

Title V

Elections

Chapters:

Chapter 5.01	City elections
Chapter 5.02	Election equipment and materials
Chapter 5.03	Election procedures
Chapter 5.04	Absentee voting
Chapter 5.05	Review of election returns
Chapter 5.06	Contest of election
Chapter 5.07	Reserved
Chapter 5.08	Reserved

Chapter 5.01

City Elections

Sections:

5.01.010	Administration
5.01.020	Voter qualifications
5.01.030	Residence criteria
5.01.040	General elections
5.01.050	Special elections
5.01.060	Election notices
5.01.070	40% of votes cast required
5.01.080	Run-off elections
5.01.090	Tie votes
5.01.100	Qualifications for city council
5.01.110	filing for city council
5.01.120	Withdrawal; written notice
5.01.130	Publishing names
5.01.140	Election judges

Section 5.01.010 Administration

The city clerk is the supervisor of elections and shall prepare and maintain election materials and records. The clerk shall begin preparations for a general election at least forty-five (45) days before the date of the election and for a special election as expeditiously as possible. The clerk is responsible for contacting the State of Alaska, Division of Elections and making certain the

city has on hand, before any election, the most current official voter registration list. The city clerk shall act as clerk to the election board. (Ordinance 90-6)

Section 5.01.020 Voter qualifications

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

- A. is a United States citizen who is qualified to vote in the state elections.
- B. has been a resident of Coffman Cove for thirty (30) days immediately preceding the election;
- C. is registered to vote in state elections; and
- D. is not disqualified under Article V of the constitution of the State of Alaska which provides that;

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

(Ordinance 89-6)

Section 5.01.030 Residence criteria

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

- A. No person may be considered to have gained a residence solely by reason of his presence nor may he lose it solely by reason of his absence while in the civil or military service of the state or of the United States, or of his absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon an Indian, Native Alaskan or military reservation, or while residing in the Alaska Pioneer’s Home.
- B. The residence of a person is that place in which his habitation is fixed and to which, whenever he is absent, he has the intention to return. If a person resides in one place, but does business in

another, the former is his place of residence. Temporary construction camps do not constitute a dwelling place.

- C. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
- D. A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.
- E. A person does not gain residency by coming to the city without the present intention to establish his permanent dwelling in the city.
- F. A person loses his residence in the city if he votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in the city's municipal election.
- G. The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- H. The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residents, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his new voting residence.

(Ordinance 89-6)

Section 5.01.040 General Elections

The regular general election for Council members and other elected city officials shall be held each year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. Notice of election must be posted in three (3) public places for thirty (30) days preceding the date of the election.

(Ordinance 89-6)

Section 5.01.050**Special Elections**

- A. If a petition submitted by voters for an initiative, referendum or recall election is certified sufficient by the City Clerk and submitted to the City Council, the Council shall resolve that a special election be held on the question on the ninth (9th) Tuesday following submission of the petition to the Council.
- B. If a special election is required by act of the City Council, the City Council shall resolve that a special election on the question proposed by the Council's ordinance or resolution be held on the sixth (6th) Tuesday following the Council's action.
- C. If the regular general election held each year on the first Tuesday of October occurs within seventy-five (75) days of the date of submission of a petition by voters for an initiative, referendum or recall election, or if the regular general election occurs within seventy-five (75) days of council action which requires election then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.
- D. Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days preceding the date of the election.

(Ordinance 89-6)

Section 5.01.060**Election notices**

- A. Election notices shall be prepared and posted in three (3) public places for at least thirty (30) days preceding the date of the general election and for twenty (20) days preceding the date of a special election, and shall contain the following, as is appropriate;
 - 1. whether the election is general, special or runoff;
 - 2. date of election;
 - 3. location of the city polling place(s);
 - 4. time the polling place(s) will open and close;
 - 5. offices to be filled;
 - 6. a statement describing voter qualifications;

7. time for filing declarations of candidacy and nominating petitions;
8. a statement of any questions or propositions to be placed on the ballot.

B. A sample election notice that may be used is shown at the end of this (Form 5.01-A).

(Ordinance 89-6)

Section 5.01.070 40% of votes cast required

A candidate must receive greater than 40 percent (40%) of the votes cast, for his or her respective office in order to win the election.

(Ordinance 89-6)

Section 5.01.080 Run-off Elections

If no candidate receives greater than 40 percent (40%) of the votes cast, the Council shall hold a run-off election between the two (2) candidates receiving the greatest number of votes for the office and the leading candidate wins. Run-off elections shall be held on the second Tuesday following the date the Council certifies the election.
Notice of the run-off election shall be posted in three (3) public places for at least five (5) days before the election.

