

Title 2

ELECTIONS

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Chapter 2.04**GENERAL PROVISIONS**

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2.04.010 Applicability of provisions.

The provisions contained in this title shall apply to all regular and special municipal elections held in the borough. [Ord. 782 § 1, 2006; Ord. 199 § 5, 1967; prior code § 36.65.010.]

2.04.020 Incorporation of state and federal law.

All provisions of the Constitution of the United States, the Constitution of the State of Alaska, and any laws enacted pursuant to said constitutions affecting municipal elections are incorporated in this chapter as if fully set forth in this chapter. [Ord. 270 § 5, 1972; prior code § 36.65.020.]

2.04.030 Expenses.

A. The borough shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, optical scanning devices, reprogramming of optical scanning device memory cards, ballots, voting booths, screens, national and state flags and other pertinent supplies, and any wages due judges and clerks.

B. Salaries for the election judges and clerks shall be set by the assembly.

C. However, all expenses of making a recount pursuant to an election contest shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount. [Ord. 782 § 2, 2006; Ord. 199 § 5, 1967; prior code § 36.60.010.]

2.04.040 Voting devices, ballot types and ballot clarity.

The borough clerk will follow procedures consistent with state law for the preparation, process and tabulation of optically scanned, electronically generated or paper ballots. All official ballots shall be prepared to facilitate fairness, simplicity, and clarity to accurately reflect the intent of the voter. [Ord. 782 § 3, 2006.]

2.04.050 Who is declared elected.

A. In a borough election, the top vote-getting candidate for the office of mayor, or for the unexpired term of a specific assembly, school board, port commission or medical center board vacancy, shall be declared elected.

B. In borough elections in which multiple assembly, school board, port commission or medical center board seats are being filled, the candidate(s) receiving the greatest number of votes, and whose standing in the vote count is at least equal to the number of seats to be filled, shall be declared elected. [Ord. 827 § 4, 2008.]

Chapter 2.08**VOTER QUALIFICATIONS**

Sections:

- 2.08.010 Registration.
- 2.08.020 Disqualification of voters.
- 2.08.030 Qualification of voters.
- 2.08.040 Qualification certification.
- 2.08.060 Time off from work for certain voters.

2.08.010 Registration.

A person is qualified to vote in borough elections who is registered to vote in state elections at a residence address within the borough at least 30 days before the election at which the person seeks to vote. [Ord. 782 § 4, 2006; Ord. 270 § 5, 1972; prior code § 36.10.010.]

2.08.020 Disqualification of voters.

No person may vote who has been convicted of a felony involving moral turpitude unless the person has been unconditionally discharged from custody as provided for by the Alaska Election Code. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed. [Ord. 782 § 5, 2006; Ord. 270 § 5, 1971; prior code § 36.10.030.]

2.08.030 Qualification of voters.

Each voter must have the qualifications prescribed by state law. Each voter shall be registered to vote in the precinct in which that person seeks to vote in municipal elections. A voter that desires to vote in a municipal election, whose name does not appear on the precinct list provided by the State of Alaska for said municipal election, shall be required to vote a questioned ballot. There shall be no additional requirement that every person voting upon a bond issue submitted in either a general or special election shall, in addition to the other qualifications for voters, be enrolled as a taxpayer of real property taxed upon the last tax roll of the borough. [Ord. 491 § 4, 1986; Ord. 270 § 5, 1972; prior code § 36.16.035.]

2.08.040 Qualification certification.

Each person, before voting a questioned ballot, shall certify as to his qualifications as a voter. Certification shall be by voter's affixation of signature on the right-hand page of a book maintained at each polling place, the left-hand page of which shall state:

I hereby certify that I am:

- a citizen of the United States,
- both qualified to vote in State of Alaska elections and registered therefor for at least 30 days immediately preceding this municipal election,
- at least 18 years of age,
- a resident of the borough for 30 days immediately preceding the election, and
- not disqualified by reason of having been convicted of a felony involving moral turpitude, and if so, I have been unconditionally discharged from custody; nor disqualified because judicially determined to be of unsound mind.

Signed and dated this _____ day of _____, in the year _____.

[Ord. 782 § 6, 2006; Ord. 589 § 4, 1993; Ord. 272 § 7, 1972; prior code § 36.10.040.]

2.08.060 Time off from work for certain voters.

Any qualified voter who does not have sufficient time outside his working hours within which to vote at any borough election may, without loss of pay, take off as much working time as will enable him to vote. If any employee has two consecutive hours in which to vote, either between the opening of the polls and the beginning of his regular shift, or between the end of his regular working shift and the closing of the polls, he shall be deemed to have sufficient time outside his working hours within which to vote. [Ord. 270 § 5, 1972; prior code 36.45.010(f).]

Chapter 2.12**TIME, NOTICE AND PUBLICATION REQUIREMENTS FOR ELECTIONS**

Sections:

- 2.12.010 Regular elections – Time.
- 2.12.020 Regular elections – Notice.
- 2.12.030 Regular elections – Subjects.
- 2.12.040 Special elections – Time.
- 2.12.050 Special elections – Date.
- 2.12.060 Special elections – Notice.
- 2.12.070 Election – Publication requirements and notice.

2.12.010 Regular elections – Time.

There shall be a regular election in the borough on the first Tuesday in the month of October in each year for the election of borough officials or any ballot propositions or issues. [Ord. 782 § 7, 2006; Ord. 199 § 5, 1967; prior code § 36.15.010.]

2.12.020 Regular elections – Notice.

At least 20 days before any annual election the borough clerk shall post and publish, or cause to be posted and published, at least once, notices thereof in three conspicuous places within the borough limits, which said notices may be substantially in the following form:

NOTICE OF REGULAR ELECTION

NOTICE IS HEREBY GIVEN that on the _____ day of October, in the year _____, there will be held in the City and Borough of Wrangell, Alaska, an election for the purpose of (here insert officers to be elected or proposition to be voted upon). The polls for said election will be open at 8:00 a.m. on the said day and will close at 8:00 p.m. on the same day.

