

**ANCHORAGE, ALASKA  
AO No. 2021-XXX**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE TITLE 28, ELECTIONS, TO UPDATE AND CLARIFY PROVISIONS OF THE CODE.**

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

**WHEREAS**, following the 2021 Regular Election and Runoff Election, provisions of the Anchorage Municipal code could be updated to streamline administration of municipal elections and improve efficiency and voter accessibility; and

**WHEREAS**, it is wise and desirable to review and update Code governing our local electoral system periodically to maintain integrity and build public confidence; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 28.10.040 is hereby amended to read as follows (*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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*Signature* includes any mark intended as a signature or subscription and authorized by state law, including controlling court decisions.

*Tabulate* means to tally the votes in a race or measure to produce results.

*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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(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)

**Section 2.** Anchorage Municipal Code section 28.40.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**28.40.010 - Form.**

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**D.      Contents of official and sample ballots.**

1.      The official and sample ballots may consist of one or more pages, printed on one or both sides. The official and sample ballots shall contain:
  - a.      The names of all candidates for each office with spaces for write-ins equal to the number of offices to be filled, with the title of the office and "Vote for not more than (the number of offices to be filled)" appearing before the names, except that a runoff ballot shall not have a space for a write-in;
  - b.      The title, including the number or letter, and a summary description, including the question, of each proposition to be voted on, and any additional information concerning a proposition that is required by law to appear on the ballot. This information shall be prepared in a fair, true and impartial manner by the municipal attorney, in consultation with the municipal clerk;
  - c.      An oval preceding the name of each candidate and each line for writing in the name of a candidate, providing a place for the voter to mark the voter's choice of candidate; and an oval below the title and summary description of each proposition, providing a place for the voter to mark a vote of "yes" or "no";
  - d.      On each side of the ballot used, the legend, "To vote: use black or blue ink and completely fill-in the oval of the selection of your choice as shown." The legend shall include a visual representation of a properly filled oval. Also, when both sides of the ballot are used, the legend shall include: "Be sure to vote both sides of the ballot."
  - e.      When using scanning equipment, the official ballot shall be printed and encoded to ensure proper scanning and

1 tabulation by [THROUGH] the election [SCANNING]  
 2 equipment. Only the official ballot shall bear the serial  
 3 numbering on the stub, if serial numbering is used.  
 4

- 5 f. The facsimile signature of the municipal clerk, the date  
 6 of the election, and the word "official" before the word  
 7 "ballot".  
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10 (GAAB 7.05.080; AO No. 85-75; AO No. 89-136; AO No. 96-12, § 1, 1-23-  
 11 96; AO No. 97-18, § 1, 2-11-97; AO No. 99-113, § 2, 8-10-99; AO No. 2001-  
 12 43, § 1, 2-27-01; AO No. 2001-166, § 1, 1-2-02; AO No. 2001-181(S), § 1, 1-  
 13 8-02; AO No. 2002-179(S), § 2, 1-7-03; AO No. 2004-176, § 3, 6-1-05; AO  
 14 No. 2013-130(S-1), § 3, 1-14-14; AO No. 2016-10(S), § 3, 2-9-16 ; AO No.  
 15 2017-29(S), § 8, 6-1-17; AO No. 2018-4(S), § 4, eff. retroactively 12-1-17;  
 16 AO No. 2020-131(S), § 6, 1-14-21)  
 17

18 **Section 3.** Anchorage Municipal Code section 28.40.020 is hereby amended to  
 19 read as follows (*the remainder of the section is not affected and therefore not set*  
 20 *out*):  
 21

22 **28.40.020 - Preparation and distribution.**  
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- 25 C. Voting by mail. The municipal clerk shall cause an official ballot to be  
 26 mailed to voters at least 21 days before the regular or special election  
 27 day and seven days before a runoff election day. The municipal clerk  
 28 is not required to mail ballots to any voter that does not have a valid  
 29 residence address, or is in the condition of purge notice (PN),  
 30 undeliverable (UN), list maintenance (LM), or list maintenance  
 31 undeliverable (LU), as described in AS 15.07.130.  
 32