(Ordinance 89-6)

Section 5.01.090 Tie votes

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

(Ordinance 89-6)

Section 5.01.100 Qualifications for the City Council

A person filing for office to a city council seat must be;

- A. A United States Citizen who is qualified to vote in state elections;
- B. A resident of the City for one year immediately preceding the election for which declaring candidacy;
- C. Not disqualified under Article V of the Constitution of the State of Alaska which provides that;

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

(Ordinance 89-6)

Section 5.01.110 Filing for office

- A. A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the city clerk. This shall be filed no sooner than sixty (60) days and no later than thirty (30) days before the election.
- B. A person filing for a City Council seat must meet the qualifications of Section 5.01.100.
- C. The form appearing at the end of this chapter illustrates the form to be used for the declaration of candidacy (Form 5.01-B)

(Ordinance 02-02)

Section 5.01.120 Withdrawal, written notice

Any candidate who has complied with the provisions of this prior Chapter may withdraw his candidacy no later than thirty (30) days prior to the election by filing a written notice of withdrawal with the City Clerk.

(Ordinance 02.02)

Any write-in candidate, who by some chance, ends up with the majority of votes shall be able to remove his/her name from that office if (s)he wishes to do so. This shall be done by filing a written notice with the City Clerk, no later than ten (10) days after (s)he is notified.

Section 5.01.130 Publishing names

The City Clerk shall cause to be posted in three (3) public places five (5) days preceding the day of election the name of all candidates who have declared and designate the office for which such persons have declared.

(Ordinance 02.02)

Section 5.01.140 Election judges

- A. The Council shall each year choose three city voters as judges to be the election board at each polling place and select one of the judges to chair the board. The judges shall not be Council Members or candidates for office. If an appointed judge fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or the counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.
- B. The City Clerk shall give the following written oath to all election judges on or before election day;
- C. Pay to the election judges shall be determined by City Council.
- D. The election supervisor may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint up to three election clerks to assist the judges. Persons appointed as election clerks must be qualified to serve as judges.

(Ordinance 89-6)

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

SIGNED _____

ATTEST: _____
City Clerk

CITY OF COFFMAN COVE, ALASKA

NOTICE OF GENERAL MUNICIPAL ELECTION

(Form 5.01-A) (Sample)

NOTICE: A regular (special, runoff) election will be held in the City of Coffman cove on the ____ day of _____, 20__ for the purpose of filling three (3) seats on the City Council, as follows:

City Council Seat _____, 3 – year term

City Council Seat _____, 3 – year term

City Council Seat _____, 3 – year term

The polls will be located at the City Office.

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

In order to vote, you must be: (1) a citizen of the United States, and qualified to vote in Sate of Alaska elections; (2) a resident of the City of Coffman Cove for at least thirty (30) days prior to the date of the election; and (3) registered to vote in State elections. You cannot vote if you have been: (1) convicted of a felony involving moral turpitude, unless your voting rights have been restored; or (2) judicially determined to be of unsound mind, unless this disability has been removed.

Candidates for office must file a Declaration of Candidacy form with the City Clerk no later than 5:00 p.m., September ____, 20 __. Sample Declaration of Candidacy form may be obtained from the City Clerk at the city offices from 9:00 a.m. to 5:00 p.m., Monday through Friday.

DATE

CITY CLERK

(CITY SEAL)

City of Coffman Cove, Alaska

DECLARATION OF CANDIDACY

(Form 2.36-1)

Clerk: (Insert date of filing)

I, _____, hereby declare my candidacy for the
(Insert full name)

office of _____ of the City of Coffman Cove,
(state name of office)

Alaska. I am a qualified city voter. I am a United States citizen qualified and registered to vote in elections of the State of Alaska. I have not been convicted of a felony involving moral turpitude without later restoration of my voting rights pursuant to A.S. 15.05.030, nor have I been judicially determined to be of unsound mind, unless this disability has been removed. I have been, or will by the date of the election for which I am filing this Declaration have been, a resident of the City of Coffman Cove, Alaska for more than thirty (30) days.

If elected to the above office, I will serve for the full term of ____ years, commencing on _____, 20__ and
(length of term) (date term of office begins)

ending on _____, 20___. I request that my
(date term of office ends)

Name be printed on the official ballot for the municipal election to be held in the City of Coffman Cove, Alaska on _____, 20___.
(date of election)

Signature of Candidate

Chapter 5.02

Election equipment and materials

Sections:

5.02.010	Election Booths
5.02.020	Furnishing instruction cards
5.02.030	Ballots; printing; sample ballots
5.02.040	Ballots; form
5.02.050	Other materials

Section 5.02.010 Election Booths

The election supervisor shall provide booths at each polling place, with enough supplies and materials to enable each voter to mark his/her ballot hidden from observation. At least three sides of each booth shall be placed outside the voting booths within plain view of the judges and Clerks, voters, and other persons at the polling places.

(Ordinance 89-6)

Section 5.02.020 Furnishing instruction cards

The election supervisor shall prepare for each polling place Instructions for the guidance of voters covering the following:

- A. how to obtain a ballot;
- B. how to mark a ballot;
- C. how to obtain additional information, and;
- D. how to obtain a new ballot to replace any ballot destroyed or spoiled.

The election supervisor shall furnish a necessary number of These instruction sheets to the election judges in the voting place.

(Ordinance 89-6)

Section 5.02.030 Ballots; printing; sample ballots

In all city elections, the City Clerk as election supervisor will be responsible for the printing of ballots. The ballots will be printed and in the possession of the City Clerk, at least five (5) days before the day set for a general or special election and three (3) days before the date set for a runoff election. There shall be at least ten ballots printed on color paper, with the words "Sample Ballot" printed on them, to be posted in the clerk's office until Election day and then given to the judges of each polling place.