Each voter must have the qualifications prescribed by state law. Each voter shall be registered to vote in the precinct in which that person seeks to vote in municipal elections. A voter that desires to vote in a municipal election whose name does not appear on the precinct list provided by the State of Alaska for said municipal election shall be required to vote a questioned ballot.

[Ord. 782 § 8, 2006; Ord. 491 § 6, 1986; Ord. 272 § 7, 1972; prior code § 36.15.020.]

2.12.030 Regular elections – Subjects.

At any regular election the voters shall vote upon the election of officers to fill vacancies and, in addition, upon any question or proposition which may be submitted by the assembly by resolution or ordinance for ratification by the voters or for an expression of public opinion by them. [Ord. 782 § 9, 2006; Ord. 199 § 5, 1967; prior code § 36.15.030.]

2.12.040 Special elections – Time.

There may be special elections called by the assembly in its discretion at any time or times subject only to the requirements of notice and the applicable laws and ordinances governing the subject of the proposition or question submitted at that election. [Ord. 199 § 5, 1967; prior code § 36.16.010.]

2.12.050 Special elections – Date.

The resolution, ordinance or proclamation calling a special election shall fix the date of the election. [Ord. 491 § 7, 1986.]

2.12.060 Special elections – Notice.

Notice shall be given by both publication and posting as in the case of regular elections. Notice of an election shall be given at least 20 days prior to the election. [Ord. 782 § 10, 2006; Ord. 659 § 5, 1999; Ord. 491 § 7, 1986.]

2.12.070 Election – Publication requirements and notice.

Special publication requirements exist which may affect the ability to hold an election on a certain date, and may alter the notice requirements for an election. The publication requirements are set by charter, ordinances and state law. [Ord. 782 § 11, 2006.]

Chapter 2.16

CANDIDATES

Sections:

- 2.16.010 Declaration of candidacy – Filing.
- 2.16.020 Declaration of candidacy – Form.
- 2.16.030 Write-in candidates and write-in votes.

2.16.010 Declaration of candidacy – Filing.

Any person who will possess the qualifications for holding the office sought at the time of taking office may have his or her name placed on the ballot as a candidate for an elective office of the borough by filing, not less than 30 days nor more than 60 days prior to the election, a sworn declaration of candidacy with the borough clerk. Any qualified person may be placed on the ballot as a candidate to fill a vacancy by filing with the borough clerk a declaration of candidacy and a petition signed by at least 20 qualified voters. [Ord. 782 § 12, 2006.]

2.16.020 Declaration of candidacy – Form.

The declaration of candidacy for an elected office of the borough shall be in substantially the following form as provided by the borough clerk’s office:

DECLARATION OF CANDIDACY

I, (name), declare that I reside at (current physical and mailing addresses), in the City and Borough of Wrangell, Alaska, and that I am qualified to hold the office I seek, as provided by law.

I declare myself a candidate for the office of _____ for a term of _____ years commencing _____ and ending _____ and request that my name be printed on the official ballot for the borough election to be held in the City and Borough of Wrangell, Alaska, on the _____ day of _____ in the year _____.

Certification

I, the undersigned candidate, certify that I am a qualified voter of the Borough, and will have been a resident of the area within the City and Borough of Wrangell for a continuous period of _____ years and _____ months immediately preceding election day. I will serve if elected.

(Signature of Candidate)
Date: _____
ADL No. or Voter No. or DOB: _____

Subscribed and sworn to before me this _____ day of _____, in the year _____.

(Notary Public or Borough Clerk)

[Ord. 827 § 5, 2008; Ord. 771 § 2, 2005; prior code § 36.20.045.]

2.16.030 Write-in candidates and write-in votes.

Individuals who fail to file a declaration of candidacy but wish to run for office as a write-in candidate must file with the borough clerk a letter of intent no later than 5:00 p.m. on the Friday preceding the election in which the candidate plans to participate. Write-in votes cast for individuals who do not file a letter of intent will not be counted. In order to vote for a write-in candidate, the voter must, in space provided, write in the candidate's name as the candidate's name appears on the letter of intent filed with the borough clerk. In addition, the voter must mark the oval opposite the candidate's name. Stickers shall not be used. [Ord. 782 § 13, 2006.]

Chapter 2.20**VOTING**

Sections:

- 2.20.010 Election officials.
- 2.20.020 Official's oath.
- 2.20.030 Inspector.
- 2.20.040 Training sessions – Vacancies.
- 2.20.050 Ballots – Numbering and design.
- 2.20.060 Ballots – Listing of offices and candidates.
- 2.20.070 Ballots – Propositions.
- 2.20.080 Ballots – Possession, inspection and delivery.
- 2.20.090 Materials supply to precincts.
- 2.20.100 Sample ballots.
- 2.20.110 Voting booths and ballot boxes.
- 2.20.120 Polling places.
- 2.20.130 Election hours.
- 2.20.140 Keeping of original register.
- 2.20.150 Voting procedure.
- 2.20.160 Rejected ballots.
- 2.20.170 Challenging an elector.

2.20.010 Election officials.

The assembly shall be the judge of the election, and the borough clerk the election supervisor for the municipality. It shall be the duty of the election supervisor before the date of the election to appoint from the qualified electors of the borough three judges of election for each voting precinct, one of whom shall be designated as the inspector, and two clerks of election. [Ord. 589 § 6, 1993; Ord. 270 § 5, 1972; prior code § 36.30.010.]

2.20.020 Official's oath.

The election officials aforesaid shall severally take and subscribe the oath or affirmation as hereinafter directed which shall be administered by the borough clerk or, in his absence, by the mayor or any member of the assembly, or by any officer having the power to administer oaths, which said oath or affirmation may be substantially in the following form:

I do solemnly swear that I will duly attend at the ensuing election during the continuance thereof; that I will not receive any tickets, ballots or votes from any person other than such as I firmly believe to be entitled to vote at such election, according to the laws of this state and the ordinances of the City and Borough of Wrangell, Alaska; nor will I refuse to receive any vote or ballot from any person or persons whom I believe to be entitled to vote aforesaid, and I will in all things truly and impartially and faithfully perform my duty therein to the best of my judgment and ability.