33 \*\*\* \*\*

34 (GAAB 7.05.090; CAC 2.68.200; AO No. 85-75; AO No. 2013-130(S-1), § 3,  
 35 1-14-14; AO No. 2016-10(S), § 4, 2-9-16 ; AO No. 2017-29(S), § 9, 6-1-17;  
 36 AO No. 2018-4(S), § 5, eff. retroactively 12-1-17; AO No. 2020-5(S), § 11, 2-  
 37 11-20; AO No. 2020-131(S), § 6, 1-14-21)  
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39 **Section 4.** Anchorage Municipal Code section 28.50.130 is hereby amended to  
 40 read as follows (*the remainder of the section is not affected and therefore not set*  
 41 *out*):  
 42

43 **28.50.130 - Assisting voter at a polling location or vote center.**  
 44

- 45 A. At a polling location or vote center, a[A] qualified voter may request  
 46 the assistance of an election official or not more than two persons of  
 47 the voter's choice, except as listed below.  
 48

- 49 1. If the election official is requested, the official shall assist the  
 50 voter.  
 51

1 2. If any other person is requested, such as a family member,  
 2 friend, or member of the public, the requested person shall  
 3 state upon oath or affirmation before the election official that  
 4 the person will not vote the ballot for the voter, coerce the voter  
 5 into voting for a specific candidate or issue, or divulge the votes  
 6 cast by the voter. The oath or affirmation shall be on a form  
 7 prescribed by the municipal clerk. Violation of the oath or  
 8 affirmation is misconduct involving confidential information  
 9 punishable under chapter 28.200 and shall create a private  
 10 cause of action in the voter.

11  
 12 3. A friend or member of the public may assist the voter, unless  
 13 the friend or member of the public is:

14 a. The employer of the voter; or

15 b. An agent of the employer of the voter; or

16 c. An officer or agent of the union of the voter; or

17 d. A candidate for office in the election; or

18 e. A paid or unpaid campaign worker of a candidate for  
 19 office in the election, or a paid or unpaid campaign  
 20 worker of an organization supporting or opposing a  
 21 ballot measure.

22  
 23 B. If the election official is assisting the voter to insert the ballot in the  
 24 scanner at a polling location and the scanner will not accept the ballot  
 25 on the initial try, the election official may request the voter flip or rotate  
 26 the ballot and re-insert the ballot into the scanner in an effort to get the  
 27 scanner to read the ballot. The voter may refuse this request. In all  
 28 cases the ballot shall be deposited in the scanner or ballot box by the  
 29 voter in the presence of the election official.

30  
 31 (GAAB 7.05.130; CAC 2.68.240.B; AO No. 85-75; AO No. 2013-130(S-1), §  
 32 3, 1-14-14; AO No. 2020-5(S), § 2, 2-11-20; AO No. 2020-131(S), § 7, 1-14-  
 33 21)

34  
 35 **Section 5.** Anchorage Municipal Code section 28.50.140 is hereby amended to  
 36 read as follows (*the remainder of the section is not affected and therefore not set*  
 37 *out*):

38  
 39 **28.50.140 Replacement ballots.**

40 \*\*\*      \*\*\*      \*\*\*

41 B. Voting by mail or as special needs. A voter may obtain a replacement  
 42 ballot if the original ballot is destroyed, spoiled, lost, or not received by  
 43 the voter. Requests may be made in person, in writing, by telephone,  
 44 or electronically, by the voter, the voter's designated representative  
 45 under section 28.60.040, or by a person exercising the right under a  
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valid power of attorney. A voter requesting a replacement ballot must provide sufficient information to confirm their identity. Sufficient information is at least three of the following: residence address, name, last four digits of the social security number, and birthdate.

1. The municipal clerk shall keep a record of each request for a replacement ballot. Unless the first ballot received has been voided, it shall be the only ballot counted[TABULATED].
2. If the municipal clerk receives additional ballots from a voter, as indicated by the fact that the voter is already credited with voting, the additional ballots shall not be counted and shall be forwarded to the election commission for adjudication. The municipal clerk may provide the voter's information to law enforcement under section 28.200.120.

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(AO No. 2017-29(S), § 21, 6-1-17; AO No. 2018-4(S), § 11, eff. retroactively 12-1-17; AO No. 2020-5(S), § 2, 2-11-20; AO No. 2020-131(S), § 7, 1-14-21)

**Section 6.** Anchorage Municipal Code section 28.50.300 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**28.50.300 - Appointment and privileges of observers.**

A. A candidate or organization must register their observers with the municipal clerk for each election, except as specifically noted below.

