CITY OF GUSTAVUS
ORDINANCE FY21-15

AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE REVISIONS OF CITY ORDINANCE TITLE 5 ELECTIONS

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. Classification. This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.

Section 3. Enactment. Now therefore, it is enacted by the Gustavus City Council that this revision of Title 5 - Elections deletes Title 5 Elections in its entirety and adopts the new Title 5 - Elections attached.

Bold and Underlined items are additions. ~~Strikeout~~ items are deletions.

Title 5 - ELECTIONS

Chapter 5.10 - CITY ELECTIONS

Sections:

Section 5.10.010 Definitions.

A. **"Ballot" means any document provided by the Clerk on which votes may be cast for candidates, propositions, or questions.**
B. **"City" means the City of Gustavus.**
C. **"Clerk" means the City Clerk or any properly authorized assistant to the City Clerk.**
D. **Day of Certification of the Election. The day of the certification of the election is the date the City Council is scheduled to certify the entirety of the election results or 14 days after the date of the election, whichever is earlier.**
E. **"Election" includes any regular or special City election.**
F. **"Election official" includes election officials at the polls, the City Clerk, Canvass Board, counting teams, election clerks and judges.**
G. **"Majority vote" means more than half of the votes cast.**
H. **"Oath" means any form or attestation by which a person signifies the person is bound in conscience to perform and act faithfully and truthfully. "Oath" includes affirmations.**
I. **"Proposition" means a proposal offered for acceptance or rejection, which is stated as a question on a ballot.**
J. **"Questioned voter" means a voter:**

1. **Whose name does not appear on the register in the precinct where the voter attempts to vote;**
2. **Who has received an absentee ballot and does not turn it in when voting at his precinct on election day;**
3. **Who does not bear identification or is not personally known to an election official though the voter's name appears on the precinct register; or**
4. **Who is questioned for good cause at the polls**

K. **"Registration" or "registered" refers to the form of registration required by the State Election Code. For City elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 calendar days prior to the City election.**

L. **"Regular ballot" means a ballot voted at the polls which is not a questioned or an absentee ballot.**

M. **"Regular election" means the City election held on the first Tuesday of October annually, unless a different date or interval of years is provided by ordinance.**

N. **"Signature" or "subscription" includes a mark intended as a signature or subscription.**

O. **"Special election" means any election held at a time other than when a regular election is held.**

P. **"State" means the state of Alaska.**

Q. **"Swear" includes "affirm."**

R. **"Voter" means a person who votes a ballot either in person or by mail.**

Section 5.10.020 - Administration.

The city clerk is the supervisor of elections and shall prepare and maintain election materials and records. ~~The clerk shall begin preparations for a general election at least forty five (45) days before the date of the election and for a special election as expeditiously as possible.~~ **All elections held by the city shall be conducted on a nonpartisan basis.** The clerk is responsible for contacting the State of Alaska, Division of Elections, and making certain the city has on hand, before any election, the most current official voter registration list. The city clerk shall act as clerk to the election board.

Section 5.10.~~020~~030 - Residence criteria.

When determining residence for the purpose of qualifying voters the following criteria will apply:

(a) **No person may be considered to be a resident by reason of being present nor may residency be lost solely by reason of absence while in the civil or military service of the state or of the United States, or by absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon tribal lands or military reservation, or while residing in an Alaska Pioneer's Home.**

(b) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one (1) place, but does business in another, the former is the place of residence. Temporary construction camps do not constitute a dwelling place.

(c) A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one (1) residence.

(d) A person does not lose his/her residence if he/she leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.

(e) A person does not gain residency by coming to the city without the ~~present~~ intention to establish his/her permanent dwelling in this city.

(f) A person loses residence in this city by voting in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until again qualified under this chapter.

(g) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.

~~(h) The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his new voting residence~~

Section 5.10.040 - Voter qualifications.

A person shall be qualified to vote in city elections who:

(a) Is a United States citizen; and

(b) Is 18 years or older; and

(c) Has been a resident of the City of Gustavus for thirty (30) days before the election; and

(d) Has registered to vote in Alaska at least 30 days before the election and is not registered to vote in another jurisdiction; and

(e) Is not disqualified under Article V of the constitution of the State of Alaska which provides that:

"No person may vote who has been convicted of a felony involving moral turpitude unless his/her civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

~~Section 5.10.030 - Residence criteria.~~

~~When determining residence for the purpose of qualifying voters the following criteria will apply:~~

~~(a) No person may be considered to be a resident by reason of being present nor may residency be lost solely by reason of absence while in the civil or military service of the state or of the United States, or by absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon tribal lands or military reservation, or while residing in an Alaska Pioneer's Home.~~

~~(b) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one (1) place, but does business in another, the former is the place of residence. Temporary construction camps do not constitute a dwelling place.~~

~~(c) A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one (1) residence.~~

~~(d) A person does not lose his/her residence if he/she leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.~~

~~(e) A person does not gain residency by coming to the city without the present intention to establish his/her permanent dwelling in this city.~~

~~(f) A person loses residence in this city by voting in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until again qualified under this chapter.~~

~~(g) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.~~

~~(h) The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his new voting residence.~~

Section 5.10.050 - General elections.

The regular general election for council members and other elected city officials shall be held each year on the first Tuesday in October to coincide with national and state elections. The clerk shall begin preparations for a general election at least forty-five (45) days before the date of the election. Questions or propositions may be placed on the ballot at this time.

Section 5.10.060 - Special elections.

If a special election is required by action (i.e. ordinance or resolution) of the city council, the city council shall resolve that a special election on the question proposed by the council's action be held on and no sooner than the tenth (10th) Tuesday following the council's action. The clerk shall begin preparations for a special election as expeditiously as possible.

Section 5.10.070 - Election notices.

(a) Election notices shall be prepared and posted in three (3) public places by the city clerk for thirty (30) days before the date of the general election and for twenty (20) days before the date of a special election, and shall contain the following, as is appropriate:

(1) Whether the election is general, special or runoff; and

(2) Date of election; and

(3) Location of the city polling place(s); and

(4) Time the polling place(s) will open and close; and

(5) Offices to be filled or a statement of any questions or propositions to be placed on the ballot; and

(6) A statement describing voter qualifications; and

(7) Time for filing declarations of candidacy.

~~(b) A sample election notice that may be used is shown at the end of this chapter (Form 5.10-A).~~

Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days ~~preceding~~ **before** the date of election. Section 5.10.080 - Qualifications for city council.

