

Chapter 66
CITY ELECTIONS

Sections:

- 09.66.010. Administration.
- 09.66.020. Voter Qualifications.
- 09.66.030. Residence Criteria.
- 09.66.040. General Elections.
- 09.66.050. Special Elections.
- 09.66.060. Election Notices.
- 09.66.070. A Simple Majority of Votes Cast Required.
- 09.66.080. Tie Votes.
- 09.66.090. Qualifications for City Council.
- 09.66.100. Filing for Office.
- 09.66.110. Withdrawal, Written Notice.
- 09.66.120. Publishing Names.
- 09.66.130. By Mail Elections.
- 09.66.140. Election Judges.
- 09.66.150. Sale of Liquor on Election Day.

Section 9.66.010 Administration.

- A. The City Council shall prescribe the general rules for conducting city elections.
- B. The City Clerk is the supervisor of elections and shall prepare and maintain election materials and records. The Clerk shall begin preparations for the 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.
- C. The City shall pay all necessary expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, printing ballots, posters and other materials necessary to the election, and any wages due judges and clerks. Salaries for the election judges and clerks shall be set by the council. 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. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expenses.

Section 9.66.020 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 State elections;
- B. Has been a resident of Cold Bay for the 30 days immediately preceding the election;
- C. Is registered to vote in state elections at a residence in Cold Bay;
- 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 rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

Section 9.66.030 Residence Criteria.

Residence is established in accordance with Alaska State Statute Section 15.05.020.

Section 9.66.040 General Elections.

The regular general election shall be held each year on the first Tuesday in October, in conjunction with the general election of the Aleutians East Borough. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in 3 public places for 30 days preceding the date of election.

Section 9.66.050 Special Elections.

- A. If a petition submitted by voters for a recall election is certified sufficient by the City Clerk and submitted to the City Council, and no regular election is scheduled at least 45 days but no more than 75 days after certification, the Council shall resolve that a special election be held on the question no less than 45 days nor more than 75 days after certification of the petition.
- B. Initiative or referendum questions shall be placed on the ballot for the next regular election unless the council resolves to schedule a special election.
- C. If the regular general election occurs within 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 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 3 public places for at least 30 days preceding the date of election.

Section 9.66.060 Election Notices.

- A. Election notices shall be prepared and posted in 3 public places by the City Clerk for at least 30 days preceding the date of the general election or a special election, and shall contain the following, as is appropriate:

1. Whether the election is general, special or runoff;
 2. Date of the election;
 3. That it is a by mail election and the process for requesting the ballot mailed to an address different from that on the voter registration list;
 4. Location of absentee in-person voting;
 5. Offices to be filled;
 6. A statement describing voter qualifications;
 7. Time for filing declarations of candidacy;
 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 chapter.

Section 9.66.070 A Simple Majority of Votes Cast Required.

- A. Those candidates receiving the greatest number of votes cast for his or her respective offices shall be the winners.
- B. In instances where available council seats have different expirations, those candidates receiving the greater number of votes shall receive those seats with the longest term remaining until expiration.

Section 9.66.080 Tie Votes.

In the event of a tie vote, and after a recount of ballots confirms the tie vote, the Council shall in its first meeting after the election call in candidates receiving the tie votes and have the candidates flip a coin to determine the winner. Those candidates wishing to withdraw may do so by submitting in writing a declination of candidacy to the council at this meeting.

Section 9.66.090 Qualifications for City Council.

A person filing for election 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 9 months immediately preceding the election;
- C. Registered to vote in state elections at an address in Cold Bay;
- D. Not disqualified under Article V of the Constitution of the State of Alaska.

Section 9.66.100 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 no earlier than 40 days nor later than 25 days prior to the date of the election.

- B. A person filing for the City Council seat must meet the qualifications of Section 9.66.090 of this Chapter.
- C. Sample declaration of candidacy forms that may be used are shown at the end of this chapter.
- D. The City Clerk will maintain a record containing the names and addresses of every person who has filed a declaration of candidacy and the date and time of filing. This record shall be preserved until the term for which he declared expires.

Section 9.66.110 Withdrawal, Written Notice.

Any candidate may withdraw candidacy no later than the last day for filing for office by filing a written notice with the City Clerk.