B. After first registering observers with the municipal clerk:

1. At [EACH CANDIDATE MAY HAVE ONE OBSERVER AT] each polling location within the boundary area designated for the seat for which a [THE] candidate is running and [ONE OBSERVER] at each vote center;

[2.] a. Each candidate may have one observer; and

b. Any organization or organized group that sponsors or opposes an initiative, referendum, or recall measure may have one observer. [AT EACH POLLING LOCATION WITHIN THE BOUNDARY AREA SUBJECT TO THE MEASURE AND ONE OBSERVER AT EACH VOTE CENTER; AND]

2[3]. Subject to space or regulatory constraints, each[EACH] candidate, organization, or organized group may have at least one, but no more than four observers at the designated return location, if the municipal clerk determines at the clerk's sole discretion that the election process can accommodate at least[MORE THAN] one observer per candidate or

1 organization. Otherwise, each candidate or organization is  
2 limited to an equal share of the total number of observers  
3 designated by the municipal clerk.  
4

5 C[B]. The municipal clerk shall provide a form for the registration of  
6 observers.  
7

8 1. All observer registration forms must be submitted between 62  
9 days and 22 days before a regular election, and between 37  
10 days and 22 days before a special election.  
11

12 2. In a runoff election, observers registered in the regular election  
13 for a candidate who is in the runoff election may observe in the  
14 runoff election. Registration forms for new observers in a runoff  
15 election must be submitted between 28 days and 18 days  
16 before the runoff election.  
17

18 3. In an election recount, observers who are already registered  
19 may observe the recount in accordance with section  
20 28.90.040B. New observers must submit registration forms to  
21 the municipal clerk at least 24 hours before the start of the  
22 recount. Late-filed registration forms may be accepted and  
23 processed subject to the availability of staff and resources.  
24

25 D. A complete submitted form shall contain:  
26

27 1. Proof of appointment of observers by:  
28

29 a. The organization or organized group, signed by the  
30 chairperson of the organization or organized group; or  
31

32 b. The candidate the observer represents, signed by the  
33 candidate or [DESIGNATED] campaign manager.  
34

35 2. An oath or affirmation by the appointing person that each  
36 observer has been provided the most current version of the  
37 Election Observer's Handbook, incorporated herein by  
38 reference, and instructed on their rights and obligations.  
39

40 3. A signed confidentiality agreement for each observer on a form  
41 provided by the municipal clerk. In addition to other terms  
42 required by the municipal clerk, each agreement shall contain  
43 the following:  
44

45 I, (name of observer), swear or affirm that I have read the  
46 applicable guide for observers and I will not disclose  
47 confidential information, including voter identification numbers,  
48 social security numbers or the last four digits of the social  
49 security numbers, dates of birth, Alaska driver's license or state  
50 identification numbers, place of birth, confidential residence  
51 addresses and telephone numbers, and for whom or for what

1 propositions a person voted. I also swear or affirm I will not use  
2 confidential information for purposes other than determining  
3 whether to challenge a ballot or voter qualification.  
4

- 5 4. Other information that may be required by the municipal clerk  
6 in order to properly administer open, but secure and efficient,  
7 elections.  
8

9 E[C]. Observers. Once registered, the observer may be present at a position  
10 inside the polling location, vote center, or designated return location  
11 that affords a full view of all action of the election officials. Observers  
12 may be present during set up and tear down, from the time the polls  
13 are opened until the polls are closed, through the final tabulation of the  
14 ballots and certification of the election by the assembly.  
15

- 16 1. Election officials may require observers to sign in and out of the  
17 polling location, vote center, or designated return location.  
18 Election officials may also require an observer to present  
19 identification and proof of registration prior to allowing the  
20 observer a full view of all action of the election officials. Failure  
21 to show identification or proof of registration is grounds for  
22 removal. The election officials or the municipal clerk may  
23 request the assistance of law enforcement for this purpose.  
24

- 25 2. Observers may be required to wear identifying badges at all  
26 times while in the polling location, vote center, or designated  
27 return location. Coats and large bags are only allowed in places  
28 designated by the municipal clerk, chair of the polling location  
29 or [ACCESSIBLE] vote center, or other designee. Failure to  
30 wear a required identifying badge at all times is grounds for  
31 removal. Election officials or the municipal clerk may request  
32 the assistance of law enforcement for this purpose.  
33

- 34 3. Observers at a polling location or vote center may not sit in the  
35 area behind the table where election officials are working or in  
36 between election officials handling voter registers, and shall  
37 remain a distance away from voting machines, if any, and  
38 voting booths to ensure the privacy of the ballots. The observer  
39 may be in close enough proximity to hear and record the name  
40 of a person who is voting.  
41

