

**TENAKEE SPINGS MUNICIPAL CODE**

**TITLE 11**

**ELECTIONS**

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**CHAPTER 11.01**

**CITY ELECTIONS—IN GENERAL**

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**11.01.005 Incorporation of State and Federal Law.** All provisions of the Constitution of the United States, the Constitution of the State of Alaska, and any laws enacted pursuant to said constitutions affecting city elections, are incorporated in this title as if fully set out herein.

**11.01.010 Precincts.** A. The original city precinct shall be a “precinct of the whole”, containing the entire area within the corporate boundaries of Tenakee Springs, Alaska.  
 B. The City Council may establish voting precincts for municipal elections, by ordinance.

**11.01.020 Administration of Elections.** The City Council shall prescribe the general rules for conducting city elections.

**11.01.030 Voter Qualification.** A. A person may vote only if he is a United States citizen who is qualified to vote in state elections and has been a resident of the municipality for thirty (30) days immediately preceding the election and who is registered to vote in state elections and is not disqualified under Article V. of the State Constitution.  
 B. No person may be disqualified from voting at a city election merely because of a change of his residence within the city.

**11.01.040 General Election** On the first Tuesday of October of each year, a General Election shall be held in the city for the election of vacant city offices and the determination of such other matters as may be placed on the ballot.

**11.01.050 Special Elections.**  
 A. Special elections shall be called by:  
 1. an ordinance or resolution of the City Council; or  
 2. the filing of a sufficient initiative, referendum or recall petition with the city clerk.  
 B. A special election called for by an Ordinance or Resolution of the City Council shall be held on the 6<sup>th</sup> Tuesday following the adoption of the Ordinance or Resolution calling for a special election, provided that the 6<sup>th</sup> Tuesday is not a federal, state or city holiday, whereupon the special election shall be held on the 7<sup>th</sup> Tuesday.  
 C. Special elections called for by the filing of sufficient petitions for initiative, referendum or recall shall be held on the 8<sup>th</sup> Tuesday following:  
 1. the certification by the city clerk of a sufficient initiative or referendum petition;  
 2. the submission of a sufficient recall petition to the City Council, providing that the 8<sup>th</sup> Tuesday is not a federal, state or city holiday, whereupon the special election shall be held on the 9<sup>th</sup> Tuesday.

**11.01.060 Expenses—Charges.** A. The city 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 judges and clerks. Salaries for the election judges and clerks shall be set by the council. However, all expenses of making a recount pursuant to an election contest shall be paid by the candidate or voters contesting the election, unless Section 11.09.020 applies.

B. No city official may make any charge for services, such as voter assistance (11.07.050) and in-person and physically disabled absentee voting (11.06.060 and 11.06.070), rendered to any voter under provisions of this title.

**11.01.070 Time Off for Voting.** Any qualified voter who does not have sufficient time outside his working hours within which to vote at any city election 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 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.

**11.01.080 Runoff Elections.** Section 11.01.080 deleted by Ord 18-03 on 9/28/17

**11.01.090 Election Offenses, Corrupt Procedures.** A. The following acts are declared to be election offenses and corrupt practices and are hereby prohibited.

1. Inducing, compelling or attempting to induce or compel any person to vote or refrain from voting for any candidate in any election or for or against any election proposition or question by, directly or indirectly, using or threatening to use force coercion, violence or restraint or inflicting or threatening to inflict damage, harm or loss upon or against the person.
2. Giving, promising to give, or offering any money or other valuable thing to any person with the intent to induce him to vote for or restrain from voting for any question.
3. Printing or circulating, or causing to be written, printed or circulated, any letter, circular, bill, placard or poster, or other publication relating to any election or any candidate at any election or to any election proposition or question without the same bearing on its face, the name and address of the author, printer and publisher thereof.
4. Writing, printing or circulating, or causing to be written, printed or circulated, any letter, circular, bill, placard or poster or causing any paid advertising to be placed in a newspaper or any other publication, or paying or contributing to the payment for any such advertisement, or asking any radio or television broadcast, with knowledge that the letter, circular, bill, placard, broadcast contains any false statement, charge or comment relating to any candidate at any election or to any election proposition or question.
5. Possession of an official ballot outside of the voting room by any person not authorized by law.
6. While the polls are open, opening any ballot received from a voter, or marking a ballot by folding or otherwise so as to be able to recognize it, or otherwise

- attempting to learn how any voter marked his ballot, by an election judge or clerk or by any other person with his permission
7. Voting or attempting to vote in the name of another person or in any name other than the voter's own.
  8. By force, threat, intimidation, or offer of reward, inducing or attempting to induce any election judge or clerk to fail in his/her duty.
  9. Willfully changing or causing to be changed any official election documents including ballots, tallies, and returns, or attempting to do so.
  10. Willfully delaying or causing to be delayed the election returns, or attempting to do so.
  11. Willfully voting or attempting to vote more than once at the same election.
  12. Willfully making a false affidavit or swearing falsely under the oath required by this chapter.
  13. Willful failure to perform any election duty or knowingly doing any unauthorized act with the intent to affect the election or its results, by any election judge, supervisor or clerk.
  14. Willfully permitting, making or attempting to make any false count of the election returns by an election judge or clerk.
  15. Willful concealment, withholding, or destruction of the election returns.
  16. Electioneering on election day within the polling place or within two hundred (200) feet of same.

**11.01.100 Elections, Non-Partisan.** All elections of city officers shall be non-partisan.

**11.01.110 Penalties.** A. Violation of any provision of this chapter is a civil violation for which a notice may be issued under the provisions set forth in Chapter 01.05 and subject to a civil penalty in the amount set forth in Section 01.05.030 not to exceed five hundred dollars (\$500).

B. Any person elected to any city office who is found in violation of any provision of this chapter, shall in addition to any penalty be deprived of the office of election and the vacancy shall be filled as any other vacancy.

## **CHAPTER 11.02**

### **ELECTION OFFICIALS**

|           |           |                                                 |
|-----------|-----------|-------------------------------------------------|
| Sections: | 11.02.010 | <b>ELECTION DUTIES OF CITY CLERK—IN GENERAL</b> |
|           | 11.02.020 | <b>ELECTION JUDGES AND CLERKS</b>               |
|           | 11.02.030 | <b>FILLING VACANCIES IN ELECTION BOARD</b>      |
|           | 11.02.040 | <b>ELECTION OFFICIALS--OATH</b>                 |
|           | 11.02.050 | <b>CANVASS BOARD</b>                            |

**11.02.010 Election Duties of City Clerk—In General.** The city clerk or a properly authorized designee will perform the duties necessary for the administration of city elections and shall be the city election supervisor.

**11.02.020 Election Judges and Clerks.** A. Before each city election the City Council shall appoint three judges to constitute the Election Board and may appoint two (2) election clerks. One judge shall be designated chairman by the City Council and shall be primarily responsible for administering the election at the polls. Two of the appointed judges may also serve as the election clerks. The election supervisor or the Election Board chair may appoint 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 judge or clerk must be a qualified voter and resident of the city of Tenakee Springs, and shall not be a candidate for office.

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

**11.02.040 Election Officials—Oath.** Each judge shall sign, and file with the election Supervisor on or before election day, the following oath:

“I, \_\_\_\_\_, do solemnly swear, (of affirm) that I will support the Constitution of the United States and State of Alaska and the laws and ordinances of the City of Tenakee Springs, Alaska, and that I will honestly, faithfully and impartially perform the duties or the office of \_\_\_\_\_, to the best of my ability.”