[Ord. 270 § 5, 1972; prior code § 36.30.020.]

2.20.030 Inspector.

The inspector shall have authority to administer all necessary oaths and affirmations which may be required during the election. He shall also have power during the election. He shall also have power during the election to fill any vacancy which may occur among precinct election officials until their duties have been completed. [Ord. 270 § 5, 1972; prior code § 36.30.030.]

2.20.040 Training sessions – Vacancies.

A. All election officials must attend a training session unless personally and specifically excused for cause by the election supervisor. Any appointed official who fails to attend a training session, without an excuse by the election supervisor, may not serve on the day of election.

B. If an appointed official is not able or refuses to serve on election day, the election supervisor may appoint a replacement for that official. [Ord. 270 § 5, 1972; prior code § 36.30.035.]

2.20.050 Ballots – Numbering and design.

The ballots shall be numbered in series, the number being placed in an area set off by perforations for ease of removal and on a portion of the ballot that can be seen when the ballot is folded to conceal the manner in which it has been voted. Each ballot shall bear the words “Official Ballot,” and the date of the election. [Ord. 491 § 10, 1986; Ord. 270 § 5, 1972; prior code § 36.30.040(a).]

2.20.060 Ballots – Listing of offices and candidates.

All candidates to the same office shall be shown on one ballot. The title of each office to be filled shall be followed by the printed names of all candidates for that office and provision shall be made for write-ins equal in number to the positions to be filled. On the ballot between title of the office and the names of the candidates shall be placed the instruction “Vote for One” or “Vote for Two,” as the case may be. The phrases “for one-year term,” “for two-year term,” and/or “for three-year term,” as the case may be, shall be placed after the titles of the officers on the ballot as necessary to identify vacancies on the assembly being filled at an election. Where there is more than one candidate for an office, the names of such candidates shall be arranged in alphabetical order. [Ord. 270 § 5, 1972; prior code § 36.30.040(b).]

2.20.070 Ballots – Propositions.

Following the offices and candidates there shall be placed on the ballot or on separate ballots as the election supervisor may determine all propositions or questions to be voted upon. The words “Yes” and “No” shall be placed below the statement of each proposition or question. The election supervisor may determine the number of ballots to be used to present all offices, propositions and questions to be qualified voters of the municipality. [Ord. 270 § 5, 1972; prior code § 36.30.040(c).]

2.20.080 Ballots – Possession, inspection and delivery.

The election supervisor shall have the ballots in his possession at least four days before the election. At any time the ballots may be inspected by any candidate whose name is on the ballot, or his authorized representative, and any mistake discovered shall be corrected immediately. Sufficient ballots for the registered voters of each precinct shall be delivered to the election board for that precinct prior to the time for opening the polls. The ballots shall be delivered in a separate sealed package with the number of ballots enclosed clearly marked on the outside of the package and a receipt shall be taken. [Ord. 270 § 5, 1972; prior code § 36.30.040(d).]

2.20.090 Materials supply to precincts.

Before the opening of the polls the clerk shall furnish to the election board for each precinct a voter qualification certification book for that precinct and shall equip and supply each polling place with sufficient materials for the election, including those materials required by WMC 2.20.100 and 2.20.110. [Ord. 270 § 5, 1972; prior code § 36.30.045(a).]

2.20.100 Sample ballots.

The clerk shall prepare instructions explaining to the voters how to obtain ballots, how to mark them, how to obtain information from election officials and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type and shall be distributed to the election boards to be prominently displayed in each polling place. The clerk shall have sample ballots printed on colored paper identical in form to the official ballots to be used in each election and shall make such sample ballots available in each polling place according to the official ballot types bearing offices and propositions to be voted upon at that polling place. Sample ballots of all types shall be made available to the public in the clerk's office. [Ord. 270 § 5, 1972; prior code § 36.30.045(b).]

2.20.110 Voting booths and ballot boxes.

The clerk shall provide voting booths at each polling place with appropriate supplies and conveniences to enable each voter to mark his ballot screened from observation. Ballot boxes shall be placed outside of the voting booths in plain view of the election officials, voters and other persons at the polling place. [Ord. 270 § 5, 1972; prior code § 36.30.045(c).]

2.20.120 Polling places.

A qualified voter shall vote only once per election and shall exercise that right at the polling place established in the designated Wrangell Precinct and in which he resides within the borough boundaries of the City and Borough of Wrangell. [Ord. 646 § 5, 1998; Ord. 270 § 5, 1972; prior code § 36.30.050.]

2.20.130 Election hours.

A. On the day of election, each election board shall open the polls for voting at 8:00 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.

B. The election board members shall report to the polling place at 7:30 a.m. on an election day.

C. The hours shall be determined by the standard time, or daylight saving time, that is applicable to the polling place.

D. Immediately after the opening of the polls and before receiving any ballots, one of the judges of the election shall proclaim from the door of the polling place that the polls of such election are open, and similarly, after the closing of the polls, proclamation thereof shall be made from the doors of the polling place by one of the election judges and no votes or ballots shall be received thereafter. [Ord. 270 § 5, 1972; prior code § 36.30.060.]

2.20.140 Keeping of original register.

The judges shall keep an original register in which each voter before receiving his ballot shall sign his name and give both his residence and mailing address. A record shall be kept in the registration book, in space provided, of the name of the persons who offer to vote but are refused, and a brief statement of the basis of the refusal. The signing of the register constitutes a certification by the voter that he is qualified to vote. [Ord. 782 § 14, 2006; Ord. 270 § 5, 1972; prior code § 36.30.065.]

2.20.150 Voting procedure.

A. Before issuing any ballots, the election board must, in the presence of any person assembled at the polling place, open and exhibit the ballot box to be used at the polling place to demonstrate that it is empty. The ballot box shall then be closed and shall not be opened again or removed from the polling place until the polls have closed.

B. The voter shall give the election officials his name and address. If it is determined that he is a qualified voter of that precinct, he shall then place his signature on the appropriate line in the precinct index provided by the election official. If an election official believes the voter is not qualified, he shall immediately challenge the voter.