(a) All elections of council officials shall be non-partisan.

(b) A person filing for office for a city seat must be:

(1) A United States citizen who is qualified to vote in state elections and

(2) A resident of the City of Gustavus for one (1) year immediately preceding the election for which declaring candidacy and

(3) Not disqualified under Article V of the Constitution of the State of Alaska which provides that:

"No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

Section 5.10.090 - Filing for office.

(a) A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the city clerk. This shall be filed no sooner than forty-five (45) days and no later than twenty (20) days before the election.

(b) A person filing for a city council seat must meet the qualifications of Section 5.10.080.

~~(c) The forms appearing at the end of this chapter may be used for the declaration of candidacy. (Form 5.10-B)~~

Section 5.10.100 - Alaska Public Official Financial Disclosure exemption.

Candidates for city council shall be exempt from the financial disclosure reporting requirements of the State of Alaska Public Official Financial Disclosure Law (AS 39.50).

Section 5.10.110 - Withdrawal, written notice.

A candidate who has complied with the provisions of this chapter may withdraw that candidacy no later than the last day for filing candidacy declarations by filing a written notice of withdrawal with the city clerk.

A write-in candidate, who receives the majority of votes, may remove their name from that office by filing a written notice with the city clerk no later than five (5) days after he **or she has been** ~~is~~ notified of being the winner during the meeting to certify the election.

Section 5.10.120 - Publishing names.

The city clerk shall post in three (3) public places at least ten (10) days before the day of election, a sample ballot with candidate names and any questions to be voted on.

Section 5.10.130 - Election ~~judges~~ **officials**.

~~(a) The council shall each year choose three (3) city voters as judges to be the election board at each polling place and select one (1) of the judges to chair the board. The judges shall not be council members, candidates for office, or immediate relatives of candidates. If an appointed judge fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or the counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.~~

~~(b) The city clerk shall give the following written oath to all election judges on or before election day:~~

~~I, _____ do solemnly swear that I will honestly, faithfully and promptly perform the duties of election judge to the best of my ability and that I am familiar with the City's election ordinances.~~

~~SIGNED _____~~

~~ATTEST: _____~~
~~_____ City Clerk~~

(a) Election Supervisor. The city clerk shall be the election supervisor. The clerk shall have the authority to conduct all election proceedings and to carry out the intent of this chapter. The clerk may authorize an assistant to execute designated supervisory functions set out in this chapter. The assistant shall be an election official and shall be administered the election officials' oath.

(b)Election Officials. Prior to each election, the clerk with the approval through a resolution of the council, shall appoint at least three (3) city voters as election officials / judges to be the election board at the designated polling place. One (1) judge shall be designated chair of the board. The

election officials shall not be council members, candidates for office, or immediate relatives of candidates. If an appointed election official fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or the counting of the ballots, the remaining officials shall appoint a qualified voter to fill the vacancy.

(c)The clerk may appoint as many election officials as needed to conduct an orderly election and to relieve the election officials of undue hardship.

(d)The city clerk shall give the following written oath to all election officials on or before election day:

I, _____, do solemnly affirm that I will honestly and faithfully perform the duties of an election official according to law; and that I will endeavor to prevent fraud, deceit, or abuse in conducting the election, to the best of my knowledge and ability.

SIGNED _____ ATTEST: _____
City Clerk

~~(d) Pay of the election judges shall be determined by the council.~~

Section 5.10.140 - Sale of liquor on election days.

The provisions of AS 04.16.070(B) that prohibit the sale, barter, giving, consumption or disposal of alcoholic beverages within licensed premises on a city election day until the polls have closed do not apply in the City of Gustavus.

(Ord. No. FY19-03 , § 3, 9-17-2018)

~~**CITY OF GUSTAVUS, ALASKA**~~

~~**NOTICE OF GENERAL MUNICIPAL ELECTION**~~

~~(Form 5.10-A) (Sample)~~

~~**NOTICE:** A regular (special, runoff) election will be held in the City of Gustavus on the _____ day of _____, 20___ for the purpose of filling seats on the City Council, as follows:~~

~~City Council Seat ___, 3-year term~~

~~City Council Seat ___, 3-year term~~

~~City Council Seat ___, 3-year term~~

~~The polling location will be posted in three public places 30 days prior to the election.~~

~~The polls will open at 7:30 a.m. and close at 8:00 p.m.~~

~~In order to vote, you must be: (1) a citizen of the United States, and qualified to vote in State of Alaska elections; (2) a resident of the City of Gustavus for at least 30 days prior to the date of the election; and (3) registered to vote in State elections. You cannot vote if you have been: (1) convicted of a felony involving moral turpitude,~~

~~unless your voting rights have been restored; or (2) judicially determined to be of unsound mind, unless this disability has been removed.~~

~~Candidates for office must file a Declaration of Candidacy form with the City Clerk no later than 5:00 p.m., September _____, 20___. A sample Declaration of Candidacy form can be obtained from the City Clerk at the city offices from 9:00 a.m. to 5:00 p.m., Mondays through Fridays.~~

~~_____~~	~~_____~~
~~DATE~~	~~City Clerk~~

-

~~[City Seal]~~

~~CITY OF GUSTAVUS, ALASKA~~

~~DECLARATION OF CANDIDACY~~

~~(Form 5.10-B) (Sample)~~

		~~_____~~ ~~Clerk: Insert date of filing~~
~~I, _____, hereby declare my candidacy~~ ~~(Insert full name)~~		
~~for the office of _____ the City of~~ ~~_____ (State name of office)~~		
~~Gustavus, Alaska. I am a qualified city voter. I am a United States citizen qualified and registered to vote in elections of the State of Alaska. I have not been convicted of a felony involving moral turpitude without later restoration of my voting rights pursuant to A.S. 15.50.300, nor have I been judicially determined to be of unsound mind, unless this disability has been removed. I have been, or will by the date of the election for which I am filing this Declaration, be a resident of the City of Gustavus, Alaska for one year or more.~~		
~~If elected to the above office, I will serve for the full term of three years, commencing on _____ _____, 20___ and~~ ~~(date term of office begins)~~		
~~ending on _____ _____, 21___. I request that my name be~~ ~~_____ (date term of office ends)~~		

~~printed on the official ballot for the municipal election to be held in the City of Gustavus, Alaska on _____ ____, 21___.~~ ~~_____ (date of election)~~		
		~~Signature~~

Chapter 5.20 - ELECTION EQUIPMENT AND MATERIALS

Sections:

Section 5.20.010 - Election booths.