**11.02.050 Canvass Board.** The City Council shall sit as the Canvass Board which shall canvass all votes after the election judges have completed their tally of votes; in accordance with Chapter 11.08 of this title.

## CHAPTER 11.03

### CANDIDATES—NOMINATIONS

|           |            |                                  |
|-----------|------------|----------------------------------|
| Sections: | 11.03.010. | <b>CANDIDATES—QUALIFICATIONS</b> |
|           | 11.03.020  | <b>NOMINATION OF CANDIDATES</b>  |

**11.03.010 Candidates—Qualifications.**

A. No person shall hold any elective office or be eligible to seek election thereto, unless he is a qualified voter of the city and has been a resident of the city of Tenakee Springs for a period of not less than one (1) years preceding election day.

B. The election supervisor shall determine the candidates qualifications, following the rules for determining residence of voter, according to AS 15.05.020.

C. Appeals to the election supervisor’s decision shall be filed in the City Office with the mayor or the city clerk within three (3) days of the challenged decision.

D. The City Council shall decide on the appeal within seven (7) days.

**11.03.020 Nomination of Candidates.**

A. Nominations for elective offices shall be made by petition. Each voter signing a petition shall state on the petition his place of residence, by street and number, or lot and block, or other sufficient means.

B. Nominating petitions shall be in substantially the following form:

“We the undersigned qualified voters of the City of Tenakee Springs, the State of Alaska, hereby nominate and sponsor \_\_\_\_\_, whose residence is \_\_\_\_\_, for the office of \_\_\_\_\_, to be voted for at the election to be held on the \_\_\_\_ day of \_\_\_\_\_. We individually certify that we are qualified to vote for a candidate for the office this candidate seeks, and that we have not signed other nomination petitions for this office exceeding in number the vacancies in this office to filled in this election.

| Name  | Street and Number or Lot and Block | Date of Signing |
|-------|------------------------------------|-----------------|
| <hr/> |                                    |                 |
| <hr/> |                                    |                 |

Spaces for ten (10) signatures.

C. Nominating petitions must be completed and filed with the city clerk not earlier than forty (40) days nor later than twenty-five (25) days before the election. The city clerk shall record on the petition itself and preserve the name and address of the person by whom each nominating petition is filed. All petitions in proper form with sufficient signatures, and all deficient petitions which are not withdrawn by the persons filing them, shall be preserved by the city clerk and eventually destroyed as provided by ordinance for destruction of ballots.

D. To be eligible to file a nominating petition for any candidate for a city office, the filer shall be a registered Alaska voter and qualified to vote in the City of Tenakee Springs.

E. A nominating petition to be effective must contain the signatures of ten (10) qualified voters.

F. Within four (4) days after the filing of a nominating petition, the city clerk shall notify the candidate named in the petition and the person who filed the petition whether or not it is in proper form and signed by ten (10) qualified voters. If not, the city clerk immediately shall return it, with a statement certifying wherein the petition is deficient, to the person who filed it. A new petition for the same candidate may be filed within the time for filing petitions.

G. Any candidate nominated may withdraw his nomination not later than ten (10) days before the election.

H. Candidate must file a Conflict of Interest Statement, in conformance with AS 39.50.020, within the time prescribed for filing the Nomination Petition or the candidate's name shall not be placed on the ballot.

I. Attached to a petition of nomination shall be an acceptance by the candidate in substantially the following form:

#### ACCEPTANCE OF NOMINATION

I am a qualified voter in this city and I have been a resident of the City of Tenakee Springs for a period of \_\_\_\_\_(years and months). I hereby accept the above nomination and agree to serve if elected.

\_\_\_\_\_  
Signature of Candidate

Date and hour of filing \_\_\_\_\_

This petition is filed by \_\_\_\_\_

Whose address is \_\_\_\_\_

Received by \_\_\_\_\_

#### CHAPTER 11.04

#### NOTICE OF ELECTIONS

|           |           |                                    |
|-----------|-----------|------------------------------------|
| Sections: | 11.04.010 | <b>NOTICE OF ELECTION</b>          |
|           | 11.04.020 | <b>CONTENTS OF ELECTION NOTICE</b> |

**11.04.010 Notice of Election.** The election supervisor, subject to other direction from the City Council and state statutes, shall give at least thirty (30) days notice of each general or special election by posting notice thereof in three (3) or more conspicuous public places in the city.

**11.04.020 Contents of Election Notice.**

- A. Notices for general or special elections must contain the following:
1. the date of the election;
  2. the offices to be filled or the propositions to be voted upon;
  3. the time the polling places will open and close;
  4. the location of the polling place;

5. the procedure for declaring candidacy;
6. whether the election is general or special.

## CHAPTER 11.05

### ELECTION BALLOTS

|           |           |                                        |
|-----------|-----------|----------------------------------------|
| Sections: | 11.05.010 | <b>BALLOTS—PRINTING AND INSPECTION</b> |
|           | 11.05.020 | <b>BALLOTS--FORM</b>                   |
|           | 11.05.030 | <b>SAMPLE BALLOTS</b>                  |

**11.05.010 Ballots—Printing and Inspection.** In all city elections, the election supervisor will be responsible for the printing of ballots. The ballots will be printed and in the possession of the election supervisor, at least twenty-two (22) days prior to the election and subject to the inspection of candidates or their agents.

**11.05.020 Ballots—Form.** A. A ballot shall consist of a list of candidates and issues to be decided at the election. The title of each office to be filled shall be followed by the printed names of the candidates for such office, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of person(s) not listed on the ballot. The words “Vote for not more than \_\_\_\_\_” with the appropriate number replacing the blank shall be placed before the list of candidates for each office. The names of candidates shall be printed as they appear upon the petitions filed with the city clerk, except that any honorary or assumed title or prefix shall be omitted. The positions 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.

B. Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words “yes” and “no” shall be placed below the statement of each proposition and question.

C. The ballot shall be of a neutral color or plain white paper, through which printing and writing cannot easily be read or the back of the ballot shall be printed with a repetitious pattern. The printing on the face of the ballot shall not be less than one-eighth (1/8) of an inch, nor more than one-fourth (1/4) on an inch in height. At the beginning of each line containing a name of a candidate or a blank space, and preceding each of the words “yes” and “no”, there shall be a printed square the sides of which are at least one-fourth (1/4) of an inch in length. The city election supervisor shall keep a record of the numbers of the ballots delivered to each polling place, the signature of the person to whom each group of ballots is delivered and the time of each delivery. The ballots shall be numbered in series, with the number being placed on one corner of each ballot which may conveniently be removed from the remainder of the ballot, and which will be clearly visible although the ballot is folded so as to conceal the manner in which it has been marked by the voter.



D. On the back or outside of the ballot, placed so as to be clearly visible when the ballot is folded, shall appear the words “Official Ballot” in large print, the date of the election, and the signature, facsimile or original of the city election official causing the ballots to be printed.

**11.05.030 Sample Ballots.** The election supervisor will have a number of sample ballots printed, which will be clearly labeled as a “sample ballot”. Sample ballots will be posted in conspicuous places in the city and shall be delivered to the Election Board.