C. If the voter is not challenged, or if he has complied with the challenged ballot procedure, the election officials will issue to him the ballot or ballots to which he is entitled.

D. A qualified voter who cannot read, mark the ballot or sign his name may request a judge, another person, or not more than two persons of his choice to assist him. If the judge is requested, he shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge that he will not divulge the vote cast by a person whom he assists.

E. With the exception of the circumstances recited in subsection (D) of this section, not more than one person shall occupy the booth or compartment at the same time, and no person shall be permitted to occupy an election booth or compartment longer than shall be necessary for preparing his ballot.

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

G. If a voter improperly marks or otherwise damages a ballot, the voter may request and the election official shall provide him with another ballot, with a maximum of three, and the official shall record the number of the improperly marked or damaged ballot and destroy it immediately without examining it. [Ord. 270 § 5, 1972; prior code § 36.30.070.]

2.20.160 Rejected ballots.

No election official shall deposit in any ballot box any ballot which contains on the outside thereof any distinguished mark, impression, device or color. Where any ballot is so rejected, it must be endorsed on the back thereof "Rejected" and signed by an election official. [Ord. 270 § 5, 1972; prior code § 36.30.110.]

2.20.170 Challenging an elector.

Any person offering to vote may be challenged as unqualified by any of the election officers or by any legal voter or bystander, and it shall be the duty of each of the judges to challenge any person offering to vote, whom they know, suspect or believe, not to be qualified as an elector. A person whose right to vote has been challenged may be issued a ballot if he first completes and subscribes to an affidavit of his qualifications. When the marked ballot is returned to the officials, it shall be placed in a plain envelope and then placed in an official envelope bearing the aforesaid affidavit, the envelope sealed and the whole placed in the ballot box. The election supervisor shall provide forms and materials for this procedure. All envelopes containing challenged ballots shall be delivered to the election supervisor, to be forwarded, unopened, to the canvass board. [Ord. 270 § 5, 1972; prior code § 36.30.120.]

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Chapter 2.24**ABSENTEE VOTING**

Sections:

- 2.24.010 Absentee voting permitted.
- 2.24.020 Application for absentee ballot.
- 2.24.030 Absentee voting in person.
- 2.24.040 Absentee voting by mail.
- 2.24.050 Absentee ballots – Replacements.
- 2.24.060 Absentee ballots – Emergency application.
- 2.24.070 Absentee ballots – Forwarding to canvass board.

2.24.010 Absentee voting permitted.

Any qualified elector of the borough may vote by absentee ballot. [Ord. 827 § 6, 2008; Ord. 782 § 15, 2006; Ord. 199 § 5, 1967; prior code § 36.35.010.]

2.24.020 Application for absentee ballot.

A person who seeks to vote by absentee ballot may make application to the borough clerk on a blank form to be furnished by the borough clerk for an official ballot, which application shall be made either in person or by mail. Such form shall also include the oath and affidavit of the absentee voter. [Ord. 827 § 6, 2008; Ord. 782 § 16, 2006; Ord. 417 § 4, 1981; Ord. 270 § 5, 1972; prior code § 36.35.020.]

2.24.030 Absentee voting in person.

No more than 20 days preceding the election, and on any day prior to the day of the election, a qualified voter may vote an absentee ballot in the office of the borough clerk. The borough clerk shall provide the voter with an application for an absentee ballot which shall also serve as the oath and affidavit of the absentee voter, an official ballot, written instructions how to vote by absentee ballot, a secrecy sleeve in which the voted ballot is to be placed and an envelope in which the voted ballot and affidavit are to be sealed. When the voter has completed voting their ballot and secured the voted ballot as instructed, the voted ballot is returned to the borough clerk for safekeeping. [Ord. 827 § 6, 2008; Ord. 782 § 17, 2006; Ord. 417 § 5, 1981; Ord. 270 § 5, 1972; prior code § 36.35.030(a).]

2.24.040 Absentee voting by mail.

A. A request to receive a ballot by mail must be received by the borough clerk not less than ten days before the election for which the absentee ballot is sought. The borough clerk shall mail to the qualified voter an official ballot, an application for an absentee ballot which shall also serve as the oath and affidavit, instructions how to vote by absentee ballot, a secrecy sleeve in which the voted ballot is to be placed and an envelope in which the voter may return their voted ballot and completed affidavit.

B. The return envelope containing the voted ballot and completed application shall be postmarked on or before the day of the election.

C. To be counted, an absentee ballot must be received by the borough clerk prior to the time the ballots are canvassed by the canvass board. [Ord. 827 § 6, 2008; Ord. 782 § 18, 2006; Ord. 270 § 5, 1972; prior code § 36.35.030(b).]

2.24.050 Absentee ballots – Replacements.

The clerk shall also personally or by separate notation or memorandum or by notation printed upon the back of the official envelope advise the absentee voter that a new ballot will be furnished upon request if time permits, if a voter loses, improperly marks or otherwise damages a ballot, but replacement ballots may be requested no more than three times. [Ord. 270 § 5, 1972; prior code § 36.35.030(c).]

2.24.060 Absentee ballots – Emergency application.

Any qualified voter who is a patient under the care of a physician in a hospital or a private home or who is held in jail or other place of detention on the day of election and is unable to go to the polling place of his precinct to vote may request delivery of absentee voting materials to him after the time period for such application has closed. Such request may be by telephone or by a third party on the voter's behalf. If, in the opinion of the clerk, there is time for the voted ballots to be returned before the closing of the polls, a duly appointed and sworn election clerk shall take the ballot, along with the application form and other necessary materials, to the voter. After having filled out and signed the application for absentee ballot, the voter shall cast his ballot in the same manner provided in this chapter for absentee voting in the clerk's office. If there is doubt of the voter's qualification, he may be required to comply with the challenged ballot procedure, except that in this case the challenge may be stated on the return envelope and the affidavit printed thereon is adequate. All absentee ballots under this section shall be held, unopened, by the election board, together with the emergency applications, and delivered to the election supervisor, to be forwarded, unopened, to the canvass board. [Ord. 417 § 6, 1981; Ord. 270 § 5, 1972; prior code § 36.35.030(d).]