The election supervisor shall provide booths at each polling place, with enough supplies and materials to enable each voter to mark a ballot hidden from observation. At least three (3) sides of each booth shall be hidden or protected from the judges and clerks, voters, and other persons at the polling places.

Section 5.20.020 - Furnishing instruction cards.

(a) The election supervisor shall prepare for each polling place instructions for the guidance of voters covering the following:

(1) How to obtain a ballot; and

(2) How to mark a ballot; and

(3) How to obtain additional information, and;

(4) How to obtain a new ballot to replace any ballot destroyed or spoiled.

(b) The election supervisor shall furnish a necessary number of these instruction sheets to the election judges in the voting place.

Section 5.20.030 - Ballots; printing; sample ballots.

In all city elections, the city clerk as election supervisor will be responsible for the printing of ballots. The ballots will be printed and in the possession of the city clerk at least nineteen (19) days before the day set for a general or special election. There shall be at least three (3) ballots printed on color paper, with the words "SAMPLE BALLOT" printed on them, to be posted in ~~the clerk's office until election day and then given to the judges at each polling place.~~ **three (3) public places.**

Section 5.20.040 - Ballots; form.

(a) The ballots shall state at the top whether the election is regular or special. There shall be printed "OFFICIAL BALLOT" and the date of the election.

(b) The ballots shall include instructions on how to mark the ballots.

(c) The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The clerk shall assure that the number of ballots printed equals a minimum of fifty (50) percent of registered voters in the City of Gustavus, in order to provide replacement ballots for ballots that may be spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the master voter registration list. Number of ballots printed will be at the discretion of the city clerk based upon historical voter turnout percentages~~, but no less than fifty (50) percent.~~

(d) A ballot shall show the list of candidates and issues to be decided at the election.

(e) Before the list of candidates there shall be placed the words "vote for not more than three," or "vote for not more than one," or such other number as are to be elected.

(f) Under the title of each office and before the printed names of the candidates, there shall be printed "Vote for one" or such other number as are to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order, and by a blank line or lines for write-in candidates. In regular and special elections, the number of blank lines provided for each office shall be equal to the number of persons who are to be elected to the office.

(g) The names of the candidates will be printed in capital letters the same size. 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 (¼) of an inch on each side will be printed.

(h) The names of candidates shall be printed as they appear upon the declaration of candidacy filed with the city clerk, except that any honorary or assumed title or prefix shall be omitted.

(i) Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon, if any. Provision shall be made for marking the propositions or questions "Yes" or "No."

~~(j) The sample ballot appearing at the end of this chapter illustrates the ballot form.~~

(Ord. No. FY15-15, § 3, 6-8-2015)

Section 5.20.050 - Other materials.

At least ten (10) days prior to the day of the election, the clerk shall prepare the following materials:

(a) An updated master voter registration list, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;

(b) Tally sheets;

(c) A form for the report of preliminary election results;

(d) Envelopes bearing the oath and affidavit of eligibility for questioned ballots;

(e) Two (2) large envelopes for each polling place, one (1) marked "Spoiled Ballots" and the other marked "Questioned Ballots";

(f) Copies of the notice of election and the city's elections ordinance.

~~BALLOT NO. _____~~

~~AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE~~

~~**CITY OF GUSTAVUS, ALASKA**~~

~~**OFFICIAL BALLOT**~~

~~(Form 5.20 A) (Sample)~~

~~**Regular Election of October 6, 1992**~~

~~Mark your votes by making an "X" mark in the space next to each candidate or choice you wish to vote for. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the election judge or clerk. You will be given another ballot.~~

~~Vote for two candidates for City Council. Each candidate elected will serve a three year term. If you vote for more than two candidates, none of your votes can be counted.~~

~~To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below the list of candidates.~~

~~**CITY COUNCIL**~~ ~~(Vote for two only)~~	~~**INITIATIVE 92-1**~~
~~ARNOLD JONES .....~~ ___	~~An ordinance to limit the length of speeches given by City Council members.~~
~~BILL BROWN .....~~ ___	~~YES .....~~ ___ ~~NO .....~~ ___
~~BARBIE DOLL .....~~ ___	

~~(Write in)~~	
~~(Write in)~~	

~~BALLOT NO. 2020-x~~

~~AFTER MARKING BALLOT, FOLD BALLOT TO THIS LINE~~

~~CITY OF GUSTAVUS, ALASKA~~
~~OFFICIAL BALLOT~~

~~Regular Election of October 6, 2020~~

~~Mark your votes by making an "X" mark in the space next to each candidate or choice you wish to vote for. If you make a mistake or change your mind, DO NOT erase or cross out any mark you have made. Your vote cannot be counted if there is any erasure or correction. Instead, fold this ballot and give it back to the Election Judge or Clerk. You will be given another ballot.~~
~~Vote for no more than ONE candidate for each City Council Seat. If you vote for more candidates than the seats available, your votes will not be counted.~~
~~To vote for a person whose name is not printed on the ballot, write his or her name in the blank space below and check the box.~~

~~CITY COUNCIL SEAT C~~
~~Term 2020 – 2023~~
~~(Vote for ONE only)~~

☐ **~~CANDIDATE NAME~~**

☐ _____
~~(Write in)~~

~~CITY COUNCIL SEAT D~~
~~Term 2020-2023~~
~~(Vote for ONE only)~~

☐ **~~CANDIDATE NAME~~**

☐ **~~CANDIDATE NAME~~**

☐ _____
~~(Write in)~~

~~**CITY COUNCIL SEAT G**~~
~~**Term 2020-2021**~~
~~(Vote for ONE only)~~

☐ ~~**CANDIDATE NAME**~~

☐ _____
~~(Write in)~~

Chapter 5.30 - ELECTION PROCEDURES

Sections:

Section 5.30.010 - Time for opening and closing polls.

(a) On the day of any election, the election officials shall open the polls for voting at 7:30 a.m., shall close the polls for voting at 8:00 p.m., and shall keep the polls open during the time between these hours. The election officials shall report to the polling place at their scheduled time on ~~an~~ election day.

(b) Fifteen (15) minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close. A judge shall announce when the polls close. As soon as the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.

Section 5.30.020 - Distribution of ballots.