- 42 4. While in the polling location, vote center, or designated return  
43 location, observers:

44 a. Shall not make or receive phone calls from designated  
45 areas;  
46

47 b. Shall not possess any mechanical or electronic means  
48 of recording images or sound within designated areas;  
49

50 c. Shall not [TAKE A PHOTOGRAPH OF OR  
51

1 OTHERWISE] record confidential information by any  
 2 means or method;

3  
 4 d[C]. Are not allowed to handle ballots, registers, other  
 5 election materials, or computers;

6  
 7 [D. MAY NOT CLOSELY OBSERVE THE SIGNATURES  
 8 APPEARING ON THE POLLING LOCATION  
 9 REGISTER. HOWEVER, THE OBSERVER MAY SIT  
 10 CLOSE ENOUGH TO HEAR THE ELECTION  
 11 OFFICIAL SAY THE VOTER'S NAME;]

12  
 13 e. May check the voting booths after each voter leaves the  
 14 booth to make sure no campaign material has been left  
 15 in the booth;

16  
 17 f. May not campaign at a polling location, vote center, or  
 18 designated return location. Any type of campaigning by  
 19 the observer should be reported immediately to the  
 20 election officials or the municipal clerk and is grounds for  
 21 immediate removal;

22  
 23 g. May remain at the polling location, vote center, or  
 24 designated return location until all procedures are  
 25 completed; [AND]

26  
 27 h. May ask brief questions of the municipal clerk or  
 28 designee[ELECTION OFFICIALS] regarding processes  
 29 used by the election officials or about[ON] the ballot  
 30 envelopes;[. OTHER QUESTIONS SHALL BE  
 31 DIRECTED TO THE MUNICIPAL CLERK.]

32  
 33 i. Shall not disturb election officials in the execution of their  
 34 duties so that the election officials may process the  
 35 election as efficiently as possible;

36  
 37 j. Shall follow instructions of the municipal clerk or  
 38 designee and on-site security; and

39  
 40 k. Shall conform to the obligations set forth in the Election  
 41 Observer's Handbook.

42  
 43 E[D]. An observer may not interfere with the election process. An observer  
 44 who violates a provision of[THE RESTRICTIONS OR RULES IN]  
 45 subsection E[C]., [OR] otherwise interferes with the election process,  
 46 or does not comply with applicable municipal law or the Observer's  
 47 Handbook, may be removed from the location at the direction of [AN  
 48 ELECTION OFFICIAL OR] the municipal clerk or designee. The[AN  
 49 ELECTION OFFICIAL OR THE] municipal clerk or designee may  
 50 request the assistance of law enforcement for this purpose.  
 51



(AO No. 2013-130(S-1), § 4, 1-14-14; AO No. 2017-29(S) , § 27, 6-1-17; AO No. 2020-5(S) , § 2, 2-11-20; AO No. 2020-131(S) , § 7, 1-14-21)

**Section 7.** Anchorage Municipal Code section 28.70.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**28.70.010 Time for ballot return envelope review.**

- A. The election officials shall review all ballot envelopes to determine each voter's eligibility and the status of the envelope as a valid, eligible return [FOR LATER COUNTING OF ITS ENCLOSED BALLOT]. The review of ballot envelopes may commence upon receipt and shall commence no later than the day after election day. No votes[BALLOT] shall be tabulated[COUNTED] before 8:00 p.m. on election day or the closing of the polls pursuant to subsection 28.150.030B.2. (emergency extension of poll hours), whichever is later.
- B. The review of envelopes shall continue daily until completed. The municipal clerk may designate the hours each day during which the election officials will conduct the review of envelopes.

(GAAB 7.05.180; CAC 2.68.502; AO No. 80-101; AO No. 83-84(S); AO No. 85-75; AO No. 90-119; AO No. 2013-130(S-1), § 7, 1-14-14; AO No. 2017-29(S) , § 33, 6-1-17; AO No. 2020-5(S) , § 4, 2-11-20; AO No. 2020-131(S) , § 9, 1-14-21)

**Section 8.** Anchorage Municipal Code section 28.70.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**28.70.030 - Ballot return envelope review standards: Regular.**