## CHAPTER 11.06

### ABSENTEE VOTING

|           |           |                                                         |
|-----------|-----------|---------------------------------------------------------|
| Sections: | 11.06.010 | <b>ABSENTEE VOTING-ELIGIBLE PERSONS</b>                 |
|           | 11.06.020 | <b>ABSENTEE BALLOTS-APPLICATION-FILING</b>              |
|           | 11.06.030 | <b>ABSENTEE BALLOTS-APPLICATION REVIEW AND DELIVERY</b> |
|           | 11.06.040 | <b>BALLOT ENVELOPE AND RETURN AND ATTEST ENVELOPE</b>   |
|           | 11.06.050 | <b>ABSENTEE VOTING IN PERSON</b>                        |
|           | 11.06.060 | <b>ABSENTEE BALLOTS—BY MAIL</b>                         |
|           | 11.06.070 | <b>ABSENTEE BALLOTS—IN HOME BY PHYSICALLY DISABLED</b>  |
|           | 11.06.080 | <b>ABSENTEE BALLOTS—ELECTION DAY</b>                    |
|           | 11.06.090 | <b>LIBERAL CONSTRUCTION</b>                             |

**11.06.010 Absentee Voting-Eligible Persons.** Any qualified voter, who expects to be absent from his election precinct or who will be unable to vote in such precinct by reason of physical disability on the day of any election, may cast an absentee ballot.

**11.06.020 Absentee Ballots-Application-Filing.** A. A person who seeks to vote by absentee ballot may file either in person or by mailing a written application to the election supervisor.

B. An application made by mail, or other service at least equal to first class mail, must be received by the election supervisor not more than forty (40) days, nor less than four (4) days before a municipal election. An application made in person must be filed with the election supervisor not more than twenty-one (21) days before the municipal election, and no later than 4 P.M. on the day before a municipal election.

C. The application must be signed by the applicant, show the requested identification and the voter’s place of residence; and, provide a mailing address, unless voting in person.

D. Nothing in this section is intended to limit the election supervisor in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the city clerk’s office for an absentee ballot.

**11.06.030 Absentee Ballots-Application Review and Delivery.** A. The election supervisor shall date stamp an absentee ballot application upon receipt; and, shall review the application for contents of requirements stated in Section 11.06.020.

B. Incomplete applications shall be returned within one (1) day of receipt, by first class mail, to the mailing address provided in the application or on the mailing envelope. If not provided, it shall be mailed to the voter's mailing address on the state voter registration. The supervisor shall include a note stating what information is needed to complete the application.

C. An absentee ballot applicant who is not on the state voter registration or who has not provided a Tenakee Springs residence address, shall be treated as a questioned voter in the following manner:

1. An Absentee Ballot shall be issued to the voter.
2. The election supervisor, or other person questioning the voter, shall list the reason for the question on a Questioned Absentee Ballot Affidavit form and mail this to the voter with instructions to complete the affidavit and return it before the time set for the Canvass Board meeting.
3. The Questioned Absentee Ballot Affidavit will be substantially as follows:

**QUESTIONED ABSENTEE BALLOT AFFIDAVIT**

To be completed by person questioning the ballot

REASON: Unknown and ID not proper\_\_\_\_Name not on Register\_\_\_\_Not 18 years old\_\_\_\_ Not a US Citizen\_\_\_\_Not an Alaskan Resident\_\_\_\_Not a Tenakee Springs Resident\_\_\_\_

DETAILS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Person questioning ballot

\_\_\_\_\_  
Printed name and title

Mailing Address: \_\_\_\_\_

**VOTER AFFIDAVIT**

VOTER'S NAME (print) \_\_\_\_\_

RESIDENCE ADDRESS \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

Social Security No.: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Place of Birth: \_\_\_\_\_ Date of Naturalization: \_\_\_\_\_

I have been a resident of Tenakee Springs, Alaska from: \_\_\_\_\_ to : \_\_\_\_\_

Are you registered to vote in the State of Alaska: \_\_\_\_\_ Where? \_\_\_\_\_

OATH: I swear that I am registered to vote in the State of Alaska and have been a resident of the City of Tenakee Springs, Alaska for at least thirty (30) days before the date of this election and that I am not voting in any other municipality.

\_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Date

WITNESSING: By signing below, I attest that to the best of my knowledge the voter is the person He/she claims to be and that the voter signed the oath in my presence on the date indicated.

**WITNESS (Option I – Authorized Official):**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Seal, Voter # or SS#

**WITNESS (Option II – Two [2] witnesses over 18 years old):**

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
City/State where witnessed

\_\_\_\_\_  
Witness #2 Signature

\_\_\_\_\_  
City/State where witnessed

4. the election supervisor shall mark in the election journal that the absentee voter is questioned.
5. upon receipt of the Questioned Absentee Ballot Affidavit, the election supervisor shall attach it to the voter's Return and Attest Envelope with removable tape or a paper clip (do not staple).
6. the voter's Return and Attest Envelope shall be forwarded to the Canvass Board with the completed affidavit, or, if the affidavit is not returned, with a photocopy of the incomplete affidavit.

D. Absentee ballots shall be mailed no sooner than twenty-one (21) days before an election. Upon the twenty first (21<sup>st</sup>) day and within one (1) day of receipt of complete applications thereafter, the election supervisor shall deliver by first class mail to the mailing address; or, if applicable, to the voter in person, an official ballot for the election, as well as a ballot envelope, a Return and Attest envelope, and a sheet of instructions for voting absentee.

E. Upon personal delivery or the mailing of absent voter's ballot, the election supervisor will enter on the application of the absent voter, and in the Election Journal, the number of and the date the ballot was delivered or mailed.

**11.06.040 The Ballot Envelope and Return & Attest Envelope.** A. All ballot envelopes shall be the same size and color, preferably a #10 plain white envelope, and shall have centrally printed on the front outside "BALLOT ENVELOPE". There shall be no other marks or writing, printing or notations on a ballot envelope.

B. The Return and Attest envelope provided to the voter will be of heavy opaque paper. It shall have appropriate return postage and the city's address affixed; and, shall have printed on the back, an affidavit substantially as follows:

**RETURN AND ATTEST ENVELOPE**

\_\_\_\_\_  
(voter printed name)

I certify, under penalty of perjury, that I am a resident of and a voter in the City of Tenakee Springs in the State of Alaska and I hereby enclose my ballot in compliance with the election ordinance of said city, and , if this oath is witnessed by someone other than an authorized official, it is because no authorized official was available.

\_\_\_\_\_  
Voter's Signature

\_\_\_\_\_  
Date

**Witnessing:**

By signing below, I attest that to the best of my knowledge, the voter is the person he/she claims to be and that the voter signed the oath in my presence on the date indicated.

**WITNESS (Option I – Authorized Official):**

|           |              |       |            |                |
|-----------|--------------|-------|------------|----------------|
| Signature | Printed Name | Title | City/State | SS/Voter/Comm# |
|-----------|--------------|-------|------------|----------------|

**WITNESS (Option II – Two witnesses over 18 years old):**

|           |                            |
|-----------|----------------------------|
| Signature | City/State where witnessed |
|-----------|----------------------------|

|           |                            |
|-----------|----------------------------|
| Signature | City/State where witnessed |
|-----------|----------------------------|

C. The return envelope shall also have printed on its face the words: "OFFICIAL BALLOT ENCLOSED: TO BE OPENED ONLY BY CANVASS BOARD"

**11.06.050 Absentee Voting in Person.**

A. A qualified voter may cast an absentee ballot at the city clerk's office not more than twenty-one (21) days before an election and until the day before an election.