(a) Before the polls open on election day at 7:00 a.m., the election supervisor shall deliver the ballots and sample ballots prepared under Chapter 5.20 from the safe at city hall to the election ~~clerks~~ **officials** present at the polling location. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election ~~clerks~~ **official** to which the package is delivered and given to the election supervisor. The ballots must be kept in the sealed package, in plain view of all present until the polls open at 7:30 a.m. No ballots may be taken from the polling place before the closing of the polls and must be kept in plain view under the care of ~~an~~ election officials at all times, until the marked and unmarked ballots are delivered to the elections supervisor at the closing of the polls.

(b) The election supervisor shall keep the following records:

(1) The number of ballots delivered to the polling place;

(2) The time the ballots are delivered; and

(3) The name of the election ~~judge chairperson~~ **official** to whom the ballots are delivered;

(4) The receipt given for the ballots by the election ~~board~~**official**.

(c) When the ballots are returned, the election supervisor shall record the following:

(1) The number of ballots returned;

(2) The time when the ballots are returned;

(3) The name of the election judge chairperson returning the ballots; and

(4) The condition of the ballots.

Section 5.30.030 - Distribution of other election materials.

(a) On election day, the election supervisor shall also furnish the election officials at the polling location with voting booths and a ballot box (with a lock or sealing materials); and the following materials:

(1) The updated master voter registration list;

(2) Envelopes bearing the oath and affidavit of eligibility for questioned ballots;

(3) An envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots;

(4) Copies of the notice of election;

(5) The city's elections ordinances;

(6) A sufficient number of instruction sheets;

(7) And a sufficient supply of pens, pencils, and envelopes.

(b) The election supervisor shall supply the election board chairperson with tally sheets and forms for the report of preliminary election results.

Section 5.30.040 - Preparation of ballot box.

Before receiving any ballots, the election officials must, in the presence of all persons present at the polling place, open and exhibit the ballot box to be used at the polling place. After showing the box, the box shall be sealed and not opened again until the polls are finally closed. At the close of the polls and after deposit into the ballot box of all ballots properly voted upon, the ballot box shall be personally opened by the election ~~judges~~ **officials**.

Section 5.30.050 - Voting; general procedure.

(a) A voter shall give the ~~judges or clerks~~ **election official** ~~his or her~~ **their** name, and then sign ~~his or her name~~ next to his or her name on the master voter registration list. The signing of the master voter registration list is a declaration the voter is qualified to vote. If the voter is not known to any ~~judge or clerk~~ **election official** present, the ~~judge or clerk~~ **election official** may require the voter to produce a state voter registration card or other identification. If, in the opinion of the ~~judge or clerk~~ **election official**, there is doubt, he shall immediately question the voter.

(b) If the voter is not questioned, the ~~judge or clerk~~ **election official** shall give the voter a single ballot and note its number on the master voter registration list next to the voter's name. The voter shall then go alone to a voting booth. There the voter~~, without delay,~~ shall prepare his or her ballot by marking the boxes opposite the names of candidates of the voter's choice, whether printed on the ballot or written in by him on the blank lines provided for that purpose. The voter also marks the boxes to indicate their vote for or against questions and propositions. Before leaving the voting booth, the voter shall fold the ballot in a manner displaying the number on the ballot and deliver it to one (1) of the ~~judges or clerks~~ **election officials**, who shall, without unfolding the ballot or allowing any person to see how it is marked,

remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the ~~judges and clerks~~ **election official**. The voter shall then, in the presence of the election official, deposit the ballot in the ballot box unless the voter requests the election official to deposit the ballot on his or her behalf. Separate ballot boxes may be used for separate ballots.

Section 5.30.060 - Voting; spoiled ballots.

If a voter improperly marks or otherwise damages a ballot, and discovers their mistake before the ballot is placed in the ballot box, the voter shall return it to an election official, concealing from view the manner in which it is marked, and request a new ballot. The election official shall remove the numbered ballot stub from the ballot, write the words, "Spoiled Ballot," on the outside of the folded ballot, record its number, and place it in an envelope with other spoiled ballots for return to the election supervisor. The ~~judge or clerk~~ **election official** shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than two (2) times for a total of three (3) ballots.

Section 5.30.070 - Voting; questioned ballots.

(a) ~~Every election judge and election clerk~~ **Any election official** may question, and any other person qualified to vote in the city may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned.

(b) If a voter's name is not on the master voter registration list or a voter's eligibility to vote is questioned or there is some other question regarding a voter's eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility 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. After the questioned person has executed the Oath and Affidavit of Eligibility the person may cast a questioned ballot. If the questioned person refuses to execute the Oath and Affidavit of Eligibility, the person may not vote.

(c) A voter who casts a questioned ballot shall vote his **or her** ballot in the same manner as prescribed for other voters. After the election ~~judge~~ **official** removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement the voter previously signed is locate(d) These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, sealed in the questioned ballots envelope and delivered to the election supervisor along with other election materials and the ballot statement when the election board completes the tally and account of ballots. The merits of the question shall be determined by the city council, meeting as the election review committee on the first Friday following the election.

~~(d) A sample Oath and Affidavit of Eligibility (Form 5.30-A), is included in the end of this chapter.~~

Section 5.30.080 - Assisting voter by ~~judges~~ **election official.**

A qualified voter who cannot read, mark the ballot, ~~or~~ sign his name or who because of ~~blindness or~~ other physical ~~disability~~ **incapacity**, or who because of unfamiliarity with the system of voting needs assistance, may request an election ~~judge~~ **official** of ~~his~~ **their** choice to assist. If the election ~~judge~~ **official** is requested, the official shall assist the voter.

Section 5.30.090 - Prohibitions.

(a) No voter may leave the polling place with the official ballot that the voter received to mark.

(b) 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.

(c) No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked the ballot, or allow the same to be done by another person.

(d) No election official may allow a ballot which ~~he~~ **they** know~~s~~ to have been unlawfully exhibited by a voter to be placed in the ballot box. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.

(e) During the hours that the polls are open, no ~~judge or clerk~~ **election official** may discuss any political party, candidate or issue while on duty.

(f) During the hours that polls are open, no person who is in the polling place or within two hundred (200) feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election officials shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

Section 5.30.100 - Administration of oaths.

Any election ~~judge~~ **official** may administer to a voter any oath that is necessary in the administration of the election.