- A. Ballots that shall or shall not be counted based on ballot return envelope review.
- \*\*\*      \*\*\*      \*\*\*
2. A vote by mail ballot shall be counted if:
- a. The voter declaration is signed with a valid signature or, if the voter is unable to sign the voter's name, the voter marked the signature line and one other person has properly witnessed the voter's mark;
  - b. If signed by the voter, the voter's signature has been verified pursuant to subsection C. on or before the close of the public session of canvas; and
  - c. The ballot is received in one of the following ways:

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- i. The ballot return envelope is postmarked no later than the day of the election or the USPS or mail distributor (e.g. UPS, FedEx) can verify receipt of the envelope on or before election day, and received not later than the opening of the public session of canvass, or, if received from a MUOCAVa voter, not later than noon on the day of certification of the election.
  - ii. The ballot return envelope is deposited in a ballot drop box no later than 8:00 p.m. on election day, or the ballot return envelope was voted at a vote center and was properly cast before the closing of the election.
  - iii. The ballot is received by fax or email no later than 8:00 p.m. on election day.

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20 (GAAB 7.05.180; CAC 2.68.502; AO No. 80-101; AO No. 83-84(S); AO No.  
21 85-75; AO No. 94-65, § 1, 4-12-94; AO No. 99-113, § 4, 8-10-99; AO No.  
22 2001-43, § 5, 2-27-01; AO No. 2004-176, § 9, 6-1-05; AO No. 2013-130(S-  
23 1), § 7, 1-14-14; AO No. 2017-29(S) , § 35, 6-1-17; AO No. 2018-4(S) , § 17,  
24 eff. retroactively 12-1-17; AO No. 2020-5(S) , § 4, 2-11-20; AO No. 2020-  
25 131(S) , § 9, 1-14-21)

26  
27 **Section 9.** Anchorage Municipal Code section 28.80.005 is hereby amended to  
28 read as follows (*the remainder of the section is not affected and therefore not set*  
29 *out*):

30  
31 **28.80.005 Ballot counting procedure.**

- 32  
33 A. Ballot envelopes that are not rejected or challenged based on  
34 envelope validity shall be opened and the ballot removed for counting.  
35 When necessary a ballot shall be facsimiled and then included with  
36 other uncounted ballots.  
37  
38 B. The ballots shall be counted according to the rules for determining  
39 properly marked ballots in section 28.80.050, except that questioned  
40 ballots may not be counted by precinct.  
41  
42 C. Ballots rejected for counting shall be set aside separately from all other  
43 ballots and retained for a period of 30 days after the date of  
44 certification of the election.  
45  
46 D. When a voter casts a ballot containing races or propositions for which  
47 the voter is not eligible to vote, only votes cast in those races and  
48 propositions for which the voter is eligible to vote shall be counted.  
49 Facsimile ballots shall be created for counting of these votes in  
50 accordance with section 28.80.050.  
51

(AO No. 2013-130(S-1), § 7, 1-14-14; AO No. 2017-29(S), § 43, 6-1-17; AO No. 2020-5(S), § 5, 2-11-20)

**Section 10.** Anchorage Municipal Code section 28.80.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**28.80.010 Methods of counting.**

- A. Votes shall be counted in accordance with section 28.80.050.
- B. Reserved. [IMPROPER OR DAMAGED BALLOTS. WHEN A VOTER CAST A BALLOT CONTAINING RACES OR PROPOSITIONS FOR WHICH THE VOTER IS NOT ELIGIBLE TO VOTE OR WHICH CANNOT BE TABULATED DUE TO DAMAGE OR TECHNICAL DIFFICULTIES, ONLY VOTES CAST IN THOSE RACES AND PROPOSITIONS FOR WHICH THE VOTER IS ELIGIBLE TO VOTE WOULD HAVE VOTED IF USING A PROPER BALLOT SHALL BE COUNTED. FACSIMILE BALLOTS SHALL BE CREATED FOR COUNTING OF THESE VOTES IN ACCORDANCE WITH SECTION 28.80.050.]
- C. If an equipment failure occurs, the municipal clerk shall determine where and how the ballots are to be counted. The ballot counting shall be done in accordance with the rules for adjudication of ballots in section 28.80.050.