B. The voter shall complete the Absentee Ballot Application. The election supervisor shall mark the application as "Voting in Person".

C. The election supervisor shall enter on the application the number of the ballot and the date; and, shall then provide the voter with the ballot and a ballot envelope.

D. A voter who has received an Absentee Ballot in the mail shall display the ballot to the election supervisor to show the ballot has not previously been marked.

E. The election supervisor shall instruct the voter in how to cast the absentee ballot; and, provide a place where the voter may cast his/her vote so that no one can see how the ballot is being marked. The voter shall fold the ballot, place it in the ballot envelope and seal the envelope.

F. The voter shall then return the ballot envelope to the election supervisor, in front of whom the voter shall put the ballot envelope into the Return & Attest Envelope and seal it. The voter shall sign the affidavit on the Return & Attest envelope. The election supervisor shall certify the affidavit and also sign or stamp across the seal, and affix the date of receipt.

**11.06.060 Absentee Ballots—By Mail.**

A. 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, may proceed to mark the ballot in secret, to place the ballot in the ballot envelope, to place the ballot envelope in the return envelope, and to sign the voter's affidavit on the back of the return envelope in the presence of an official listed in this section who shall sign as attesting official and shall date his signature. If none of the officials listed in this section are reasonably accessible, an absentee voter shall have the ballot witnessed by two (2) persons over the age of eighteen (18) years.

B. To be counted an absentee voter's ballot must be executed prior to the time the polls close in the city and be received by the election supervisor prior to the time the ballots are canvassed by the Canvass Board.

C. Return Absentee Envelopes received after such time by the city election supervisor shall be marked "invalid" and with the time and date of receipt. Such envelopes shall be retained with other election records and destroyed with them as provided in section 11.08.110C for destruction of ballots.

**11.06.070 Absentee Ballots—In Home by Physically Disabled.**

A. Any voter who will be physically unable to vote at the polls may call or write the election supervisor, at the city clerk's office and request to vote an absentee ballot, no less than twenty one (21) days preceding the election, and until 5 P.M. on election day.

B. The election supervisor shall take the necessary materials to the voter's home; or, shall have an election judge do so.

C. The absentee ballot shall be cast and handled in the manner described in Section 11.06.050 "B." - "E."

**11.06.080 Absentee Ballots—Election Day.** A. The election supervisor shall provide the election judges with a list of voters who have received absentee ballots.

B. If a voter who has been provided with an absentee ballot comes to the polls to vote on election day, the voter shall be asked to return the unvoted absentee ballot. If the voter is unable to return the absentee ballot, the Election Judge will follow the provisions of 11.07.040C.

**11.06.090 Absentee Ballots—Liberal Construction.** Sections 11.06.010 through 11.06.080 will be liberally construed, so as to accomplish the purposes for which they are intended.

## CHAPTER 11.07

### ELECTION PROCEDURES

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**11.07.010 Election and Polling Place Preparation.** A. The election supervisor shall see that booths for the polling place with appropriate supplies and conveniences to enable each voter to mark his ballot screened from observation and closed on at least three (3) sides shall be available for election day, within plain view of the judges and clerks, voters and other persons at the polls.

B. Before election day, the chair shall sign the Oath of Office before the election supervisor; pick up election supplies, check the inventory list and sign appropriate receipt, verify access to

the polling place on election day, and, contact the other Election Board members and remind them to be present one-half (1/2) hour before opening of the polls.

**11.07.020 Election Day—Voting times.** A. On the day of any election, the Election Board shall open the polls for voting at eight o'clock (8:00) in the morning, shall close the polls for voting at eight o'clock (8:00) in the evening, and shall keep the polls open during the time between these hours.

B Fifteen minutes before the closing of the polls, a judge or clerk shall proclaim to all persons present the time remaining before the polls close. When the polls are closed, the fact will be similarly announced. Thereafter, no ballots will be given out except to qualified voters present.

**11.07.030 Election Day—Before the Polls Open.** A. The election supervisor shall deliver the ballots to the Election Board chair before the polls are opened on Election Day. The number of ballots shall be verified by both the election supervisor and an Election Board member. A receipt shall be signed by the Election Board member and preserved by the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.

B. The Election Board members shall report to the polling place one-half (1/2) hour before opening of the polls.

C. The Election Board members shall set up the polling place and include the following:

1. In the polling booth, put voting instructions and pencil.
2. On Voting Register table, place the Precinct Register; Election Journal, Official Ballots, Questioned Ballot Affidavit Envelops and Ballot Envelopes; and, blue or black pens.
3. On the Voter Information Table, provide sample ballots, voter instructions, and a full text of ballot propositions including amendments and initiatives. Usually these will appear on the General Election ballot and three (3) copies of each must be posted in the polling place.
4. Post the electioneering notice and prohibited acts so that it is visible to the voters.
5. Display the American flag on the outside of the polling place in a position visible to approaching voters. When the flag is displayed in a manner other than by being flown from a staff, it should be displayed flat. When displayed either horizontally or vertically against a wall, the union should be uppermost and the flag's right, that is, to the observer's left. When displayed in a window it should be displayed the same way, that is, with the union or blue field to the left of the observer in the street.

D. Before the polls open, the Election Board members shall sign the Oaths of Office, record the number of official ballots received on the ballot statement; and, open, exhibit, close and lock or seal the empty ballot box. The ballot box(s) shall remain closed and locked while the polls are open. The ballot box(s) shall be outside of the voting booths within plain view of the judges and clerks, voters and other persons at the polls.

E. Before the election, the city election supervisor shall give the election board a list of the voters who have been issued absentee ballots.

**11.07.040 Voting Procedure.** A. Prior to the opening of the polls, the election supervisor shall deliver a Precinct Register and the Tenakee Springs Election Journal to the

election officials. The Election Journal shall provide sufficient space to enable voters to sign their names and resident addresses. The signing of the journal constitutes a declaration by the voter that he is qualified to vote.

B. The procedure for voting is as follows:

1. The voter enters and announces his/her name.
2. The voter provides one piece of identification to the election official. This ID could be one of following: official voter card, driver's license, passport, birth certificate, hunting or fishing license, senior citizen's ID card, Indian health service ID card, signed polling place ID card, college ID card, or union ID card; or the voter may be personally known to the election official – able to call voter by first and last name.
3. The election official locates the voter's name on the Precinct Register and asks the voter to sign the Election Journal.
4. After the voter has signed the Election Journal, a ballot shall be issued.
5. The election official instructs the voter to fold the voted ballot to the line indicated before returning the ballot.
6. The voter goes alone to the voting booth, or a private place, to mark the ballot(s).
7. The voter returns the voted ballot(s)-which is now folded displaying the ballot number.
8. If the ballot bears the same number as the ballot issued to the voter, the election official removes the number stub, placing it in the "numbered stub box", and checks to be sure there is one stub for each ballot issued to the voter.
9. The voter or election official – upon request of the voter, deposits the ballot(s) in the ballot box.