Section 5.30.110 - Majority decision of election ~~board~~ **officials.**

The decision of the majority of ~~judges~~ **election officials** determines the action ~~that the election board shall take~~ to be taken regarding any question which arises during the course of the election.

Section 5.30.120 - Ballots; counting and tallying.

(a) Immediately after the polls close and last vote has been cast, the election ~~judges~~ officials shall make note of the numbers of the unused ballots, and then destroy them prior to the opening of the boxes containing the ballots. The ballot boxes may not be opened until all of the unused ballots have been destroyed. Unused ballots must be destroyed in plain public view. Ballots may not be counted before 8:00 p.m. on the date of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present 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. The ~~judges~~ **election officials** shall remove the ballots from the ballot box one (1) by one (1),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. The election ~~judges~~ **officials** shall cause the vote tally to be continued without adjournment until the count is complete.

(b) The election board shall account for all ballots by completing a ballot statement containing:

(1) The number of ballots received;

(2) The number of ballots voted;

(3) The number of ballots spoiled;

(4) The number of ballots unused.

The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist between the ballots received and those accounted for it shall be explained in detail on the ballot statement and the explanation signed by the election ~~judges~~ **officials**.

~~(c) The Tally Sheets (Form 5.30-B) and Report of Preliminary Election Results (Form 5.30-C) that may be used are illustrated in this chapter.~~

Section 5.30.130 - Rules for counting ballots.

(a) The election board shall count ballots according to the following rules:

(1) A voter may mark his ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.

(2) A failure to properly mark a ballot as to one (1) or more candidates or propositions does not itself invalidate the entire ballot.

(3) If a voter marks more names that there are persons to be elected to the office, the votes for candidates for that office shall not be counted.

(4) The mark specified in subsection (a)(1) of this section shall be counted only if it is mostly inside the square provided or touching the square so as to indicate that the voter intended the particular square to be designated.

(5) Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.

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

(7) Write-in votes are not invalidated by writing in the name of the 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.~~

(8) Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the ~~judges~~ **election officials** the voter intended to vote for the person whose name was written-in as a write-in vote.

(9) No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote, and the office intended to be chosen by the voter.

(b) The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

(c) The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection (a) of this section. If only a portion of the ballot is invalid, the valid votes shall be counted, and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.

(d) If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion or portion of the ballot to which the objection applies.

(e) All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots," which shall be delivered to the election supervisor.

Section 5.30.140 - Report of election results.

(a) When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form ~~(Form 5.30-C)~~. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or no on each question and any additional information the election board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one (1) of the two (2) original certificates, ~~and~~ the master voter registration list, register of voters, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned ballots, defective ballots, spoiled ballots and other election documents in one (1) sealed package, and in a separate sealed package, all ballots properly cast. **The election supervisor shall place all election materials received from the election board in the office safe until the canvass of election returns on the Friday following the election.**

(b) The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee on the Friday following the election when the committee meets.

~~(b) The election board shall immediately upon completion of the certificate deliver to the election supervisor one (1) of the two (2) original certificates. The election supervisor shall place all election materials received from the election board in the office safe until the canvass of election returns on the Friday following the election.~~

Section 5.30.150 - Posting certificates of preliminary election results.

(a) The election supervisor shall post copies of the certificate of preliminary election results in three (3) public places the day after the preliminary election results are known. The notice shall include:

(1) The time and place of the council meeting to be convened to consider the election results; and

(2) That the results do not reflect the votes of absentee and questioned ballots and are not final until the council formally certifies the election; and

(3) That anyone has the opportunity to contest the election at the meeting.

~~**City of Gustavus**~~

~~**OATH AND AFFIDAVIT OF ELIGIBILITY**~~

~~(Form 5.30-A) (Sample)~~

~~STATE OF ALASKA~~	~~)~~
	~~) ss.~~
~~FIRST JUDICIAL DISTRICT~~	~~)~~

-

~~I, _____, DO HEREBY DECLARE THAT I AM A RESIDENT OF THE CITY OF GUSTAVUS, ALASKA, AND MEET ALL OF THE MINIMUM REQUIREMENTS SET FORTH BY LOCAL ORDINANCES AND STATE LAW TO VOTE IN THIS ELECTION.~~

~~I AM NOT DISQUALIFIED AND HAVE NOT PREVIOUSLY VOTED IN THIS ELECTION.~~

~~SIGNED:~~	
~~_____~~ ~~(NAME)~~	

~~____~~ ~~(ADDRESS)~~	
~~WITNESSED:~~	
~~____~~ ~~ELECTION JUDGE~~	

~~**City of Gustavus**~~

~~**TALLY SHEET**~~

~~(Form 5.30-B) (Sample)~~

~~Election Date: ____~~	~~Date of Vote Count: ____~~
~~Number of ballots:~~	
~~1) received from City Clerk:~~	~~____~~
~~2) voted:~~	~~____~~
~~3) spoiled and returned to City Clerk:~~	~~____~~
~~4) questioned and delivered to City Clerk:~~	~~____~~
~~5) unused and returned to City Clerk:~~	~~____~~
~~Candidate~~	~~Votes~~
~~COUNCIL SEATS ___ & ___:~~	
~~____~~	~~____~~
~~____~~	~~____~~
~~____~~	~~____~~

~~____~~	~~____~~
~~____~~	~~____~~
~~____~~	~~____~~
~~____~~ ~~(Write In)~~	~~____~~
~~____~~ ~~(Write In)~~	~~____~~
	~~**Total:** ____~~

-

~~City of Gustavus – Election Tally Sheet – Page 1 of 2~~

~~PROPOSITION/QUESTION ____:~~	
~~– Yes ____~~	
~~– No ____~~	
~~(Votes for this question) ____~~	
	~~**Total:** ____~~
~~PROPOSITION/QUESTION ____:~~	
~~– Yes ____~~	
~~– No ____~~	
~~(Votes for this question) ____~~	

	~~**Total:** ____~~

~~City of Gustavus — Election Tally Sheet — Page 2 of 2~~

~~**CITY OF GUSTAVUS, ALASKA**~~

~~**REPORT OF PRELIMINARY ELECTION RESULTS**~~

~~(Form 5.30-C) (Sample)~~

~~The tally below is a true and accurate record of all regular votes cast in the _____ election held in the City of Gustavus, Alaska on _____ ____, 20___.~~