(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. 2013-130(S-1), § 6, 1-14-14; AO No. 2017-29(S), § 36, 6-1-17; AO No. 2020-5(S), § 5, 2-11-20)

**Section 11.** Anchorage Municipal Code section 28.80.015 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**28.80.015 Supervision and observation of ballot tabulation[COUNTING].**

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(AO No. 2013-130(S-1), § 6, 1-14-14; AO No. 2017-29(S), § 37, 6-1-17; AO No. 2020-5(S), § 5, 2-11-20)

**Section 12.** 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 - Preparation and rules for counting votes[BALLOTS].**

- A. The election officials shall prepare facsimiles of all damaged, electronically transmitted, or other ballots that cannot be read by the election equipment[MACHINES]. The facsimile ballots shall be suitable for machine scanning and tabulation. Ballot numbers shall be

1 recorded in such a fashion to ensure that the accurate duplication of  
 2 ballots can be verified at a later date. The facsimile ballots shall be  
 3 processed in the same manner as other ballots.  
 4

5 B. Adjudication of votes[BALLOT ADJUDICATION] shall use the  
 6 following rules:  
 7

8 \*\*\* \*\*

9 4. If a voter marks more names than there are persons to be  
 10 elected to the office, the votes for candidates to that office shall  
 11 not be counted. Marks for both a write-in and a candidate  
 12 named on the ballot shall not be counted, except during a  
 13 recount in accordance with section B.12. below[UNLESS  
 14 CHALLENGED].  
 15

16 \*\*\* \*\*

17 11. In order to vote for a write-in candidate, the voter must:  
 18

- 19 a. Write in the candidate's first and last name in the space  
 20 provided;
- 21 b. Mark the oval preceding the candidate's name in  
 22 accordance with subsection A.1. of this section, except  
 23 during a recount in accordance with section B.12. below;  
 24 and  
 25
- 26 c. Not mark ovals for additional candidates for the same  
 27 office in excess of the number of offices available,  
 28 except as otherwise provided in this code.  
 29

30  
 31 12. In a recount, a vote for a candidate named on the ballot shall  
 32 be counted:  
 33

- 34 a. If the voter also wrote in the same candidate's name on  
 35 the write-in line and filled in the corresponding oval; or
- 36 b. If the voter wrote in the candidate's name on the write-in  
 37 line but did not fill in the corresponding oval.  
 38

39  
 40 13.[11].A write-in vote shall not be counted for a candidate:  
 41

- 42 a. In a runoff election, because there is no space for a  
 43 write-in candidate on a runoff ballot per section  
 44 28.40.010D.; [OR]  
 45
- 46 b. For a service area supervisory board candidate if the  
 47 candidate has not registered as a qualified write-in  
 48 pursuant to[DOES NOT MEET THE REQUIREMENTS  
 49 OF] section 28.30.020; or  
 50
- 51 c. Unless there are more write-in votes than votes for any

candidate in the same race, except as set forth in paragraph 13.b. above.

14[12].A sticker bearing a candidate's name may not be used on the ballot and the vote shall not be counted for that office.

C. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot or vote shall not be counted unless marked in compliance with these rules. The rejection of a ballot or vote for counting under these rules is a final determination and only reviewed in an election recount or election contest.

D. A registered observer may challenge the adjudication of a vote under this section by submitting a form to the municipal clerk that sets forth with specificity the rule that has been improperly applied by election officials.

(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)

**Section 13.** Anchorage Municipal Code section 28.90.040 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**28.90.040 Procedure.**

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C. In conducting the recount, the election officials shall review all ballots to determine which votes are to be counted in the recount and declare which ballots will be recounted. When available, the recount shall be limited to reviewing the electronic version of the ballot images, adjudicating those images, tabulating them, and comparing to the original results[COUNT]. Otherwise:

1. The election officials shall check the number of ballots cast in a precinct:

a. Against the registers for a poll based election; and

b. Against the number of properly returned and validated ballot envelopes for a vote by mail election; and

2. Shall check questioned and absentee ballots voted against questioned and absentee ballots distributed. [THE RULES IN CHAPTER 28.80 SHALL BE FOLLOWED IN THE RECOUNT.]

D. The rules regarding adjudication of votes in chapter 28.80 shall be followed in the recount.

(GAAB 7.05.205, 7.05.220; AO No. 85-75; AO No. 2001-43, § 6, 2-27-01; AO No. 2002-182, § 1, 3-24-03; AO No. 2013-130(S-1), § 8, 1-14-14; AO No. 2017-29(S) , § 46, 6-1-17; AO No. 2020-5(S) , § 7, 2-11-20; AO No. 2020-131(S) , § 12, 1-14-21)

**Section 14.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Chair \_\_\_\_\_

ATTEST:

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Municipal Clerk

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