(Ordinance 89-6)

Section 5.02.040 Ballots; form

- A. The ballots shall state at the top whether the election is a Regular, special, or run-off election.
- B. The ballots shall include instructions on how to mark the Ballots.
- C. The ballots will be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The Clerk shall assure there are one-third more ballots printed and numbered than there are registered voters in Coffman Cove, in order to provide replacement ballots for ballots that may be spoiled by voters and for those persons who cast questioned ballots because their names do not appear on the Master Voter Registration List.
- D. A ballot shall show the list of candidates and issues to be Decided at the election.
- E. Before the list of candidates there shall be placed the words "vote for not more than three," or "vote for not more than one," or such other number as are to be elected.
- F. Under the title of each office and before the printed names of the candidates, there shall be printed "vote for one" or such other number as are to be elected to that office. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order, and by a blank line or lines for write-in candidates. In regular and special elections the number of blank lines provided for

each office shall be equal to the number of persons who are to be elected to the office. No blank lines shall be provided for run-off elections.

- G. The names of the candidates will be printed in capital letters the same size. On each line on which the name of the candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side will be printed.
- H. The names of candidates shall be printed as they appear upon the declaration of candidacy and nominating petitions filed with the City Clerk, except that any honorary or assumed title or prefix shall be omitted.
- I. Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon if any. Provisions shall be made for marking the propositions or questions "Yes" or "No."
- J. Somewhere on the ballots, so as to be clearly visible, will be printed the words:
 - 1. "Official Ballot";
 - 2. the date of the election; and
 - 3. an example of the signature of the Clerk who had the ballots printed.
- K. The sample ballot appearing at the end of this chapter illustrates the ballot form.

(Ordinance 89-6)

Section 5.02.050 Other materials

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

- A. an updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;
- B. a Blank Register in which the voters may print and sign their

names and print their residence address, and in which the election official may note the number of the ballot issued to the voter;

- C. tally sheets;
- D. a form for the Report of Preliminary Election Results;
- E. envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots;
- F. two large envelopes for each polling place, one marked "Spoiled Ballots" and the other marked "Questioned Ballots";
- G. copies of the Notice of Election and the city's election Ordinance.

(Ordinance 89-6)

AFTER MARKING THIS BALLOT, FOLD BALLOT TO THIS LINE

CITY OF COFFMAN COVE, ALASKA

OFFICIAL BALLOT
(Form 5.02-A) (Sample)

Regular Election of October 6, 1992

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

DO NOT vote for more than one person for each office or mark more than one choice for each proposition. If you do so, none of your votes for that office or proposition can be counted.

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

If you have any questions about how a ballot must be marked, ask the election judge from whom you got this ballot.

CITY COUNCIL SEAT E
(Vote for one only)

Joe Smith _____

Irene Candidate _____

Fred Friendly _____

(Write-in)

CITY COUNCIL SEAT G
(Vote for one only)

Martha Mitchell _____

Jimmy John, Jr. _____

(Write-in)

CITY COUNCIL SEAT F
(Vote for one only)

INITIATIVE 92-1

Arnold Jones, Sr. _____

Bill Brown _____

(Write-in) _____

An ordinance to limit the length of speeches given by City Council members.

For _____

Against _____

Chapter 5.03

Election procedures

Sections:

5.03.010	Time for opening and closing polls and locations
5.03.020	Distribution of ballots
5.03.030	Distribution of other election materials
5.03.040	Preparation of ballot box
5.03.050	Voting; general procedure
5.03.060	Voting; spoiled ballots
5.03.070	Voting; questioned ballots
5.03.080	Assisting voter by judge
5.03.090	Prohibitions
5.03.100	Administration of oaths
5.03.110	Majority decision by election board
5.03.120	Ballots, counting and tallying
5.03.130	Rules for counting ballots
5.03.140	Report of election results
5.03.150	Posting certificate of preliminary election results

Section 5.03.010 Time for opening and closing polls and locations

- A. On the day of any election, the election board shall open the polls for voting at eight o'clock in the morning (8:00 a.m.), shall close the polls for voting at eight o'clock (8:00 p.m.) in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at seven thirty (7:30 a.m.) in the morning on an election day.
- B. Fifteen minutes before the closing of the polls, an election judge shall announce to all persons present the time remaining before the polls close, a judge shall announce the time when the polls close. When the polls are closed, no ballots will be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.
- C. The normal voting place shall be the city offices. If for some reason beyond the control of the Council this location is unusable, the Council may, by resolution designate a different location. Such location shall be included in all notices of the election.

- D. Election precincts for city elections shall be the same as those established for state elections, except that all areas of state election precincts outside the city limits are excluded. Currently the City of Coffman Cove is entirely within the First Election District.