C. Procedure when voter who comes to the polls has been issued an Absentee Ballot:

1. If a voter issued an absentee ballot comes to the precinct on election day, request that the voter surrender the unvoted absentee ballot. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the city election supervisor with other ballots not used in the precinct.
2. If the voter is unable to return the absentee ballot, verify that the absentee ballot has not been returned and direct the voter to vote a Questioned Ballot as provided below.
3. If the absentee ballot has already been returned, inform the voter that he/she has already voted. If there is any confusion on this issue, allow the voter to cast a Questioned Ballot and provided details on the Questioned Ballot Affidavit Envelope to give the Canvass Board sufficient information to review and decide on count of the Questioned Ballot.

D. If the voter's name is not on the Precinct Register or the Election Board does not know the voter and the voter does not have identification, the voter must vote a Questioned Ballot and the following procedure applies:

1. The voter signs the Official Election Journal and then the election official signs "questioned", clearly visible, between the voting number and the voter's name.
2. The voter is instructed to go to the Questioned Ballot Table and the election official hand carries the ballot corresponding to the voting number in the Election Journal to the election official at the Questioned Ballot table.
3. The voter completes a Questioned Ballot Affidavit Envelope.

4. The election official reviews the Questioned Ballot Affidavit Envelope for completeness; witnesses the voter's signature on the bottom of the envelope.
  5. The voter receives the official ballot(s) and a ballot envelope and is instructed to fold the voted ballot to the line indicated and return the voted ballot and the still open ballot envelope to the Questioned Ballot Table.
  6. The voter goes to the voting booth, or to a private place, to mark the ballot.
  7. The voter returns the ballot, now folded displaying the ballot number and the ballot envelope to the Questioned Ballot Table.
  8. If the ballot bears the same number as that issued to the voter the election official removes the numbered stub and checks to be sure there is one stub for each ballot.
  9. The voter or the election official – upon request of the voter, places the ballot(s) into the ballot envelope, seals the envelope, places the ballot envelope into the completed questioned ballot affidavit envelope, seals it and drops it into the ballot box.
- E. If a voter spoils the ballot(s) the following procedure applies:
1. The voter returns all ballots issued to the election official and the official, after verifying the ballot numbers are the same numbers issued, removes the number(s) from the ballot(s) placing them into the “numbered stub box”. The voter destroys the spoiled ballot(s) in the presence of the election official.
  2. The election official enters “spoiled ballot” in the Election Journal between the voting number and the voter's name and enters “spoiled ballot” in the Election Journal between the voting number and the voter's name and enters “spoiled ballot, reissue for (original voting number)” alongside the next available number and issues the corresponding ballot number. NOTE: Voter signature, residence, etc. is not re-entered – voter only signs once, at original number issued.
  3. The voter returns to the polling booth, or a private place, to mark the ballot(s).

**11.07.050 Voter Assistance.** A. A voter may need help in reading, marking the ballot, or signing his or her name. If a voter has difficulty in signing his or her name they may make their mark or “X” in the signature section of the Election Journal.

B. Non-English-speaking voters or voters because of blindness, disability or inability to read or write, may bring one or two persons of their own choice with them to the polls to assist them in casting their ballots. A voter may also receive help from an election official. If a person other than an Election Board member is to provide assistance, the person must take an oath before an Election Board member not to divulge how the voter desires the ballot to be marked. This oath may be “I, (assistant's name), will not tell or divulge how (voter's name) cast the ballot.” If a member of the Election Board provides assistance, the oath is not necessary because the Election Board member takes an oath prior to the beginning of election duties.

C. The person providing help may read each section of the ballot to the voter. Following the reading of the section, the voter instructs the helper to mark the ballot. The voter and helper continue reading and marking the ballot until all sections of the ballot have been read and marked. A voter is not required to vote all sections of the ballot.

D. Absentee voting is available for voters who may not be able to go to the polling place due to illness or physical handicap; and, is outlined in Section 11.06.100.



**11.07.060 Write-In Votes.**

A. Write-in votes are permitted. A write-in vote is either the writing-in of a candidate's name or the placing of a sticker bearing the candidate's name on the ballot. The voter must also mark the box next to the candidate's name.

B. If a voter asks about writing in a candidate's name, the Election Board members shall point out the instructions on the sample ballot and refer him or her to the poster dealing in part with write-in votes. By referring the voter to the written instruction, each voter receives the same set of instructions. The Election Board members do not tell any voter a write-in candidate is running for office or discuss any candidate, including write-in candidates, at the polls with a voter.

C. Periodically, the Election Board should check each polling booth to make sure that no sticker, sample ballot, election pamphlet or other material has been left in the polling booth.

D. A voter may bring a sticker to the polling place to affix on their ballot however, the following is disallowed:

1. showing or offering a sticker to anyone else within two hundred (200) feet of the entrance to the voting place;
2. leaving a sticker inside the polling place or inside the voting booth, or anywhere else within two hundred (200) feet of the entrance to the voting place.

E. An Election Board member may use a sticker to affix on their own ballot; however, an Election Board member must not allow anyone to show or offer stickers to anyone else within two hundred (200) feet of the entrance to the polling place, including the polling place itself or the voting booth.

**11.07.070 Electioneering and Prohibited Actions.**

A. Electioneering must not occur within the polling place or within two hundred (200) feet of the entrance to the polling place. Post at least one copy of the electioneering poster on the outside entrance to the polling place building.

B. Electioneering includes the following:

1. discussion of a candidate, including a write-in candidate, or issue;
2. parked car with bumper sticker or large sign;
3. wearing of buttons, pins, etc.; and
4. displaying stickers, marked sample ballots or election pamphlets.

C. A voter may bring their own sticker, pre-marked sample ballot or election pamphlet to the polls for use. If any of these materials are left, the Election Board members shall dispose of them immediately.

D. Discussion of a candidate or issue is not allowed within two hundred (200) feet of the polling place.

E. Campaign materials are not permitted within two hundred (200) feet of the polling place, including posters, campaign buttons or stickers.

F. Discussion of any political party, candidate or ballot issue by Board members, voters or poll watchers is not allowed at the polls. This means that an Election Board member cannot tell a voter or anyone else that any person is a candidate for a specific race. An Election Board member must not put any other marks of information on a ballot unless he/she does so on the instructions of the election supervisor; as an example, the election supervisor may find it necessary to mark out or line through a name which appears on the ballot.

G. An Election Board member must not add names or write on ballot(s). The following are the only exceptions:

1. An Election Board member may write on or place a sticker to his/her own ballot.
2. If a voter asks for help in voting, the Election Board member may go with the voter into the voting booth and help the voter in marking the voter's ballot, or writing in a name of a candidate, or putting a sticker on the ballot.

**11.07.080 Poll Watchers.**

A. Candidates or groups that sponsor or oppose an initiative, referendum, or recall may appoint persons to serve as watchers in each polling place. Each person must have a card signed by the candidate or group.

B. Only one watcher for each candidate or group may be present in the polling place. If more than one watcher representing a candidate or group is present, ask the extras to leave.

C. Watchers do not handle any election supplies or materials that are used for voting. Watchers must be provided a position so as to view all actions of the Election Board and the tallying of ballots, but shall not be permitted to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots.

D. Watchers and other persons qualified to vote in the precinct may question a voter's ballot or right to vote. Any person who questions a person's vote or ballot must provide the reason for the question in the space provided on the Questioned Ballot Affidavit Envelope.

**11.07.090 Closing the Polls.**

A. At 7:45 PM, an Election Board member shall announce that the polls will close in fifteen (15) minutes; and, at 8:00 PM declare that the polls are closed.