2.24.070 Absentee ballots – Forwarding to canvass board.

The borough clerk shall hold absentee ballots received until the canvass board convenes, at which time the clerk shall deliver same to the canvass board. [Ord. 827 § 6, 2008; Ord. 417 § 7, 1981. Formerly 2.24.080]

Chapter 2.28**CANVASSING RETURNS**

Sections:

- 2.28.010 Counting ballots.
- 2.28.020 Tallies.
- 2.28.030 Rules for determining mark on ballots.
- 2.28.040 Delivery of ballots.
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- 2.28.060 Canvass of returns – Procedures generally.
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- 2.28.090 Canvass of returns – Discrepancies in returns.
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- 2.28.150 Contest of election – Resolution.
- 2.28.160 Tie election.
- 2.28.170 Action by assembly on election results.
- 2.28.180 Certificate of elections.

2.28.010 Counting ballots.

As soon as the polls are closed the judges shall open the ballot box and commence counting the ballots and continue without adjournment until they are all counted, and in no case shall the ballot box be removed from the room in which the election was held until all ballots have been counted. The opening of the ballot box and the counting of ballots shall be accomplished in full view of any persons present. The public may not be excluded from the area in which the ballots are counted; however, the election judges shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties and no one other than such appointed officials may handle ballots. [Ord. 827 § 7, 2008; Ord. 270 § 5, 1972; prior code § 36.40.010.]

2.28.020 Tallies.

The election officials shall write down each office to be filled and the name of each person voted for such office, and shall keep the number of votes by tallies, as they are read aloud by the judges. With necessary adjustment to account for the number of ballot sheets or cards issued to each voter, the number of ballots cast shall agree with the number of voters who signed the register and who were issued ballots. If a discrepancy exists which cannot be resolved, the election officials shall make note of it in writing for the information of the canvass board and shall call it to the attention of the election supervisor when they return their election materials and ballots. [Ord. 270 § 5, 1972; prior code § 36.40.020.]

2.28.030 Rules for determining mark on ballots.

The election board shall canvass and count the votes according to the following rules:

A. A voter may mark his ballot only by filling in the oval or the use of crossmarks, “X” marks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.

B. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.

C. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

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

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

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

G. To be a valid write-in vote, the candidate's name must be written only in the section of the ballot that has a blank space provided for this purpose. The requirements of WMC 2.16.030, Write-in candidates and write-in votes, must also be met. [Ord. 782 § 20, 2006; Ord. 270 § 5, 1972; prior code § 36.40.030.]

2.28.040 Delivery of ballots.

When the tally of votes is completed, a certificate of returns shall be prepared and signed by the inspector and clerks of each election precinct. After completion of the certificate of returns the counted ballots and all rejected ballots shall be sealed into an envelope provided by the election supervisor, sealed, and delivered to the clerk, along with all challenged ballots in and emergency absentee ballots, to be retained a depository until submitted to the canvass board. [Ord. 417 § 11, 1981; Ord. 270 § 5, 1972; prior code § 36.40.040.]

2.28.050 Canvass board.

The canvass board shall consist of borough clerk who acted as election supervisor, the inspector from each election precinct, and three members of the assembly. The assembly shall, prior to the date of the election, designate three assembly members to serve on the canvass board. Vacancies shall be filled by appointment of the mayor. [Ord. 417 § 12, 1981.]

2.28.060 Canvass of returns – Procedures generally.

Within six days after each election the canvass board shall meet in public session and shall canvass the election returns. The canvass may be continued from day to day, but must be completed no less than 10 days after the election. The canvass board may accept the certificate of returns submitted by the precinct election judges, examine election officials, and may hear informal protests, complaints or objections from individuals. The canvass board may, in lieu of the foregoing procedure, canvass the returns de novo by following the procedures specified in WMC 2.28.020. In full view of those present the canvass board shall judge separately the validity of all challenged and absentee ballots, and shall open and tally those accepted and shall compile the total votes cast in the election. Absentee voters may be challenged as though they were present. [Ord. 827 § 8, 2008; Ord. 417 § 13, 1981; Ord. 270 § 5, 1972; prior code § 36.40.045(b).]

2.28.070 Canvass of returns – Certificate of return.

The canvassing board shall thereafter make a general determination concerning whether or not the election was validly held and the returns accurately presented, and shall prepare a certificate of return together with a full report of votes cast for each candidate and for and against each proposition or question, and reporting any discrepancies or contingencies. Said certificate shall be signed by each participating member of the canvass board. [Ord. 270 § 5, 1972; prior code § 36.40.045(c).]

2.28.080 Canvass of returns – Exclusion of illegal returns.

If the canvass board reports a failure to comply with provisions of state law or municipal ordinance or a finding of illegal election practices, and it is determined that such failure or illegal practices were sufficient to have changed the outcome of the election, the canvass board may recommend the exclusion of votes cast in one or more precincts or districts where the defect occurred from the total returns or they may recommend the entire election be declared invalid and order a new election. [Ord. 270 § 5, 1972; prior code § 36.40.045(d).]

2.28.090 Canvass of returns – Discrepancies in returns.

If the canvass board finds an apparent discrepancy in the returns of one or more precincts which may materially affect the outcome of the election, the canvass board shall immediately undertake a recount of the votes cast in that precinct or precincts. [Ord. 270 § 5, 1972; prior code § 36.40.045(e).]

2.28.100 Custody and destruction of ballots.

After the ballots of every election have been canvassed, including all absentee ballots, they shall be kept in the custody of the borough clerk unopened, except for use as evidence in the event of an election contest, for six months and then destroyed. [Ord. 553 § 4, 1990; Ord. 270 § 5, 1972; prior code § 36.40.047.]

2.28.110 Contest of election – Grounds.

Any candidate or any 10 registered qualified voters may contest the election of any person and the approval or rejection of any question or proposition upon one or more of the following grounds:

A. Malconduct, fraud or corruption of an election official sufficient to change the results of the election;

B. Disqualification of the person elected under provisions of law or ordinance or existence of a corrupt election practice as defined by the laws of the State of Alaska or in Chapter 2.36 WMC. [Ord. 270 § 5, 1972; prior code § 36.40.050(a).]