~~**PART I: ELECTIVE OFFICES**~~

~~**OFFICE: CITY COUNCIL SEATS ___ & ___**~~

~~CANDIDATE~~	~~VOTE~~	~~CANDIDATE~~	~~VOTE~~
~~1. ____~~	~~____~~		
~~2. ____~~	~~____~~		
~~3. ____~~	~~____~~		
~~4. ____~~	~~____~~		
~~5. ____~~	~~____~~		
~~6. ____~~	~~____~~		
~~7. ____ (Write In)~~	~~____~~		
~~8. ____ (Write In)~~	~~____~~		

~~Report of Preliminary Election Results — Page 1 of 2~~

~~PART II: BALLOT PROPOSITIONS AND QUESTIONS~~

~~PROPOSITION _____:~~	~~YES _____~~	~~NO _____~~
~~PROPOSITION _____:~~	~~YES _____~~	~~NO _____~~
~~PROPOSITION _____:~~	~~YES _____~~	~~NO _____~~
~~QUESTION _____:~~	~~YES _____~~	~~NO _____~~
~~QUESTION _____:~~	~~YES _____~~	~~NO _____~~
~~QUESTION _____:~~	~~YES _____~~	~~NO _____~~

-

~~PART III: ACCOUNTING OF BALLOTS~~

~~Total Ballots Received From City Clerk: _____~~

~~Total Regular Ballots cast: _____~~

~~Total Questioned Ballots cast: _____~~

~~Total Ballots Returned to Clerk: Defective: _____~~

~~Unused: _____~~

~~The tally of ballots was completed between the hours of _____ p.m. and _____ p.m. on _____ _____, 20___.~~

~~Respectfully submitted,~~

~~_____, Election Board Chairman~~

~~_____, Election Judge~~

~~_____, Election Judge~~

~~ATTEST:~~

~~_____~~
~~City Clerk~~

~~[City Seal]~~

~~Report of Preliminary Election Results Page 2 of 2~~

Sections:

Section 5.40.010 - Absentee voting; eligible persons.

~~Any qualified voter, who expects to be absent from the city or who will be unable to vote by reason of physical disability on the day of any election, may cast an absentee ballot.~~

At any election, a qualified voter may vote an absentee ballot for any reason.

Section 5.40.020 - 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 city clerk.~~

(a) A qualified voter may, in person or by mail, electronic mail, or by facsimile machine, file a written, signed application for an absentee-by-mail ballot with the city clerk.

(b) An application ~~made by mail~~ must be received by the city clerk no more than forty-five (45) days, nor less than twenty (20) days before a city election. ~~An application made in person must be filed with the city clerk not more than twenty (20) days before the city election., and no later than noon on the day before a city election.~~

(c) The application must be signed by the applicant and show his place of residence.

(d) No absentee voter's ballot may be mailed to any address **with**in the city. Any voter present in the city who requires an absentee ballot shall personally obtain the ballot from the city clerk.

(e) Nothing in this section is intended to limit the city clerk 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 absent voter's ballot. The city clerk may deliver an absentee ballot to a disabled person living within the city at any time until the polls close on election day.

Section 5.40.030 – **Absentee** ~~B~~ballot and envelope form.

The ballot provided to absentee voters shall be identical to the ballots prepared for regular voters and used on election day. The ballot ~~envelope~~ **secrecy sleeve** and the oath of affidavit envelope shall be smaller than the return envelope so they may be easily enclosed in the return envelope. The ballot **secrecy sleeve** shall be marked "Ballot Envelope" and have no other marks upon it. The oath of affidavit envelope shall have printed upon it the oath and affidavit~~and certification illustrated at the end of this chapter~~. The ballot envelope and the return envelope shall be of heavy opaque paper. ~~The return envelope shall have printed upon its back the affidavit and certification illustrated at the end of this chapter~~.

Section 5.40.040 - Absentee voting procedures.

(a) The clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with Section [5.20].040 of Chapter 5.20 together with a ballot envelope, an oath of affidavit envelope and an unstamped return envelope.

(b) The clerk shall not issue an absentee ballot sooner than twenty (20) days before the election.

(c) Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the clerk shall enter in the blank register the following information:

(1) The number of the ballot issued;

(2) The name of the voter to whom it was issued;

(3) And the date on which the ballot was issued.

(d) Before the opening of the polls on election day the clerk shall deliver to the election ~~judges~~ **officials** a list of the voters who have requested to vote absentee.

(e) To be counted, an absentee voter's ballot must be executed before the polls close in the city and be received by the clerk prior to the time the ballots are canvassed by the election review committee.

(f) No city official may make any charge for services rendered to any voter under the provisions of this chapter. However, the voter must provide the necessary postage.

Section 5.40.050 - Absentee ballots; delivery.

Upon receipt of an application for an absent voter's ballot, the clerk shall check the latest state registration listings to determine whether the applicant is registered in accordance with AS 15.70. If the applicant is properly registered, the clerk shall deliver to the applicant, personally or by mailing to the address given by the applicant, an official ballot for the election, a ballot envelope**, the oath of affidavit envelope** and a return envelope. If the absentee voter's ballot is personally delivered, the absentee voter shall secretly mark the ballot in the presence of the clerk, in a manner which permits the clerk to be certain that the voter personally marked the ballot, but which does not permit the clerk to see how the voter voted. The voter shall fold the ballot**, place in the ballot envelope** and seal it in the oath of affidavit envelope. The voter shall then complete ~~and swear to~~ the affidavit printed on the back of the oath of affidavit envelope and deliver it to the clerk. The clerk shall ~~certify to the affidavit on the envelope,~~ write or stamp his **or her** name across its seal, seal the envelope in the return envelope, and retain the envelope in their custody to be delivered to the council for canvassing.

Section 5.40.060 - Absentee voting at clerk's office; absentee voting in person.

Any voter issued an absentee ballot may, at any time prior to the day of the election for which it is issued, appear at the office of the city clerk, and there cast his ballot.

Section 5.40.070 - Absentee ballots; by mail.

Any voter issued an absentee ballot may, at any time prior to closing of the polls on the day of the election for which it is issued, appear before an election official, and cast their ballot in the same manner as it would be cast in the office of the city clerk under Section [5.40].050 of this chapter. After writing or stamping his/her name across the seal of the return envelope, the election official shall return it to the voter who shall mail it to the city clerk.

If the voter does not have an absentee ballot, they may vote by questioned ballot. The elections review committee will determine if the voter has already voted by absentee.