B. After the polls close at 8:00 PM any voters in line must be allowed to vote. One of the Election Board members must go to the end of the line to prohibit any late arrivals from voting.

C. After all votes are cast, remove the flag.

**11.07.100 After the Polls are Closed.**

A. Preparation for counting the ballots is as follows:

1. Count the numbered stubs (including stubs from questioned ballots), place the stubs in an envelope, seal and record the contents and count on outside of the envelope.
2. Fill in the ballot statement:
  - a.) Count the number of voters who signed the Election Journal. Record this number.
  - b.) Count the number of voters who voted questioned ballots. Record this number.
  - c.) Determine total number of voters voting. Record this number.
  - d.) Count the number of spoiled ballots recorded in the Election Journal. Record this number.
  - e.) Record the numbers from the stubs of the unused ballots. Record the total number to be destroyed.
3. Destroy the unused ballots, tearing them in half. Place destroyed ballots in an envelope, label and seal.
4. Open the ballot box and remove the ballots. Then:

- a.) Separate the Questioned Ballot Affidavit Envelopes and compare them to the names questioned in the Election Journal. If the two do not match, the election official may need to:
  - 1.) record the name of a questioned voter who did not sign the Election Journal;
  - 2.) record that a questioned voter's ballot was dropped directly into the ballot box rather than into the Questioned Ballot Affidavit Envelope;
  - 3.) provide any other pertinent information in the Election Journal.
- b.) Place all the Questioned Ballot Affidavit Envelopes into an envelope, and seal.
- c.) Place any voted Absentee Ballot Affidavit Envelopes into an envelope, and seal.

**B. To count the ballots:**

- 1. Sort the voted ballots by type – candidate, propositions, etc.
- 2. Sort the ballots into groups of ten (10).
- 3. Tally the ballots using the tally sheets and following instructions for tallying and determining marks on ballots, Sections 11.07.110 and 11.07.130.
- 4. Record the totals from the tallying of the ballots on the right side of each tally sheet and sign tally sheets.
- 5. Election chair completes the Certificate of Election Board and signs.
- 6. Place tally sheets and all counted ballots in an envelope, and label and seal.

**C. Collect other election materials:**

- 1. Place ballot stubs envelope, questioned ballots envelope, absentee ballots envelope, Certificate of Election Board, counted ballots and tally sheets envelope into the precinct returns envelope, label, seal and sign across seal.
- 2. Remove all notices and material from the polling booth and polling place.
- 3. Complete the time and other forms.
- 4. Return all election materials in their appropriate envelopes to election supervisor.
- 5. Post unofficial election returns.
- 6. Election Board chair may call unofficial returns to the media.

**11.07.110 Tallying the Ballots.**

A. All ballots must be tallied on tally sheets provided. Use ink in tallying the ballots. The assignment of duties among the Election Board members for the tallying of ballots are:

- 1. one judge or clerk reads the ballot;
- 2. a second judge or clerk observes the reading of the ballots;
- 3. a third judge or clerk tallies in one tally sheet;
- 4. a fourth judge or clerk tallies in the other tally sheet;
- 5. if the Election Board recounts their results, the assignments must be rotated so that those tallying will be reading and observing and vice versa.

B. The ballots must be handled so that any watchers present can see the marks on the ballots. No person while sorting or handling the ballots may have a pen, pencil or other marking device in hand.

C. After the ballots have been sorted and counted into stacks of ten (10), tally the first group of ten (10) with a blue pen. Check to be sure that the original and duplicate tally sheets have the

same tallies. Switch to a red pen and tally the next group of ten (10) ballots. Check to be sure both tally sheets have the same tallies. Continue in this manner until all ballots have been tallied. By using this method, if at any time the tally sheets are different, the error will be in the last group of ten.

D. After tallying all ballots and checking to be sure that the tallies are correct in both tally sheets, seal the voted ballots in an envelope, label, seal and initial over the seal.

E. Complete the tally sheets by recording the votes for each candidate or issue on the right side of each tally sheet and sign the tally sheet.

F. The Election Board chair completes and signs the Certificate of Election Board.

**11.07.120 Counting Teams.** A. The chair of the Election Board may appoint clerks to assist with the counting of ballots. The appointments must be made from among qualified voters in the precinct and may be made at any time before the close of the precinct count. If a qualified voter is not available, the Election Board may appoint anyone over 18 years of age to assist in the ballot count.

B. There shall be four (4) counters on each counting team, no more than two (2) from any one group representing any one candidate or side of an issue. Counters are paid according to the pay scale set by resolution by the City Council. Before beginning their duties, the counters must read and sign the oath of office.

**11.07.130 Rules for Determining Marks on Ballots.** A. 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; and/or, the vote the voter intended to cast for or against a ballot proposition.

B. The Election Board shall count the ballots according to the following rules:

1. A voter may mark their ballot only by use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced the square next to the name of the candidate or issue the voter desires to designate.
2. Failure to properly mark a ballot as to one or more candidates or issues does not in itself invalidate the entire ballot.
3. If a voter marks fewer names than there are persons to be elected to the office, a vote **SHALL BE COUNTED** for each candidate properly marked.
4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office **SHALL NOT BE COUNTED**.
5. The marks specified in item "1" above **SHALL BE COUNTED ONLY** if they are substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.
6. Improper marks on the ballot **SHALL NOT BE COUNTED BUT SHALL NOT** invalidate marks for candidates properly made.
7. An erasure or correction invalidates only that section of the ballot in which it appears.
8. 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 marked for the purpose of identifying the ballot.

9. Stickers bearing a candidate's name may be affixed to the ballot in place of writing a candidate's name. Stickers SHALL NOT be issued by members of the Election Board while serving at the polls. Stickers SHALL NOT be offered to voters within Two hundred (200) feet of the polling place.

**11.07.140 Rules for Counting Write-In Votes.** A. In tallying votes for write-in candidates observe the following rules:

1. A vote for a write-in candidate must be written in with a pen or pencil, or a sticker affixed to the ballot.
2. The box to the left of the write-in candidate's name must be marked with cross marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisk, check or plus signs that are clearly spaced in the box.
3. A write-in vote for a candidate whose name is also printed on the ballot may be counted if the Election Board determines on the basis of other evidence, that the ballot was not marked as a means of identifying the ballot.
4. When a sticker is affixed over the name of a candidate printed on the ballot, count the vote for the name on the sticker.
5. The location of the sticker on the ballot determines in which race the vote is to be counted.
6. When a voter writes in a name on the ballot, the spelling does not have to be exact, yet it must be a reasonable facsimile. The following rules apply:
  - a.) Do Count:
    - 1.) if the first and last names appear;
    - 2.) if the first and last names appear without a Sr. or a Jr. designation;
    - 3.) if the first name is an initial followed by a last name;
    - 4.) if the spelling of the first and last name is reasonably correct (for example, "Anderson" spelled in its various ways or "Hickel" spelled "Hickle", etc.);
    - 5.) if a candidate is commonly known by a nickname and the nickname and last name appear on the ballot.
  - b.) Do Not Count:
    - 1.) initials only;
    - 2.) first name only (unless for someone with a single name);
    - 3.) last name with a different first name or initial;
    - 4.) fictional names or names that are not a person (for example: Mickey Mouse, Baby Hugo, Donald Duck, None of the Above, God, etc.)

**11.07.150 Defective and Unused Ballots.** A. 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 Election Board chair. All such ballots shall be enclosed in an envelope marked on the outside with a description of its contents.

