies mailed to him. The election judges will return the unused absentee ballot with the other unused ballots.

4.32.080 Absentee Voting by Mail.

A. After receiving an absentee ballot by mail, the voter, in the presence of a notary public, clerk or officer of any city, borough, state, territory or district within the United States, may proceed to mark the ballot in secret with pen and ink or indelible pencil, place the ballot in the identification envelope, and sign the affidavit on the back of the envelope in the presence of an official listed in this subsection who shall sign as attesting official, date the signature, enclose the envelope in the return envelope and seal it.

B. An absentee ballot shall be marked and attested on or before the date of the election.

C. To be counted, an absentee ballot must be executed prior to the time the polls close in the Borough and be received by the Clerk prior to the time the ballots are canvassed by the canvassing committee.

4.32.090 Absentee Ballots -- Voting Supplies. All supplies necessary for the voter to execute and return his ballot will be furnished by the Clerk. No Borough official may make any charge for services rendered to any voter under the provisions of this chapter.

4.32.100 Liberal Construction. Sections 4.32.010 through 4.32.090 will be liberally construed, so as to accomplish the purposes for which they are intended.



Chapter 4.36

CONTEST OF ELECTION

Sections:

- 4.36.010 Contest of Election.
- 4.36.020 Contest of Election -- Investigation.
- 4.36.030 Prohibited Practices Alleged.
- 4.36.040 Sustained Charges -- Recount.
- 4.36.050 Appeal.
- 4.36.060 Ballot Recount.
- 4.36.070 Recount Expenses.
- 4.36.080 Determination of Tie Votes.

4.36.010 Contest of Election.

A. Any candidate or any ten qualified voters may contest the election of any person or the approval or rejection of any question or proposition.

B. A candidate or voter who believes that prohibited practices occurred at an election will appear before the Assembly at the first meeting held following the election. He will deliver a sworn written notice of contest as follows, which will state with particularity the provisions of the law allegedly violated and the specific acts asserted as misconduct.

"NOTICE OF ELECTION CONTEST"

The undersigned believes that prohibited practices occurred at the election held on

\_\_\_\_\_

The undersigned states that the following provisions of law were violated:

\_\_\_\_\_  
\_\_\_\_\_

The undersigned states that the above provisions of the law were violated in the following manner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Person Contesting

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for Alaska  
My commission expires:\_\_\_\_\_

4.36.020 Contest of Election -- Investigation. If a notice of contest is received, the Borough Assembly will order an investigation to be made by the Borough Attorney, Borough Clerk or the Mayor. Investigation proceedings will be public.

4.36.030 Prohibited Practices Alleged. When the contestant alleges prohibited practices, the Assembly will direct the Borough Clerk to produce the original precinct register books for the election.

4.36.040 Sustained Charges -- Recount. If the charges alleged by the contestant are sustained, the defective ballots will be purged from the election returns, and the canvassing committee shall make a recount without counting the illegal votes. The results of such recount will be reported immediately to the Assembly. The Assembly will then certify the correct election returns as provided in Section 4.28.060.

4.36.050 Appeal. No person may appeal or seek judicial review of a Borough election for any cause or reason unless the person is qualified to vote in the Borough, has exhausted his administrative remedies before the Assembly as set out in 4.36.010 and has commenced, within ten days after the Assembly has finally declared the election results, an action in the superior court in the judicial district in which the Borough is located. If no such action is commenced within the ten-day period, the election and election results shall be conclusive, final and valid in all respects.

4.36.060 Ballot Recount. If only a recount of ballots is demanded, the election boards in the precincts where error allegedly occurred shall commence a recount of the ballots in those precincts within seven days. The recount shall be open to observation by the public. Upon completion of the recount, the Assembly shall then declare the election results as provided in Section 4.28.060.

4.36.070 Recount Expenses. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two percent.

4.36.080 Determination of Tie Votes. If after a recount and appeal, or after a recount without appeal or the time for appeal has run, two or more candidates tie in having the highest number of votes for the same office, the Mayor shall notify the candidates who are tied of a reasonably suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the Mayor shall so certify.