Section 5.40.080 - Voting at the polls, absentee voters; surrender of materials.

If a voter issued an absentee ballot returns to the city on election day, the voter shall not vote at the polling place unless he or she first surrenders to an election official the absentee ballot, ballot envelope, and return envelope issued to the voter. Unused absentee ballots, ballot envelopes and return envelopes shall be returned to the election supervisor by the election board with other ballots not used at the polling place.

Section 5.40.090 - Retention of absentee ballots; delivery.

The city clerk as election supervisor shall retain all absentee ballots received in the office safe until the time the city council meets as the election review committee to canvass the election. At this time the clerk shall deliver all absentee ballots received to the election review committee to be counted and included in the final vote tally of the election. Absentee ballots must be received by the time of the meeting to be counted.

~~Section 5.40.100 - Liberal construction.~~

~~This chapter shall be liberally interpreted, so as to accomplish the purposes set forth.~~

~~**(Form 5.40-A) (Sample)**~~

~~**CITY OF GUSTAVUS, ALASKA**~~

~~**APPLICATION FOR ABSENTEE BALLOT**~~

~~I, _____, A QUALIFIED VOTER AND RESIDENT OF THE CITY OF GUSTAVUS, ALASKA HEREBY APPLY FOR AN ABSENTEE BALLOT FOR THE CITY ELECTION TO BE HELD ON _____ _____, 20__.~~

~~RESIDENCE ADDRESS*:~~

~~_____~~

~~(P.O. BOX NUMBER OR STREET)~~

~~MAILING ADDRESS:~~

~~_____~~

~~(IF OTHER THAN RESIDENCE ADDRESS)~~

~~REASON FOR REQUESTING ABSENTEE BALLOT: _____~~

~~_____~~

~~_____~~

~~ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:~~

~~____~~	~~*Note: An absentee ballot may not be mailed to an address in Gustavus.~~
~~____~~	
~~____~~	

-

~~VOTER REGISTRATION NUMBER, SOCIAL SECURITY NUMBER, OR BIRTHDATE:~~

~~_____~~

~~DATE: _____ SIGNED: _____~~

~~RECEIVED BY: _____ DATE: _____~~

~~PLEASE MAIL THIS APPLICATION TO:~~	~~Office of the City Clerk,~~
	~~City of Gustavus, POB 1,~~
	~~Gustavus, Alaska, 99826~~

-

~~**City of Gustavus, Alaska**~~	~~**ABSENTEE BALLOT Oath of Affidavit**~~
~~**ENVELOPE**~~	
	~~(Form 5.40 B)~~
~~(Sample)~~	
~~STATE OF ALASKA~~	~~)~~
	~~) ss.~~
~~UNITED STATES OF AMERICA~~	~~)~~
~~_____ deposes and says: I am a resident of and a registered voter in City of Gustavus, Alaska, and I hereby enclose my ballot in compliance with the election ordinance of said city.~~	

~~(Signature of Voter)~~	~~(Residence address with city)~~
~~(Witness's Signature)~~	

Chapter 5.50 - REVIEW OF ELECTION RETURNS

Sections:

Section 5.50.010 - Election review committee; meeting.

(a) The city council acting as the election review committee shall meet on the first Friday after the election and canvass all absentee and questioned and defective ballots executed in the election. If the committee is unable to obtain a quorum or complete the count on the Friday after the election, the canvass will be rescheduled the following day and each day thereafter until completed.

(b) The city clerk shall submit to the committee the election board's report of preliminary election results, the master voter registration list, the register, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

(c) The chairman of the election board shall submit the duplicate of the report of election to the election review committee.

Section 5.50.020 - Review to be public.

(a) The review of all absentee and questioned and defective ballots shall be made in public by opening the returns and announcing the results thereof in front of those present.

(b) The review shall include a review and comparison of the tallies of ballots with the election reports to correct any mathematical error in the count of ballots.

(c) If the election supervisor finds an unexplained error in the tally of ballots, the election review committee may count the ballots from a ballot box.

Section 5.50.030 - Determining election winner.

The candidate receiving the highest number of votes for the respective office wins.

Section 5.50.040 - Tie votes.

In the event of a tie vote, and after a recount of ballots that confirms the tie vote, the council shall in its first meeting after the election call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner.

Referendums, ballot initiatives, or recall votes resulting in a tie shall fail

Section 5.50.050 - Procedure for questioned ballot review.

(a) The election supervisor shall contact the state division of elections and the local voter registrars by the Thursday following the election and determine if persons casting questioned ballots because of failure of their names to appear on the master voter registration list were in fact registered to vote in state elections. The election supervisor shall record the names of these questioned voters in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots. ~~according to the procedures in (b)(4) of this section.~~

(b) The council meeting as the election review committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the committee may request the assistance of the clerk. ~~and shall hear testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the committee's decision.~~ If the committee determines that the voter was eligible to vote, the oath and affidavit envelope shall be placed with the other absentee oath of affidavit envelopes until the review committee is ready to open and count the ballots. If the committee upholds the challenge, the decision shall be noted in the minutes and the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.

(1) A questioned ballot may not be counted if:

(A) The voter has failed to properly mark the certificate;

~~(B) An official authorized by law to attest the certificate failed to execute the certificate;~~

(~~C~~**B**) The voter did not enclose the marked ballot inside the small envelope.

~~(2) Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The election review committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (1) of this subsection.~~

(2) If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements

of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe.

(3) If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots. The questioned ballots shall then one (1) by one (1) 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.

Section 5.50.060 - [Reserved.]

Section 5.50.070 - Absentee ballots.

(a) The election review committee shall examine each absentee ballot return envelope. The return envelope shall be opened and the blank envelope containing the absentee ballot shall be placed in a ballot box and mixed with other small envelopes containing the previously reviewed questioned ballots if the committee determines that:

(1) The voter is registered to vote;

(2) The voter is a resident of the City of Gustavus;

~~(3) The voter certified and cast his ballot before a person authorized by law to administer oaths, and that person did sign and seal the envelope;~~

(4**3**) The ballot was cast before the close of the polls and;

(b) If the committee determines that a voter voting absentee was not in fact a qualified voter or did not follow absentee voting procedures the **review** committee by majority vote may refuse to accept and count the absentee ballot. The return envelope shall not be opened but rather the reasons for rejection shall be noted on the envelope. The election supervisor shall place all such rejected absentee ballots in an envelope marked "rejected absentee ballots" to be saved with other election materials. The election supervisor shall notify the voter in writing why his absentee ballot was rejected.