B. All ballots not voted and all ballots mutilated or spoiled by voters shall be returned by the judges to the election supervisor who shall give a receipt therefore and keep a record of the

number and character of the ballots returned to him, indicating when and by which judge each was returned.

**11.07.160 Certificate of Election Board.** After the votes are announced and counted, a certificate will be drawn stating the number of votes each person has received, and designating the office for which he has run. The certificate will be signed by the election judges. The certificate, tallies or tally papers, numbers removed from ballots, oaths of judges, and other papers shall be sealed in envelopes and marked “Election Returns” which shall be forthwith delivered to the election supervisor who shall receive them at the polling place.

**11.07.170 Majority Decision of Election Board.** A. The decision of the majority of judges determines the action that the Election Board shall take regarding any question which arises during the course of the election. This shall not be construed to be a means by which an otherwise illegal act may occur.

- 11.07.180 Emergency Situations.** A. Election Board member is sick or doesn't come to polls. The election supervisor or a majority of the Election Board, present, shall appoint a substitute. If a person from the same group, representing any one candidate or side of an issue, is available that person should be selected. Otherwise, recruit any qualified voter.
- B. Ballot box is missing. Prepare a shoe box, lunch box or any other type of empty box in which the voters may put ballots. If the ballot box is located, open the ballot box to show that it is empty, put the voted ballots from the substitute box into the ballot box, seal the ballot box and continue voting.
- C. Polling booths missing. Instruct the voters to move to a private spot in the polling place and vote.
- D. Polling place destroyed or unusable. Contact the election supervisor and find another polling place. The election supervisor shall notify the public by appropriate means, such as calling radio stations and posting notices. If a school, public building, church or even a private home is nearby, ask permission to set up the polls.
- E. Official ballot supply insufficient or missing. Use sample ballots or sheets of paper on which the names of candidates and issues have been written. Complete the certification on tally sheets regarding use of unofficial ballots.
- F. Election Journal missing. Have the voters sign their names, and print their mailing and residence addresses on white paper, typing paper, notebook paper, etc. If the Election Journal arrives, place the paper containing the signatures and addresses of the voters in the Election Journal, and have the voters begin to sign in the Election Journal.
- G. Lock doesn't fit ballot box. Use any means including taping the lid on to secure the box.
- H. Key doesn't work in lock. Cut the lock so you may begin to count ballots.

## CHAPTER 11.08

### CANVASS OF ELECTION RETURNS

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**11.08.010 Canvass Board.** A. The City Council of the City of Tenakee Springs shall be the Canvass Board.

B. The Canvass Board shall meet one week after the day of the election to canvass the Election Day Returns, all Absentee Ballots and all Questioned Ballots.

C. The Canvass Board shall meet in public.

D. The Canvass Board may postpone the canvass for cause from day to day, however the postponement(s) may not exceed three (3) days in total.

**11.08.020 Canvass of Election Day Returns.** A. The Election Supervisor shall present the Election Day Returns, including the Election Journal, counted ballots, ballot stubs, spoiled and/or defective ballots, ballot receipts, Certificate of the Election Board and Election Board Tally Sheets, to the Canvass Board.

B. The Canvass Board shall review the Election Day Returns. The Canvass Board may recount the Poll Returns, and if doing so, this shall be done in the same manner as the ballots are counted by the Election Board at the poll(s).

C. The Canvass Board shall accept the Election Day Returns and have the results entered into the Election Journal.

**11.08.030 Review of Absentee Ballots.**

A. The Election Supervisor shall present the number of Absentee Ballots not returned and the returned Absentee Ballot and Attest Envelopes to the Canvass Board.

B. The Canvass Board shall review the Absentee Return and Attest Envelopes.

1. Any Absentee Return and Attest Envelopes marked “Questioned” shall be placed with the Questioned Affidavit Envelopes.

2. Any Absentee Return and Attest Envelope with the voter’s disposition not signed by the voter, not signed by an official or two qualifying witnesses, or, if applicable, not certified by the voter’s signature that no authorized official was reasonable available shall be rejected by majority vote of the Board and so entered in the Election Journal.

3. Any Absentee Return and Attest Envelope postmarked after the Election Day shall be rejected by majority vote of the Board and so entered in the Election Journal.
4. Any Absentee Return and Attest Envelope showing by a date entered by the voter, the official, or the witnesses that the enclosed ballot was cast after the date entered by the voter, the official, or the witness that the enclosed ballot was cast after the date of the election shall be rejected by majority vote of the Board and so entered in the Election Journal.
5. All rejected “Absentee Return and Attest Envelopes” shall not be opened and counted and shall be returned to the Election Supervisor, who shall preserve them in the manner as other ballots and shall notify the voter of the reason their ballot was rejected.
6. Any Absentee Voter may be “questioned” by a member of the Board or the public present by specifying the basis of such question in writing. All Questioned Absentee Return and Attest Envelopes shall be set aside and placed with the Question Ballot Affidavit Envelopes.
7. The Canvass Board shall count the number of Absentee Return and Attest Envelopes remaining after the above review and accept them by majority vote of the Board and so entered in the Election Journal. If there are no Questioned Voters, the chair will have these Absentee Return and Attest Envelopes remain in full view and proceed with the canvass as provided in Section 11.08.070. If there are Questioned Voters, the chair shall place the Absentee Return and Attest Envelopes to be counted in a plain envelope, seal it, sign across the seal, have one other Board member sign across the seal, and then title the envelope “Absentee Return & Attest Envelopes to be Counted” along with the number of envelopes enclosed and return this to the Election Supervisor, who shall keep it until the investigation of Questioned Voters, Section 11.08.050, is completed.

**11.08.050 Determination of Questioned Voters.** A. The Election Supervisor shall present all the Questioned Ballots and related materials to the Canvass Board.

1. The Canvass Board may enlist the assistance of the Election Supervisor, Election Board Judges, the Mayor or the City attorney in the investigation of Questioned Voters, so known by signed and dated statements on Questioned Ballot and Affidavit Envelopes and by Questioned Absentee Return and Attest Envelopes, hereinafter, within this section, collectively known as Questioned Voter Envelopes.
2. Any city voter may appear to give testimony concerning a Questioned Voter(s).
3. The Canvass Board may order testimony of witnesses and issue subpoenas or subpoenas duces tecum while investigating Questioned Voters. The subpoenas may be enforced by the court upon certification as provided by the state rules of civil procedure concerning the enforcement of administrative and state agency subpoenas.
4. The Canvass Board shall affirm or deny the “Question” of a voter by majority vote of the Board so entered in the Election Journal.



C. All Questioned Ballot Envelopes of voters affirmed to be in question, that is, their ballots will not be counted, shall be returned to the Election Supervisor, who shall preserve them in the same manner as other ballots and notify the voter that their “Question” was upheld.

D. The chair shall announce, and have entered into the Journal the total number of Questioned Ballot Envelopes to be counted. All Questioned Ballot Envelopes of voters denied to be in question, that is, their ballot will be counted, shall remain in full view before the chair until the canvass proceeds, as provided in Section 11.08.070.

**11.08.070 Canvass of Accepted Absentee and Questioned Ballots.** A. Unless these have remained in full view of the Board, the Election Supervisor shall return the “Absentee Return & Attest Envelopes to be Counted” envelope to the chair, who along with the specified Board member shall inspect the seal and their signatures, open the envelope and remove the enclosed Absentee Return and Attest Envelopes; they shall then count and verify that the number removed is correct.

