

Submitted by: Assembly Chair
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Assembly Ethics &
Elections Committee
Prepared by: Municipal Clerk's Office
Reviewed by: Assembly Counsel's
Office
For reading: November 21, 2023

**ANCHORAGE, ALASKA
AO No. 2023-124**

**AN OMNIBUS ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING AND UPDATING ANCHORAGE MUNICIPAL CODE TITLE 28,
ELECTIONS.**

WHEREAS, the Municipal Clerk's Office, with the assistance of Assembly Counsel, the Anchorage Election Commission, and the Assembly Ethics and Elections Committee, conducts a regular review of the election code, Anchorage Municipal Code Title 28, *Elections*, each year; and

WHEREAS, following the 2023 Regular Election, the Municipal Clerk's Office drafted proposed updates to provisions of the Elections Code to streamline administration correct mistaken cross-references; and

WHEREAS, the Assembly Ethics and Elections Committee reviewed this ordinance at their meeting on October 25, 2023, and the Election Commission reviewed and recommended a change to the draft at their meeting on October 25, 2023, that is incorporated herein; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 28.10.040 is hereby amended to add (*the remainder of the section is not affected and therefore not set out*):

28.10.040 Definitions

The following words, terms, and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Valid signature means a signature that has been compared with one or more signatures in the voter's voter registration file or on the voter's government-issued identification and determined to be by the same writer, through evaluation by an election official trained to perform this function using the standards set forth in this title.

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Voter registration file means a voter's registration file maintained by the State of Alaska, Division of Elections, pursuant to Alaska Statutes Chapter 15.07.

(GAAB 7.05.010; AO No. 85-75; AO No. 90-81; AO No. 91-166; AO No. 2002-179(S), § 1, 1-7-03; AO No. 2004-176, § 1, 6-1-05; AO No. 2013-130(S-1), § 2, 1-14-14; AO No. 2016-10(S), § 1, 2-9-16; AO No. 2017-29(S), § 1, 6-1-17; AO No. 2018-4(S), § 1, eff. retroactively 12-1-17; AO No. 2020-5(S), § 1, 2-11-20; AO No. 2020-131(S), § 2, 1-14-21; AO No. 2021-110(S), § 1, 12-28-21; AO No. 2022-98, As Amended, § 2, 12-6-22)

Section 2. Anchorage Municipal Code section 28.80.050 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.80.050 – Rules for counting votes.

12. A write-in vote shall not be counted for an individual candidate:

a. In a runoff election, because the only qualified candidates in a runoff are the names printed on the ballot; no write-in candidate is qualified;

b. For a service area supervisory board candidate if the candidate has not registered as a qualified write-in pursuant to section 28.30.020; or

c. Except as set forth in paragraph 12.b [13.B.] above, unless the aggregate of all votes cast for all write-in candidates for the particular office is

i. The highest number of votes received by any candidate for the office; or

ii. The second highest number of votes received by any candidate and within the margin requiring an automatic recount in section 28.90.025C;

In which case the write-in votes will be allocated to the individual candidates in an automatic recount.

(GAAB 7.05.160—7.05.170; CAC 2.68.260; AO No. 85-75; AO No. 2001-43, § 4, 2-27-01; AO No. 2002-180, §§ 3—5, 3-24-03; AO No. 2013-130(S-1), § 6, 1-14-14; AO No. 2016-12, § 3, 1-26-16; AO No. 2017-29(S), § 40, 6-1-17; AO No. 2018-4(S), § 18, eff. retroactively 12-1-17; AO No. 2020-5(S), § 5, 2-11-20; AO No. 2020-131(S), § 10, 1-14-21; AO No. 2021-110(S), § 13, 12-28-21; AO No. 202-98, As Amended, § 9, 12-06-22)

Section 3. Anchorage Municipal Code section 28.85.040 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.85.040 - Certification of election.

- A. The election commission and the municipal clerk shall report the results of the commission's ballot review and election results at an assembly meeting as soon as practicable.
- B. If, after considering the information, the assembly determines that the election was validly held, the assembly shall certify the results of the election in accordance with the reports of the election commission and municipal clerk.
- C. The certification shall be subject to the outcome of any recount under chapter 28.90 and any appeal or judicial review [ELECTION CONTEST] under chapter 28.300 [100]. Certification of the election is not subject to an assembly motion to reconsider.

(GAAB 7.05.190; CAC 2.68.580; AO No. 252-76; AO No. 77-330; AO No. 85-75; AO No. 2001-43, § 5, 2-27-01; AO No. 2004-176, § 10, 6-1-05; AO No. 2017-29(S), § 45, 6-1-17; AO No. 2020-5(S), § 6, 2-11-20; AO No. 2020-131(S), § 11, 1-14-21)

Section 4. Anchorage Municipal Code section 28.90.025 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.90.025 – Recount by order of the assembly or municipal clerk; automatic recount.

- D. The municipal clerk shall initiate a recount within seven days of the certification of the election if the results show that the aggregate of all votes cast for a write-in candidate meet the requirements of section 28.80.050B.12 [28.80.050B.13.C.] and must be allocated to the individual write-in candidates.

(AO No. 2016-68, § 1, 6-21-16; AO No. 2020-5(S), § 7, 2-11-20; AO No. 2020- 131(S), § 12, 1-14-21; AO No. 2021-110(S), § 13, 12-28-21)

Section 5. Anchorage Municipal Code section 28.100.020 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.100.020 Contest procedure.

- A. Notice of contest of an election shall be submitted in writing to the municipal clerk at any time not later than noon on [WITHIN NINE DAYS AFTER] the day of the first meeting for which the Assembly has issued a public notice that it may take up the question of whether

to certify the election. A person that signs and submits an election contest form containing false statements is guilty of unsworn falsification in the second degree under AS 11.56.210 or AMC 8.30.170 [CERTIFICATION OF THE ELECTION].

- B. The notice of contest shall:
1. Specify the election being contested,
 2. Include a statement of [T]he grounds for [OF] the contest specified with particularity, and of the relief sought.
 3. Shall be verified and bear the notarized signatures of the candidate or the qualified voters bringing the contest. [.] The verification shall be in the form prescribed by state law.
 4. Shall contain the printed or typed names and residence addresses of the candidate or qualified voters, and
 5. Shall designate two persons as representatives and include the phone numbers, mailing addresses, and residence addresses of the representatives.
- C. The assembly shall vote whether to hear the contest or to certify the results of the [CONTESTED] election at a meeting held pursuant to AMC 28.85.040B. [IN ACCORDANCE WITH THE REPORTS OF THE ELECTION COMMISSION AND MUNICIPAL CLERK.] If the assembly decides to hear the contest, it may appoint one or more persons to take evidence concerning the grounds for the contest and report to the assembly.

(GAAB 7.05.200; CAC 2.68.550; AO No. 85-75; AO No. 2004-176, § 12, 6-05; AO No. 2013-130(S-1), § 9, 1-14-14; AO No. 2017-29(S), § 47, 6-1-17; AO No. 2020-131(S), § 13, 1-14-21)

Section 6. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 5th day of December, 2023.

ATTEST:

Chair

Municipal Clerk