(Ordinance 89-6)

Section 5.03.020 Distribution of ballots

- A. Before the polls open on Election Day, the election supervisor shall deliver the ballots and sample ballots prepared pursuant to Chapter 5.03 to an election board member at each polling place. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside of the package. A receipt for each package shall be signed by the election board to which the package is delivered and given to the election supervisor. No ballots shall be taken from the polling place before the closing of the polls.
- B. The election supervisor shall keep the following records;
1. the number of ballots delivered to the polling place;
 2. the time the ballots are delivered;
 3. the name of the person to whom the ballots are delivered;
 4. the receipt given for the ballots by the election board.
- C. When the ballots are returned, the election supervisor shall record the following;
1. the number of ballots returned;
 2. the time when the ballots are returned;
 3. the name of the person returning the ballots; and
 4. the condition of the ballots.

(Ordinance 89-6)

Section 5.03.030 Distribution of other election materials

- A. On election day, the election supervisor shall also furnish the election board judges at each polling place with voting booths and a ballot box (with lock and sealing materials); and the following materials: the updated Master Voter Registration List; a Blank Register; envelopes bearing the Oath and Affidavit of Eligibility for questioned ballots; an envelope for the collection of spoiled ballots and an envelope for the collection of questioned ballots; copies of the Notice of Election, the City's election ordinance; a sufficient number of Instruction Sheets; and a sufficient supply of pens, pencils and envelopes.
- B. The election supervisor shall supply the election board chair-Person with tally sheets and forms for the Report of Preliminary Election Results.

(Ordinance 89-6)

Section 5.03.040 Preparation of ballot box

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

(Ordinance 89-6)

Section 5.03.050 Voting; general procedure

- A. A voter shall give the judges or clerks his name, and print and sign his or her name, and write his or her residence address on the first available line of blank register. The signing of the register is a declaration by the voter that he or she is qualified to vote. If the voter is not known to any judge or clerk present, the judge or clerk may require the voter to produce a state voter registration card or other identification. If, in the opinion of the judge or clerk, there is doubt, he or she shall immediately question the voter.
- B. If the voter is not questioned, the judge or clerk shall give the voter a single ballot and note its number in the register

next to the voter's name. the voter shall then retire alone to a voting booth. There the voter without delay shall prepare his or her ballot by marking the boxes opposite the names of candidates of his or her choice, whether printed on the ballot or written in by him or her on the blank lines provided for that purpose. The voter also marks the boxes to indicate his or her vote for or against questions and propositions. Before leaving the booth, the voter shall fold his or her ballot in the manner displaying the number on the ballot and deliver it to one of the judges or clerks, who shall, without unfolding the ballot or allowing any person to see how it is marked, remove the number stub and return the ballot to the voter if the ballot bears the same number as the ballot given to the voter by the judges and clerks. The voter shall then himself in the presence of the election judge deposit the ballot in the ballot box unless the voter requests the election judge to deposit the ballot on his behalf. Separate ballot boxes may be used for separate ballots.

(Ordinance 89-6)

Section 5.03.060 Voting; spoiled ballots

If a voter improperly marks or otherwise damages a ballot, and discovers his mistake before the ballot is placed in the ballot box, he shall return it to an election official, concealing from view the manner in which it is marked and request a new ballot. The election official shall write the words, "Spoiled Ballot" on the outside of the folded ballot, record its number, and place it in an envelope with the other spoiled ballots for return to the election supervisor. The judge or clerk shall then issue a new ballot to the voter. A voter may request a replacement ballot n more than three (3) times.

(Ordinance 89-6)

Section 5.03.070 Voting; questioned ballots

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

- B. If a voter's name is not on the Master Voter Registration List or a voter's eligibility to vote is questioned or there is some other question regarding a voter's eligibility, and the voter believes that he or she is registered and eligible to vote, then the voter shall sign an envelope bearing the Oath and Affidavit of Eligibility attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. After the questioned person has executed the Oath and Affidavit of Eligibility the person may cast a questioned ballot. If the questioned person refuses to execute the Oath and Affidavit of Eligibility, the person may not vote.

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

- D. A sample Oath of Affidavit of Eligibility form is included at the End of this chapter.

(Ordinance 89-6)

Section 5.03.080 Assisting voter by judges

A qualified voter who cannot read, mark the ballot, or sign his or her name or who because of blindness or other physical disability, or unfamiliarity with the system of voting needs assistance, may request an election judge, a person, or not more than two persons

of his or her choice to assist him. If any other person is requested, the person shall state upon oath before the election judge that s/he will not divulge the vote cast by the person whom s/he assists or change the voting wishes of the person s/he assists.

Section 5.03.090 Prohibitions

- A. Prohibiting the leaving of the polling place with (a) ballot(s). No voter may leave the polling place with the official ballot that he received to mark.
- B. Prohibiting the exhibition of marked ballots. No voter may exhibit his ballot to an election official or any other person so as to enable any person to ascertain how the voter marked his ballot.
- C. Prohibiting the identification of ballots. No election official may, while the polls are open, open any ballot received from a voter, or mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked his ballot, or allow the same to be done by another person.
- D. Prohibiting the count of exhibited ballots. No election official may allow a ballot which he or she knows to have been unlawfully exhibited by a voter be placed in the ballot box. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.
- E. Prohibition of political discussion by the election board. During the hours that the polls are open, no judge or clerk may discuss any political party, candidate or issue while on duty.
- F. Prohibition of political persuasion near election polls. During the hours that polls are open, no person who is in the polling place or within two hundred feet (200') of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election judges shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

(Ordinance 89-6)

Section 5.03.100 Administration of oaths

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

(Ordinance 89-6)

Section 5.03.110**Majority decision of election board**

The decision of the majority of judges determines the action that the election board shall take regarding any question which arises during the course of the election.