Section 5.50.080 - Counting absentee and questioned ballots.

The questioned ballots and absentee ballots shall then one (1) by one (1) be removed from the ballot box, taken out of the ballot envelopes and counted by the committee in the same manner in which ballots cast at the polls are counted.

Section 5.50.090 - Defective ballots.

Review Ccommittee members shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom or what the voter intended to vote.

Section 5.50.100 - Certifying results.

If no contest of election is begun under the provisions of Chapter 5.60 of this Code and after all absentee, defective and questioned ballots are counted or rejected, the **review** committee shall:

(a) Certify a report that shows:

(1) The total number of ballots cast in the election;

(2) The names of the person voted for (including write-ins) and the proposition 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 absentee, questioned, and defective ballots; and

(6) Any other matters which the committee deems necessary to preserve a complete record of the election.

(b) Record the results of the election in the minutes of the meeting;

(c) Authorize the results to be certified;

(d) Publicly declare the results of the election.

Section 5.50.110 - Contest of election.

If a contest of election is declared, the procedures of Section [5.50].100(a)—(d) shall be followed at a special meeting held on the first Monday after resolution of the contest.

Section 5.50.120 - Certificate of election.

~~(a)~~ The certificates shall be signed by the mayor and attested by the city clerk. Upon certification of the election results by the election committee, the city clerk shall prepare copies of each certificate ~~and provide~~ for each of the successful candidates, or the sponsor of the successful question or proposition named thereon. The original of each certificate of election ~~shall be given to the of each certificate~~ shall be retained as a permanent record by the city.

~~(b) The forms appearing at the end of this chapter illustrate a sample of the certificates of election. (Forms 5.50 A—C)~~

Section 5.50.130 - Retention of election records.

The city clerk shall preserve all election documents in accordance with the City of Gustavus Records
Retention Schedule.

~~CITY OF GUSTAVUS, ALASKA~~

~~REPORT OF ELECTION RESULTS~~

~~(Form 5.50-A) (Sample)~~

~~The tally below is a true and accurate record of all votes cast in the _____ election held in the City of Gustavus, Alaska on _____ _____, 20___.~~

~~PART I: ELECTIVE OFFICES~~

~~OFFICE: CITY COUNCIL SEATS ___ & ___~~

~~CANDIDATE~~	~~VOTE~~
~~1. _____~~	~~_____~~
~~2. _____~~	~~_____~~
~~3. _____~~	~~_____~~
~~4. _____~~	~~_____~~
~~5. _____~~	~~_____~~
~~6. _____~~	~~_____~~
~~7. _____ (Write In)~~	~~_____~~
~~8. _____ (Write In)~~	~~_____~~

~~Report of Election Results — Page 1 of 2~~

~~PART II: BALLOT PROPOSITIONS AND QUESTIONS~~

~~PROPOSITION _____:~~	~~YES _____~~	~~NO _____~~
~~PROPOSITION _____:~~	~~YES _____~~	~~NO _____~~
~~PROPOSITION _____:~~	~~YES _____~~	~~NO _____~~
~~QUESTION _____:~~	~~YES _____~~	~~NO _____~~
~~QUESTION _____:~~	~~YES _____~~	~~NO _____~~
~~QUESTION _____:~~	~~YES _____~~	~~NO _____~~

~~PART III: ACCOUNTING OF BALLOTS~~

~~Total Ballots Cast: _____~~

~~Total Regular Ballots cast: _____~~

~~Total Questioned Ballots cast: _____~~

~~Disposition:~~

~~Accepted _____~~

~~Rejected _____~~

~~Total Absentee Ballots cast: _____~~

~~Disposition:~~

~~Accepted _____~~

~~Rejected _____~~

~~Total Defective Ballots cast _____~~

~~Disposition:~~

~~Accepted _____~~

~~Rejected _____~~

~~The canvass of the election was completed between the hours of _____ p.m. and _____ p.m. on _____ _____, 20___.~~

_____
~~Mayor~~

~~ATTEST:~~

_____
~~City Clerk~~

~~[City Seal]~~

~~Report of Election Results — Page 2 of 2~~

~~City of Gustavus, Alaska~~

~~CERTIFICATE OF ELECTION — OFFICER~~

~~(Form 5.50-B) (Sample)~~

~~THIS IS TO CERTIFY that on the _____ day of _____, 20___, _____ was elected to the office of _____ of the City of Gustavus, Alaska, as confirmed by the City Council of the City of Gustavus upon completion of the final canvass of ballots on the _____ day of _____, 20___.~~

~~DATED at Gustavus, Alaska this _____ day of _____, 20___.~~

~~_____ Mayor~~

~~ATTEST:~~

~~_____~~
~~City Clerk~~

~~[City Seal]~~

~~City of Gustavus, Alaska~~

~~CERTIFICATE OF ELECTION — BALLOT PROPOSITION~~

~~(Form 5.50-C) (Sample)~~

~~THIS IS TO CERTIFY that on the _____ day of _____, 20___, the ballot proposition relating to _____, a true and correct copy of which is attached hereto, was approved or rejected by the voters of the City of Gustavus, as confirmed by the City Council of the City of Gustavus, upon completion of the final canvass of ballots on the _____ day of _____, 20___.~~

~~DATED at Gustavus, Alaska this _____ day of _____, 20___.~~

~~_____ Mayor~~

~~ATTEST:~~

~~_____~~
~~City Clerk~~

~~[City seal]~~

Chapter 5.60 - CONTEST OF ELECTION

Sections:

Section 5.60.010 - Contest of election; contestant.

(a) Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.

(b) Any qualified voter who believes that prohibited practices occurred at an election may contest the election by:

(1) Filing a written affidavit with the city clerk specifying with particularity the provisions of the law which the voter believes were violated and the specific acts he believes to be misconduct;

(2) This affidavit must be filed with the city clerk before or during the first meeting of the election review committee on the Friday following the election. The city

~~My Commission Expires: _____~~

~~[Notary Seal]~~

Section 4. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

Date Introduced: January 11, 2018
Date of Public Hearing: February 8, 2018

PASSED and **APPROVED** by the Gustavus City Council this 8th day of February 2021

_____
Brittney Cannamore, Mayor

_____
Attest: Karen Platt CMC, City Clerk