2.28.120 Contest of election – Notice.

A. The candidate or one or more of the voters initiating a contest shall appear before the assembly at the meeting held to canvass the election returns, and there shall deliver to the assembly written notice of contest.

B. The notice shall state the grounds of contest in detail, shall be signed under oath by the candidate or voter filing it, and shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

The undersigned contest the regular (or special) election of the City and Borough of Wrangell, Alaska, held on the _____ day of _____, in the year _____, on the following grounds:

Signature of Candidate or Person
Contesting Election

SUBSCRIBED and SWORN to before me this _____ day of _____, in the year _____.

Notary Public for Alaska

[Ord. 782 § 21, 2006; Ord. 270 § 5, 1972; prior code § 36.40.050(b).]

2.28.130 Contest of election – Investigation.

Upon receiving a notice of contest, the assembly shall order an investigation by the mayor to be made with the assistance of the borough election supervisor and attorney. Those contesting the election, those whose election is contested and the public shall be allowed to attend all investigation and recounting proceedings. [Ord. 270 § 5, 1972; prior code § 36.40.050(c).]

2.28.140 Contest of election – Recounts.

If only a recount of ballots is demanded, the election boards in the precincts where error allegedly occurred shall recount the ballots in such precincts. [Ord. 270 § 5, 1972; prior code § 36.40.050(d).]

2.28.150 Contest of election – Resolution.

If the contestant alleges prohibited practices, the assembly shall direct the borough election supervisor to open the boxes containing the duplicate registration cards for the purpose of discovering the alleged prohibited practices. If the contestant charges a candidate obtained votes, or a proposition was voted for or against, by reason of prohibited practices, and the charges are proven to and sustained by the assembly, the assembly shall, to the extent of such proof, purge the illegally induced votes from the returns and after a recount certify the amended returns. [Ord. 270 § 5, 1972; prior code § 36.40.050(e).]

2.28.160 Tie election.

If two or more persons have received an equal and highest number of votes for any one and the same office, the borough clerk shall give notice to each of such persons to attend at a time and place appointed by the borough clerk who shall then and there publicly proceed to determine by lot which of the persons so having an equal number of votes shall be declared duly elected, and shall issue to such person to be declared elected his certificate accordingly. [Ord. 270 § 5, 1972; prior code § 36.40.060.]

2.28.170 Action by assembly on election results.

If the assembly concludes that a valid election was held, such conclusion shall be publicly announced and entered upon the minutes of the meeting. The minutes also shall include the number of votes cast in

the election, the names of the persons voted for and the propositions and questions voted upon at such election, the offices voted for, the number of votes cast for each candidate for each office, and the number of votes for and against each proposition and question voted upon. If the assembly concludes that the election is not valid it shall order another election. [Ord. 270 § 5, 1972; prior code § 36.40.070(a).]

2.28.180 Certificate of elections.

If the assembly accepts the canvass board's certificate of returns showing that a valid election was held and that substantial compliance with all voting procedures was effected and that no material discrepancy exists which may affect the outcome of the election, the assembly shall direct the borough clerk to deliver to each person elected to office a certificate of elections signed by the mayor and borough clerk and authenticated by the municipal seal. [Ord. 270 § 5, 1972; prior code § 36.40.070(b).]

Chapter 2.32**INITIATIVE AND REFERENDUM**

Sections:

- 2.32.010 Reservation of powers.
- 2.32.020 Application for petition.
- 2.32.030 Contents of petition.
- 2.32.040 Signature requirements.
- 2.32.050 Sufficiency of petition.
- 2.32.060 Protest.
- 2.32.070 New petition.
- 2.32.080 Initiative election.
- 2.32.090 Referendum election.
- 2.32.100 Conflicting measures.
- 2.32.110 Effect.

2.32.010 Reservation of powers.

The powers of initiative and referendum are reserved to the residents of the borough, except the powers do not extend to matters restricted by Article XI, Section 7 of the State Constitution and the Charter, and as such the initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts and prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public space, health, or safety. [Ord. 708, 2002.]

2.32.020 Application for petition.

A. An initiative or referendum shall be proposed by filing an application with the borough clerk containing the ordinance to be initiated or the ordinance or resolution to be referred and the name and address of a contact person and an alternate to whom all correspondence relating to the petition may be sent. An application will be signed by at least 10 voters who will sponsor the petition.

An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within two weeks the clerk will certify the application if the clerk finds that it is in proper form and, for an initiative petition, that the matter:

1. Is not restricted by WMC 2.32.010;
2. Includes only a single subject;
3. Relates to a legislative rather than to an administrative matter; and
4. Would be enforceable as a matter of law.

B. A decision by the clerk on an application for petition is subject to judicial review. [Ord. 708, 2002.]

2.32.030 Contents of petition.

A. Within two weeks after certification of an application for an initiative or referendum petition, a petition will be prepared by the clerk. Each copy of the petition must contain:

1. A summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred;
2. The complete ordinance sought to be initiated or referred as submitted by the sponsors;
3. The date on which the petition is issued by the clerk;
4. Notice that signatures must be secured within 90 days after the date the petition is issued;

5. Spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;

6. A statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and

7. Space for indicating the total number of signatures on the petition.

B. If a petition consists of more than one page, each page must contain the summary of the ordinance to be initiated or the ordinance or resolution to be referred.

C. The clerk shall notify the contact person in writing when the petition is available. The contact person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed. [Ord. 708, 2002.]

2.32.040 Signature requirements.

A. The signatures on an initiative or referendum petition shall be secured within 90 days after the clerk issues the petition. The statement provided under WMC 2.32.030(A)(6) shall be signed and dated by the sponsor. Signatures shall be in ink or indelible pencil.

B. The clerk shall determine the number of signatures required on a petition and inform the contact person in writing. A petition shall be signed by a number of voters equal to at least 25 percent of the number of votes cast at the last regular borough election held before the date written notice is given to the contact person that the petition is available.

C. Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.

D. A petition signer may withdraw the signer's signature on written application to the clerk before certification of the petition. [Ord. 708, 2002.]

2.32.050 Sufficiency of petition.

A. All copies of an initiative or referendum petition shall be assembled and filed as a single instrument. Within 10 days after the date the petition is filed, the clerk shall:

1. Certify on the petition whether it is sufficient; and

2. If the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

B. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the eleventh day after the date on which the petition is rejected.

C. A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under subsection (B) of this section. Within 10 days after a supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. [Ord. 708, 2002.]

2.32.060 Protest.

If the clerk certifies that an initiative or referendum petition is insufficient, a signer of the petition may file a protest with the borough manager within seven days after the certification. The borough manager shall present the protest at the next regular meeting of the assembly. The assembly shall hear and decide the protest. [Ord. 763 § 1, 2005; Ord. 708, 2002.]

2.32.070 New petition.

Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition on substantially the same matter may not be filed sooner than six months after a petition is rejected as insufficient. [Ord. 708, 2002.]

2.32.080 Initiative election.

A. Unless substantially the same measure is adopted by the assembly, when a petition seeks an initiative vote the clerk shall submit the matter to the voters at the next regular or special election scheduled to occur no sooner than 60 days after certification of the petition. The assembly may call a special election in its discretion for such purpose, but no such special election shall be held sooner than 60 days after certification of the petition.

B. If the assembly adopts substantially the same measure, the petition is void and the matter initiated may not be placed before the voters.

C. The ordinance or resolution initiated shall be published in full in the notice of the election, but may be summarized on the ballot to indicate clearly the proposal submitted.

D. If a majority vote favors the ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution. [Ord. 833 § 8, 2009; Ord. 708, 2002.]

2.32.090 Referendum election.

A. Unless the ordinance or resolution is repealed by the assembly, when a petition seeks a referendum vote the clerk shall submit the matter to the voters at the next regular or special election occurring no sooner than 60 days after certification of the petition. The assembly may hold a special election for the purpose, at its discretion, but not sooner than 60 days after certification.

B. If a petition is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the assembly may not enact an ordinance or resolution substantially similar to the suspended measure.

C. If the assembly repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

D. If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election. [Ord. 833 § 9, 2009; Ord. 708, 2002.]

2.32.100 Conflicting measures.

If two or more initiated or referred ordinances or resolutions which have conflicting provisions are enacted at the same election, the one receiving the largest affirmative vote shall prevail. [Ord. 708, 2002.]

2.32.110 Effect.

A. The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed unless the modifying or negating measure is approved by the voters.

B. If an ordinance or resolution is repealed in a referendum election or by the assembly after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted for a period of two years unless the substantially similar legislation is approved by the voters.

C. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. If an initiative or referendum measure is approved by the voters or the assembly adopts a substantially similar measure after an initiative petition is filed or repeals an ordinance after a referendum petition is filed, an application for a petition that would modify or negate the earlier adopted or approved measure or enact an earlier repealed measure may not be filed sooner than six months after the earlier measure has been adopted or repealed. [Ord. 763 § 2, 2005; Ord. 708, 2002.]

Chapter 2.36

ELECTION OFFENSES

Sections:

- 2.36.010 Offenses and corrupt practices designated.
- 2.36.020 Penalty for violation.
- 2.36.030 Civil remedy.

2.36.010 Offenses and corrupt practices designated.

The following acts are declared to be election offenses and corrupt practices and are prohibited:

A. Inducing, compelling, or attempting to induce or compel any person to vote or refrain from voting for any candidate in any election or for or against any election proposition or question by directly or indirectly using or inflicting or threatening to inflict damage, harm, or loss upon or against the person;

B. Giving, promising to give, or offering any money or other valuable thing to any person with the intent to induce him to vote for or restrain from voting for any candidate or for or against any election proposition or question;

C. Printing or circulating, or causing to be written, printed or circulated, any letter, circular, bill, placard or poster, or other publication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face the name and address of the author, printer, and publisher thereof;

D. Writing, printing or circulating, or causing to be written, printed or circulated, any letter, circular, bill, placard or poster, or causing any paid advertising to be placed in a newspaper or any other publication, or paying or contributing to the payment for any such advertisement, or making any radio broadcast, with knowledge that the letter, circular, bill, placard, or broadcast contains any false statement, charge or comment relating to any candidate at any election or to any election proposition or question;

E. Possession of an official ballot outside of the voting room by any person not authorized by law;

F. While the polls are open, opening any ballot received from a voter, or marking a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempting to learn how any voter marked his ballot, by an election judge or clerk or by any other person without his permission;

G. Publishing or causing to be published any letter, circular, poster, bill, publication, or placard, knowing that it contains any false statement or false charges reflecting on the character, morality, or integrity of any candidate at any election;

H. Voting or attempting to vote in the name of another person or in any name other than his own;

I. By force, threat, intimidation, or offer of reward, inducing or attempting to induce any election judge or clerk to fail in his duty;

J. Wilfully changing or causing to be changed any official election documents including ballots, tallies, and returns, or attempting to do so;

K. Wilfully delaying or causing to be delayed the election returns, or attempting to do so;

L. Wilfully voting or attempting to vote more than once at the same election;

M. Wilfully making a false affidavit or swearing falsely under the oath required by this title;

N. Wilful failure to perform any election duty or knowingly doing any unauthorized act with the intent to affect the election or its results, by any election judge or clerk;

O. Wilfully permitting, making or attempting to make any false count of the election returns by an election judge or clerk;

P. Wilful concealment, withholding, or destruction of the election returns or any attempt to do so by an election judge or clerk;

Q. Electioneering on election day within the polling place or within 100 feet of same. [Ord. 270 § 5, 1972; prior code § 36.45.010(a) – (e), (g) – (r).]

2.36.020 Penalty for violation.

A. Violation of any provision of WMC 2.36.010 shall be punishable as provided for in WMC 1.20.010.

B. Any person elected to any borough office who is convicted of a corrupt practice or election offense as provided in this chapter shall be punished, in addition to any other punishment, by being deprived of the office or position and the vacancy shall be filled as any other vacancy. [Ord. 833 § 61, 2009; Ord. 199 § 5, 1967; prior code § 36.45.020.]