(Ordinance 89-6)

Section 5.03.120**Ballots; counting and tallying**

- A. Immediately after the polls close and the last vote has been cast the election judges will open the boxes containing the ballots and count the ballots. Ballots may not be counted before 8:00 p.m. on the date of the election. The counting of the ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each proposition or question. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.
- B. The election board shall account for all ballots by completing a ballot statement containing, (1) the number of ballots received; (2) the number of ballots voted; (3) the number of ballots spoiled; and (4) the number of ballots unused. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. If any discrepancies in numbers of ballots received and ballots accounted for are found, the ballots shall be recounted until the election board finds that the number of ballots accounted for are the same as the number received or that there is an unexplained error. If a discrepancy is determined to exist between the ballots received and those accounted for it shall be explained in detail on the ballot statement and signed by the election judges.
- C. The forms at the end of this chapter illustrate Tally Sheets and Ballot Statement forms that may be used.

Section 5.03.130

Rules for counting ballots

- A. The election board shall count ballots according to the Following rules:
1. A voter may mark his ballot only by the use of cross-marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
 2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
 3. If a voter marks fewer names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
 4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
 5. The mark specified in subsection A of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended that particular square to be designated.
 6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.
 7. An erasure or correction invalidates only that section of the ballot in which it appears.
 8. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was marked for the purpose of identifying the ballot.
 9. Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intended to vote for the person whose name was written-in as a write-in vote.

10. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter.
- B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.
- C. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any of the reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection A of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.
- D. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot to which the objection applies.
- E. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots," which shall be delivered to the election supervisor.

(Ordinance 89-6)

Section 5.03.140 Report of election results

- A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate, for and against each proposition, yes or no on each question and any additional information the election board deems relevant or prescribed by the election supervisor. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election board shall immediately upon completion of the certificate deliver to the election supervisor one of the two original certificates and the Master Voter Registration List, register of votes, tallies, oaths of judges, Oaths and Affidavits of Eligibility, questioned

ballots, defective ballots, spoiled ballots and other election documents in one sealed package, and in a separate sealed package, all ballots properly cast. The chairman of the election board shall keep the duplicate of the report of election in a safe place and present it to the election review committee on the Friday following the election when the committee meets.

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

(Ordinance 89-6)

Section 5.03.150 Post certificates of preliminary election results

- A. The clerk shall post copies of the Certificate of Preliminary Election Results in three public places the day after the preliminary election results are known. The notice shall include:
 - 1. The time and place of the council meeting to be convened to consider the election results;
 - 2. That the results do not reflect the votes of absentee and questioned ballots and are not final until the council formally certifies the election; and
 - 3. That anyone has the opportunity to contest the election at the meeting.

(Ordinance 89-6)

CITY OF COFFMAN COVE, ALASKA
OATH AND AFFIDAVIT OF ELIGIBILITY
(Form 5.03-A) (Sample)

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

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

I AM NOT DISQUALIFIED, AND HAVE NOT VOTED IN THIS ELECTION.

SIGNED:

(NAME)

(ADDRESS)

WITNESSED:

ELECTION JUDGE

CITY OF COFFMAN COVE, ALASKA

TALLY SHEET
(Form 5.03-B) (Sample)

ELECTION DATE: _____ Date of Vote Count: _____

Number of Ballots:

- 1) Received from City Clerk: _____
- 2) Voted: _____
- 3) Spoiled and returned to City Clerk: _____
- 4) Questioned and delivered to City Clerk: _____
- 5) Unused and returned to City Clerk: _____

Candidate COUNCIL SEAT _____:	Votes as Counted	Votes
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(No vote for this seat)	_____	_____
		Totals: _____

Candidate COUNCIL SEAT _____:	Votes as Counted	Votes
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(No vote for this seat)	_____	_____
		Totals: _____

PROPOSITION/QUESTION _____:

For/Yes _____

Against/No _____

(No vote for this question) _____

Totals: _____

CITY OF COFFMAN COVE, ALASKA

REPORT OF PRELIMINARY ELECTION RESULTS

(Form 5.03-C) (Sample)

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

PART I: ELECTIVE OFFICES

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1) _____	_____	5) _____	_____
2) _____	_____	6) _____	_____
3) _____	_____	7) _____	_____
4) _____	_____	8) _____	_____

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1) _____	_____	5) _____	_____
2) _____	_____	6) _____	_____
3) _____	_____	7) _____	_____
4) _____	_____	8) _____	_____

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1) _____	_____	5) _____	_____
2) _____	_____	6) _____	_____
3) _____	_____	7) _____	_____
4) _____	_____	8) _____	_____

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION: _____

FOR: _____
AGAINST: _____

PROPOSITION: _____

FOR: _____
AGAINST: _____

PROPOSITION: _____

FOR: _____
AGAINST: _____

QUESTION: _____

YES: _____ NO: _____

QUESTION: _____

YES: _____ NO: _____

QUESTION: _____

YES: _____ NO: _____

PART III: ACCOUNTING OF BALLOTS

Total ballots received from City Clerk _____

Total regular ballots cast: _____

Total questioned ballots cast: _____

Total ballots returned to City Clerk: Defective: _____

Unused: _____

The tally of ballots was completed between the hours of _____p.m. and _____p.m. on _____, 20____.