B. The chair shall mix together the Absentee Return and Attest Envelopes and the Questioned Ballot Envelopes and count this total, verify that the number is correct and have it entered into the Election Journal. The chair shall pass these amongst the Board members, directing them to open the envelopes in such a manner as to not mark or mar the enclosed Ballot Envelopes.

C. The chair shall collect the Ballot Envelopes, mix them, count them, verify the number and have it entered into the Election Journal.

D. The chair shall pass the Ballot Envelopes amongst the Board members, directing them to open the Ballot Envelope in such manner as to not mark, mar or unfold the enclosed ballots.

E. The chair shall collect the folded ballots, mix them, count them, verify the number and have it entered into the Election Journal.

F. The chair shall pass the folded ballots amongst the Board members, directing them to remove the ballot numbers without unfolding the ballots, by straight perpendicular cuts with a scissors.

G. The chair shall have the ballot stubs counted and the number verified and entered into the Election Journal. The chair shall then have the ballots unfolded and placed into stacks of ten.

H. The chair shall have the ballots counted in the same manner as ballots are counted by the Election Board at the polls by designating members of the Board or of the public to read, observe and tally. The chair shall announce the results and have them entered into the Election Journal.

**11.08.080 Election Totals.** A. The chair shall direct members of the Board to total the results of the Election Day Returns and the Absentee and Questioned Voters Returns and verify these with the totals obtained by the Election Supervisor.

B. **amended by Ord 18-03 on 9/28/17**

C. The chair shall have the Election Total Returns entered into the Election Journal.

**11.08.090 Determination of Winners Amended by Ord 18-03 on 9/28/17**

A. The candidate(s) receiving the greatest number of votes for office shall be declared the winner of the election for that office.

1. The highest vote recipient will be elected to the seat with the longest term
2. Shorter term seats will be filled by the next highest vote recipient

**11.08.100 Canvass Board Report and Contents.**

A. The Canvass Board shall enter into the Election Journal a report of its findings. The report shall show:

1. the number of ballots cast in the election;
2. the names of the persons voted for and the propositions voted upon;
3. the offices voted for;
4. the number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
5. the disposition of all Questioned, Absentee, Write-In and Voided Ballots; and
6. other matters which the Canvass Board may determine to be necessary.

**11.08.110 Results of Election—Public Declaration.**

A. If a contest is not initiated under the provisions of Sections 11.09.010 through 11.09.050, the result of the election shall be publicly declared by the Canvass Board, posted, and entered in the minutes of the Board meeting. The results shall also be entered into the Election Journal, certified by the signatures of all Board members present at the meeting, and attested by the Election supervisor who shall affix the seal of the city thereto.

B. If a contest is held and determined, the result of the election shall be publicly declared, posted, entered in the minutes of the Canvass Board meeting and entered and certified in the Election Journal within a week after the contest is determined.

C. The Election supervisor shall preserve the Election Returns in an unopened envelope for one (1) year and one (1) month from the date of certification to be used only as evidence when called for in the case of contest. Upon the expiration of said one (1) year and one (1) month, the city Election supervisor shall burn or shred said ballots and make and keep a written record memorandum that this has been done.

**11.08.120 Determination of Tie Votes.**

If after a recount and appeal two (2) or more candidates tie in having the highest number of votes for the same office, the mayor shall notify the candidates who are tied. The mayor shall notify the candidates 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.

**11.08.130 Certification of Election.**

The Election supervisor shall see that a Certificate of Election is delivered to each person elected to office. The Certificate of Election shall be signed by the city clerk and authenticated by the Seal of the City of Tenakee Springs.

**CHAPTER 11.09**

**CONTEST OF ELECTION**

|           |           |                                            |
|-----------|-----------|--------------------------------------------|
| Sections: | 11.09.010 | <b>CONTEST OF ELECTION</b>                 |
|           | 11.09.020 | <b>RECOUNT EXPENSES--APPEAL</b>            |
|           | 11.09.030 | <b>CONTEST OF ELECTION - INVESTIGATION</b> |
|           | 11.09.040 | <b>BALLOT RECOUNT</b>                      |

11.09.050      **SUSTAINED CHARGES—RECOUNT**

**11.09.010      Contest of Election.**      A.      Any candidate or any (10) qualified voters may contest the election of any person and 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 Canvass Board at its first meeting after the election, and will deliver a sworn written notice of contest, which will state with particularity the provisions of the law allegedly violated and the specific acts asserted as misconduct and be, essentially, in the format below:

**NOTICE OF ELECTION CONTEST**

The undersigned believe(s) that prohibited practices occurred at the election held on \_\_\_\_\_.

The undersigned state(s) that the following provisions of law were violated:  
\_\_\_\_\_  
\_\_\_\_\_.

The undersigned state(s) that the above provisions of the law were violated in the following manner:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Signature(s) of Person(s) Contesting

SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for Alaska

My Commission Expires: \_\_\_\_\_  
Date

[or]  
ATTEST: \_\_\_\_\_  
City Clerk/City of Tenakee Springs      \_\_\_\_\_  
Date

**11.09.020      Recount Expenses—Appeal.**      A.      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 (2) percent.

B. No person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the city, has exhausted his administrative remedies by the City Council and has commenced, within ten (10) days after the Canvass Board has finally declared the election results, an action in the Superior Court in the judicial district in which the city is located. If no such action is commenced within the ten (10) day period, the election and election results shall be conclusive, final and valid in all respects.

**11.09.030 Contest of Election—Investigation.** A. The Canvass Board shall hear and decide any contest of election at the canvass meeting; such meeting may be postponed three (3) times, on a day to day basis.

B. The Election supervisor, and any other official called by the Board, shall present all records and documents requested by the Canvass Board.

C. The decision of the Canvass Board shall be entered into the Election Journal.

**11.09.040 Ballot Recount.** If only a recount of ballots is demanded, the Election Board shall recount the ballots.

**11.09.050 Sustained Charges—Recount.** If the charges alleged by the contestant are sustained, the defective ballots will be purged from the election returns, and the Canvass Board make a recount without counting the illegal votes. The results of such recount will be reported immediately to the City Council. The City Council will then certify the correct election returns as provided in Section 11.08.100.

## CHAPTER 11.10

### INITIATIVE PETITION AND REFERENDUM

Sections: 11.10.010 INITIATIVE PETITION AND REFERENDUM

**11.10.010 Initiative Petition and Referendum.** The people of the city may directly enact ordinances by the initiative and may reject ordinances of the Council by referendum, in accordance with AS 29.26.100 through AS 29.26.190.

## CHAPTER 11.11

### RECALL

Sections: 11.11.010 RECALL PROCEDURES

**11.11.010 Recall – Procedures.** The people of the city may recall an elected official of the city. The procedure for recall shall be in accordance with AS 29.26.240 through AS 29.26.360.

## **CHAPTER 11.12**

### **SALE OF ALCOHOL ON ELECTION DAY**

Sections:                    11.12.010      **SALE OF ALCOHOL ON ELECTION DAY**

**11.12.010 Sale of Alcohol on Election Day** A. the sale of alcoholic beverages and/or products by and within licensed premises on Election Day in the Municipality of Tenakee Springs, Alaska shall be permitted as provided for in AS 04.16.070(b)