2.36.030 Civil remedy.

The borough may institute civil litigation to recover its costs and expenses of duplicate elections in the event the canvass board determines voting infractions attributable to one or more individuals were sufficient to have changed the outcome of the election and recommends declaration of whole or partial invalidity and new elections be held regarding same. [Ord. 270 § 5, 1972; prior code § 36.45.030.]

Chapter 2.40**RECALL**

Sections:

- 2.40.010 Recall.
- 2.40.020 Grounds for recall.
- 2.40.030 Application for recall petition.
- 2.40.040 Recall petition.
- 2.40.050 Signature requirements.
- 2.40.060 Sufficiency of petition.
- 2.40.070 New recall petition application.
- 2.40.080 Submission.
- 2.40.090 Election.
- 2.40.100 Form of recall ballot.
- 2.40.110 Effect.
- 2.40.120 Successors.

2.40.010 Recall.

An official who is elected or appointed to an elective municipal office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed. [Ord. 772 § 1, 2005; Ord. 491 § 11, 1986.]

2.40.020 Grounds for recall.

Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties. [Ord. 491 § 11, 1986.]

2.40.030 Application for recall petition.

- A. An application for a recall petition shall be filed with the municipal clerk and shall contain:
 - 1. The signatures and residence addresses of at least 10 municipal voters who will sponsor the petition;
 - 2. The name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent;
 - 3. A statement in 200 words or less of the grounds for recall stated with particularity.

B. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. [Ord. 772 § 2, 2005; Ord. 491 § 11, 1986.]

2.40.040 Recall petition.

- A. If the municipal clerk determines that an application for a recall petition meets the requirements of WMC 2.40.030, the clerk shall prepare a recall petition. All copies of the petition shall contain:
 - 1. The name of the official sought to be recalled;
 - 2. The statement of the grounds for recall as set out in the application for petition;
 - 3. The date the petition is issued by the clerk;
 - 4. Notice that signatures must be secured within 60 days after the date the petition is issued;
 - 5. Spaces for each signature, the printed name of each signer, the date of each signature, and the residence and mailing addresses of each signer;
 - 6. A statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and

7. Space for indicating the number of signatures on the petition.

B. The clerk shall notify the contact person in writing when the petition is available. That person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed. [Ord. 772 § 3, 2005; Ord. 491 § 11, 1986.]

2.40.050 Signature requirements.

A. The signatures on a recall petition shall be secured within 60 days after the date the clerk issues the petition. The statement provided under WMC 2.40.040(A)(6) shall be completed and signed by the sponsor. Signatures shall be in ink or indelible pencil.

B. The clerk shall determine the number of signatures required on a petition and inform the contact person in writing. If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office at the last regular election held before the date written notice is given to the contact person that the petition is available. If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of the voters residing in the district equal to 25 percent of the number of votes cast in the district for that office at the last regular election held before the date the written notice is given to the contact person that the petition is available.

C. Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.

D. A petition signer may withdraw the signer's signature upon written application to the clerk before certification of the petition. [Ord. 833 § 10, 2009; Ord. 491 § 11, 1986.]

2.40.060 Sufficiency of petition.

A. The copies of a recall petition shall be assembled and filed as a single instrument. A petition may not be filed within 180 days before the end of the term of office of the official sought to be recalled. Within 10 days after the date a petition is filed, the municipal clerk shall:

1. Certify on the petition whether it is sufficient; and
2. If the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

B. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the eleventh day after the date on which the petition is rejected if:

1. The petition contains an adequate number of signatures, counting both valid and invalid signatures; and
2. The supplementary petition is filed more than 180 days before the end of the term of office of the official sought to be recalled.

C. A petition that is insufficient shall be rejected and filed as public record unless it is supplemented under subsection (B) of this section. Within 10 days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. [Ord. 772 § 4, 2005; Ord. 491 § 11, 1986.]

2.40.070 New recall petition application.

A new application for a petition to recall the same official may not be filed sooner than six months after a petition is rejected as insufficient. [Ord. 491 § 11, 1986.]

2.40.080 Submission.

If a recall petition is sufficient, the clerk shall submit it to the governing body at the next regular meeting or at a special meeting held before the next regular meeting. [Ord. 491 § 11, 1986.]

2.40.090 Election.

A. If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.

B. If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.

C. If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official. [Ord. 491 § 11, 1986.]

2.40.100 Form of recall ballot.

A recall ballot shall contain:

A. The grounds for recall as stated in 200 words or less on the recall petition;

B. A statement by the official named on the recall petition of 200 words or less, if the statement is filed with the clerk for publication and public inspection within 20 days before the election;

C. The following question: "Shall (name of person) be recalled from the office of (office)? Yes [] No []." [Ord. 491 § 11, 1986.]

2.40.110 Effect.

A. If a majority vote favors recall, the office becomes vacant upon certification of the recall election.

B. If an official is not recalled at the election, an application for a petition to recall the same official may not be filed sooner than six months after the election. [Ord. 491 § 11, 1986.]

2.40.120 Successors.

A. If an official is recalled from the governing body, the office of that official is filled in accordance with AS 29.20.180. If all members of the governing body are recalled, the Governor shall appoint three qualified persons to the governing body. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 29.20.180.

B. If a member of the school board is recalled, the office of that member is filled in accordance with AS 14.12.070. If all members are recalled from a school board, the Governor shall appoint three qualified persons to the school board. The appointees shall appoint additional members to fill remaining vacancies in accordance with AS 14.12.070.

C. A person who has been recalled may not be appointed under subsection (A) or (B) of this section to the office from which the person was recalled. A person appointed under subsection (A) or (B) of this section serves until a successor is elected and takes office.

D. If an official other than a member of the governing body or school board is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held not more than 60 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification, the successor shall be chosen at that election.

E. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall. [Ord. 771 § 5, 2005; Ord. 491 § 11, 1986.]