Respectfully submitted,

_____, Election Board Chairman

_____, Election Judge

_____, Election Judge

ATTEST:

City Clerk

[City Seal]

Chapter 5.04

Absentee voting

Sections:

5.04.010	Absentee voting; eligible persons
5.04.020	Absentee voting; application; filing
5.04.030	Ballot and envelope form
5.04.040	Absentee voting procedures
5.04.050	Absentee ballots; delivery
5.04.060	Absentee voting at Clerk's office; absentee voter's ballot
5.04.070	Absentee ballots; executing outside city
5.04.080	Voting at the polls; absentee voters; surrender of materials
5.04.090	Retention of absentee ballots; delivery
5.04.100	Liberal construction

Section 5.04.010 Absentee voting; eligible persons

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

(Ordinance 89-6)

Section 5.04.020 Absentee ballots; application; filing

- A. A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the City Clerk.
- B. An application made by mail must be received by the City Clerk no more than thirty (30) days, nor less than three (3) days before any election. An application made in person must be filed with the City Clerk not more than twenty (20) days before the city election, and no later than noon on the day before a city election.
- C. The application must be signed by the applicant and show his place of residence.
- D. No absentee voter's ballot shall be mailed to any address in the City. Any voter present in the City who requires an absentee ballot shall personally obtain the ballot from the City Clerk.

- E. Nothing in this section is intended to limit the City Clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the City Clerk's office for an absentee voter's ballot. The City Clerk may deliver an absentee ballot to a disabled person living within the City at any time until the polls close on Election Day.

(Ordinance 89-6)

Section 5.04.030 Ballot and envelope form

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

(Ordinance 89-6)

Section 5.04.040 Absentee voting procedures

- A. The Clerk shall provide each eligible absentee voter with an official ballot prepared in accordance with Section .040 of Chapter 5.04 together with a ballot envelope and a prepaid return envelope.
- B. The Clerk shall not issue an absentee ballot sooner than thirty (30) days before the election.
- C. Upon issuing an absentee ballot to a voter, either by mailing or by personal delivery, the Clerk shall enter in the blank register the following information: the number of the ballot issued, the name of the voter to whom it was issued, and the date on which the ballot was issued. Before the opening of the polls on election day the Clerk shall deliver to the election judges a list of the voters who have requested to vote absentee.
- D. To be counted, an absentee voter's ballot must be executed before the polls close in the City and be received by the Clerk prior to the time the ballots are canvassed by the election review committee.
- E. All supplies necessary for the voter to cast and return his

ballot will be furnished by the Clerk. No city official may make any charge for services rendered to any voter under the provisions of this Chapter.

(Ordinance 89-6)

**Section 5.04.060 Absentee voting at Clerk’s office;
Absentee voter’s ballot**

Any voter issued an absentee ballot may, at any time prior to the day of the election for which it is issued, appear at the office of the City Clerk, and there cast his ballot in the following manner: The voter first shall show the City Clerk that his ballot has not been marked, then shall secretly mark the ballot in the presence of the Clerk, in a manner which permits the Clerk to be certain that the voter personally marked the ballot, but which does not permit the Clerk to see how the voter voted. The voter shall fold the ballot and place it in the ballot envelope, then place the ballot envelope in the return envelope. Then the voter shall complete and swear to the affidavit printed on the back of the return envelope, and deliver it, properly sealed, to the City Clerk. The City Clerk shall certify to the affidavit printed on the return envelope, write or stamp his or her name across the seal, and retain the envelope in his custody to be delivered to the Council for canvassing.

(Ordinance 89-6)

Section 504.070 Absentee ballots; executing outside City

Any voter issued an absentee ballot may, at any time prior to the closing of the polls on the day of the election for which it is issued, appear before any person authorized by law to administer oaths, and in the presence of such officer cast his ballot in the same manner as he would cast it in the office of the City Clerk under section .060 of this chapter. After writing or stamping his or her name across the seal of the return envelope, the officer shall return it to the voter who shall mail it to the City Clerk.

(Ordinance 89-6)

Section 5.04.080 Voting at the polls, absentee voters; surrender of materials

If a voter issued an absentee ballot returns to the City on election day, (s)he shall not vote at the polling place unless at first (s)he first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to him/her. Unused absentee ballots, ballot envelopes, and return envelopes shall be returned to the election supervisor by the election board with other ballots not used at the polling place.

(Ordinance 89-6)

Section 5.04.090 Retention of absentee ballots; delivery

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

(Ordinance 89-6)

Section 5.04.100 Liberal construction

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

CITY OF COFFMAN COVE, ALASKA
APPLICATION FOR ABSENTEE BALLOT
(Form 5.04-A) (Sample)

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

RESIDENCE ADDRESS:

(P.O. BOX NUMBER OR STREET)

MAILING ADDRESS:

(IF OTHER THAN RESIDENCE ADDRESS)

REASON FOR REQUESTING ABSENTEE
BALLOT: _____

ADDRESS TO WHICH ABSENTEE BALLOT SHOULD BE MAILED:

Note: An absentee ballot may
not be mailed to an address
in Coffman Cove.

DATE: _____

SIGNED:

RECEIVED BY: _____

DATE:

PLEASE MAIL THIS APPLICATION TO:

Office of the City Clerk
City of Coffman Cove
PO Box 18135
Coffman Cove, Alaska 99918

Chapter 5.05

Review of election returns

Sections:

5.05.010	Election review committee; meeting
5.05.020	Review to be public
5.05.030	Procedure for questioned ballot review
5.05.040	Questioned ballots; subpoena
5.05.050	Absentee ballots
5.05.060	Counting absentee and questioned ballots
5.05.070	Defective ballots
5.05.080	Certifying results
5.05.090	Contest of election
5.05.100	Certification of election
5.05.110	Retention of election records

Section 5.05.010 Election review committee; meeting

- A. The City Council acting as the election review committee shall meet on the first Friday after the election and canvass all absentee, questioned and defective ballots executed in the election. If the Council is unable to obtain a quorum or complete the count on the Friday after the election, the canvass will be continued the following day and each day thereafter until completed.
- B. The City Clerk shall submit to the council the election board's Report of Preliminary Election Results, the Master Voter Registration List, the register, all regular ballots, oath and affidavit envelopes containing questioned ballots, defective and objected-to ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

(Ordinance 89-6)

Section 5.05.020 Review to be public

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

- B. The review shall include a review and comparison of the tallies of ballots with the election reports to correct any mathematical error in the count of ballots.
- C. If the election supervisor finds an unexplained error in the tally of ballots, (s)he may count the ballots from a ballot box.

Section 5.05.030 Procedure for questioned ballot review

- A. The election supervisor shall contact the State Division of Elections and the local voter registers by the Thursday following the election and determine if persons casting questioned ballots because of failure of their names to appear on the Master Voter Register List were in fact registered to vote in state elections. The election supervisor shall record the names of these questioned voters in fact registered to vote and shall submit their names as registered to vote when their questioned ballots are examined with other questioned ballots according to the procedures in subsection B, 4 of this section.
- B. The Council meeting as the election review committee shall examine each questioned ballot envelope and shall determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the Council may request the assistance of the Clerk, and shall hear testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the Council's decision. If the Council determines that the voter was eligible to vote, the oath and affidavit envelope shall not be opened, but shall be saved with the other election materials.
 - 1. A questioned ballot shall not be counted if:
 - a. the voter has failed to properly execute the certificate;
 - b. an official authorized by law to attest the certificate failed to execute the certificate; and/or
 - c. the voter did not enclose the marked ballot inside the small envelope.
 - 2. Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The

election review committee by majority vote may refuse or accept and count the questioned ballot of a person properly challenged under grounds listed in (1) of this subsection.

3. If a questioned ballot is rejected, the election supervisor shall send a copy of the statement of the challenge to the questioned voter. The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of change. The envelope shall be labeled "rejected questioned ballots" and shall be placed in the office safe.
4. If a questioned ballot is not rejected, the large envelope shall be opened and the small envelope containing the questioned ballot shall be placed in a ballot box and mixed with other small envelopes containing questioned ballots. The questioned ballots shall then one by one be removed from the ballot box, taken out of the ballot envelopes, and counted in the same manner in which ballots cast at the polls are counted.

(Ordinance 89-6)

Section 5.05.040

Questioned ballots; subpoenas

The election review committee may order testimony of witnesses and issue subpoenas while investigating questioned ballots. The subpoenas may be enforced by the court upon certification as provided by the state code of civil procedure concerning the enforcements of administrative and state agency subpoenas.

(Ordinance 89-6)

Section 5.05.050

Absentee ballots

- A. The Council shall examine each absentee ballot return envelope. Upon the Council's satisfaction that:
 1. the voter is registered to vote;
 2. a resident of Coffman Cove;
 3. did so certify and cast his ballot before a person authorized by law to administer oaths, which person did so sign and seal; and

2. the names of the person voted for (including write-ins) and the proposition voted upon;
3. the offices voted for;
4. the number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
5. the disposition of all absentee, questioned and defective ballots; and
6. any other matters which the Council deems necessary to preserve a complete record of the election.

- B. Record the results of the election in the minutes of the meeting;
- C. Authorize the results to be certified; and
- D. Publicly declare the results of the election.

(Ordinance 89-6)

Section 5.05.090 Contest of election

If a contest of election is declared and resolved, the procedures of Section 5.05.080 A-D shall be followed at a special meeting held on the first Monday after resolution of the contest.

(Ordinance 89-6)

Section 5.05.100 Certificate of election

- A. Upon authorization of certification of the election results by the City Council the City Clerk shall prepare two Certificates of Election for each office, proposition, or question considered. The certificates shall be signed by the Mayor and attested by the Clerk. One original of each Certificate of Election shall be given the successful candidate or the sponsor of the successful questions or propositions named thereon, and the other original of each certificate shall be kept by the City.
- B. The forms appearing at the end of this Chapter illustrate the certificates of Election.

(Ordinance 89-6)

Section 5.05.110**Retention of election records**

The City Clerk shall preserve all election certificates, tallies and registers for four (4) years after the election. All ballots and stubs may be destroyed thirty (30) days after the certification of the election unless an appeal of the election has been filed in the superior court in Ketchikan in which case the ballots and stubs may be destroyed thirty (30) days after the conclusion of the appeal unless stayed by an order of the court.

(Ordinance 89-6)

CITY OF COFFMAN COVE, ALASKA

REPORT OF ELECTION RESULTS

(Form 5.05-A) (Sample)

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

PART I: ELECTION OFFICES

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____
3. _____	_____	7. _____	_____
4. _____	_____	8. _____	_____

OFFICE: CITY COUNCIL SEAT _____

CANDIDATE	VOTE	CANDIDATE	VOTE
1. _____	_____	5. _____	_____
2. _____	_____	6. _____	_____

3. _____ 7. _____
4. _____ 8. _____

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITION ____: FOR: _____ AGAINST: _____

PROPOSITION ____: FOR: _____ AGAINST: _____

PROPOSITION ____: FOR: _____ AGAINST: _____

QUESTION ____: YES: _____ NO: _____

QUESTION ____: YES: _____ NO: _____

QUESTION ____: YES: _____ NO: _____

PART III: ACCOUNTING OF BALLOTS

Total Ballots Cast: _____
Total Regular Ballots Cast: _____
Total Questioned Ballots Cast: _____
Disposition:
 Accepted _____
 Rejected _____
Total Absentee Ballots Cast: _____
Disposition:
 Accepted _____
 Rejected _____
Total Defective Ballots Cast: _____
Disposition:
 Accepted _____
 Rejected _____

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

Mayor

ATTEST:

City Clerk

[City Seal]

CITY OF COFFMAN COVE, ALASKA
CERTIFICATE OF ELECTION – OFFICER
(Form 5.05-B) (Sample)

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

Mayor

ATTEST:

City Clerk

[City

Seal]

CITY OF COFFMAN COVE, ALASKA
CERTIFICATION OF ELECTION – BALLOT PROPOSITION
(Form 5.05-C) (Sample)

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

DATED at Coffman cove, Alaska this _____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk

[City
Seal]

Chapter 5.06

Contest of election

Sections:

5.06.010	Contest of election; contestant
5.06.020	Contest of election; council
5.06.030	Ballot recount
5.06.040	Prohibited practices; alleged
5.06.050	Sustained charges; recount
5.06.060	Recount expenses; appeal

Section 5.06.010 **Contest of election; contestant**

- A. Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.
- B. Any qualified voter who believes that prohibited practices occurred at an election may contest the election by:
 1. filing a written affidavit with the City Clerk specifying with particularity the provisions of the law which (s)he believes were violated and the specific acts he believes to be misconduct;
 2. this affidavit must be filed with the City Clerk before or during the first review of the ballots on the Friday following the election. The City Clerk shall acknowledge the date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given to the contestant;
 3. the sample affidavit at the end of this Chapter shows the form this affidavit should take.

(Ordinance 89-6)

Section 5.06.020 **Contest of election; Council**

The City Council may order an investigation, a recount of the ballots, declare

the election invalid and order a new election, or declare the affidavit of election contest without merit and certify the results of the election.

(Ordinance 89-6)

Section 5.06.030 Ballot recount

If only a recount of ballots is demanded, the election board where the error allegedly occurred shall recount the ballots.

(Ordinance 89-6)

Section 5.06.040 Prohibited practices; alleged

When the contestant alleges prohibited practices the Council shall direct the City Clerk to produce the original register books for the election.

(Ordinance 89-6)

Section 5.06.050 Sustained charges; recount

If the Charges alleged by the contestant are upheld, the election review committee shall make a recount. The Council shall then certify the correct election returns as provided in Chapter 5.05.

(Ordinance 89-6)

Section 5.06.060 Recount expenses; appeal

- A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and losing vote on the result contested is more than two percent (2%).

- B. A person may appeal the decision of the Council in Section 5.06.020 to the Superior Court in Ketchikan. However, no person may appeal or seek judicial review of a city election, for any cause or reason, unless the person is qualified to vote in the City and has exhausted his administrative remedies before the City Council has been commenced, it must be within ten (10) days after the Council has finally declared the election results.

(Ordinance 89-6)

CITY OF COFFMAN COVE, ALASKA

AFFIDAVIT OF ELECTION CONTEST

(Form 5.06-A) (Sample)

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

I believe that prohibited practices occurred at the election held on _____
_____, 20 ____.

I believe that the following laws were violated; _____

The above provisions of the law were violated in the following manner; _____

These facts are true and correct to the best of my knowledge.

Signature of Person Contesting

SUBSCRIBED and SWORN TO before me this _____ day of _____
20____.

Notary Public in and for Alaska
My Commission Expires; _____

[Notary
Seal]

Chapter 5.07

(Reserved)

Chapter 5.08
(Reserved)