Section 9.66.120 Publishing Names.

The City Clerk shall post a sample ballot in 3 public places on the day ballots are mailed.

Section 9.66.130 By Mail Elections.

- A. The City of Cold Bay shall conduct city elections by mail.
- B. Voters wishing to vote absentee in person may do so at the City Office in accordance with Chapter 9.69.
- C. The Clerk shall send a ballot to each person whose name appears on the official voter registration list unless the voter has notified the Clerk, in writing, no later than 25 days before the election, of a different address to which the ballot should be sent. The Clerk shall send ballots by first class, non-forwardable mail 20 days before the date of the election.

Section 9.66.140 Election Judges.

- A. The City Clerk shall each year choose 3 city voters to be the election board judges. The City Clerk may select one of their number 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 the Friday following the election for the counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.
- B. The City Clerk shall give the following written oath to all election judges on or before election day:
 - “I, _____ do solemnly swear that I will honestly and faithfully perform the duties of election judge, according to the law. I will endeavor to prevent fraud, deceit, or abuse in conducting the election. All of this I shall perform to the best of my ability, so help me God.

SIGNED: _____

ATTESTED: _____

City Clerk”

- C. Pay of election judges shall be \$15.00/hour, at a minimum of 2 hours for the meeting to count ballots.

Section 9.66.150 Sale of Liquor on Election Day.

In accordance with AS 04.16.070(b), the provisions of AS 04.16.070(a) do not apply in the city, and intoxicating liquor may be given, sold, bartered, consumed, or dispensed in licensed premises on Election Day.

NOTICE OF GENERAL ELECTION
CITY OF COLD BAY, ALASKA
TO BE HELD: _____
IN CONJUNCTION WITH THE BOROUGH ELECTION

FOR THE PURPOSE OF FILLING _____ VACANT SEATS ON THE CITY COUNCIL OF COLD BAY, ALASKA; AND VOTING ON INITIATIVE AND REFERENDUM QUESTIONS.

Council Member Qualifications:

1. United States Citizen.
2. Registered to vote in State Elections at an address within Cold Bay.
3. Resident of the City for 9 months preceding the election.
4. Not disqualified under Article V of the State Constitution.

Seats available:

3 council seats:

2 seats – 3 year terms, expiring October _____

1 seat – 2 year term, expiring October _____

Initiative/Referendum:

YES or NO

Voter qualifications:

1. United States Citizen.
2. Registered to vote in State Elections at an address within Cold Bay.
3. Not disqualified under Article B of the State Constitution.

LOCATION OF THE POLLS: BY MAIL ELECTION

This is a by mail election. Ballots will be mailed to the address listed on the official registration list prepared under Alaska Statute 15.07.125. If you wish for your ballot to be sent to a different address, notify the City Clerk in writing by 25 days before the election, ____ (date) ____.

LOCATION OF IN-PERSON ABSENTEE VOTING: CITY MUNICIPAL BUILDING

Chapter 67

ELECTION EQUIPMENT AND MATERIALS

Sections:

- 09.67.010. Ballots; Printing; Sample Ballots.
- 09.67.020. Ballots; Form.
- 09.67.030. Other Materials.

Section 9.67.010 **Ballots; Printing; Sample Ballots.**

In all city elections, the City Clerk, as election supervisor, shall be responsible for the printing of ballots. The ballots shall be printed and in the possession of the City Clerk at least 23 days before the date of the election. There shall be at least 3 ballots printed on colored paper with the words "SAMPLE BALLOT" printed on them, posted in the clerk's office and throughout the community.

Section 9.67.020 **Ballots; Form.**

- A. The ballots shall state at the top whether the election is regular or special.
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballot shall be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The Clerk shall print at least one-third more ballots than there are registered voters in Cold Bay.
- 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 such other number as are to be elected.
- F. 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 blank lines for write-in candidates equal to the number of persons who are to be elected to the office.
- G. The names of the candidates shall be printed in capital letters the same size. At the end of each line on which the name of a candidate is printed, and each blank line provided for write-in candidates, a square shall be printed.
- H. The names of candidates shall be printed as they appear upon the declarations of candidacy or 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:
 - a. "OFFICIAL BALLOT"; and
 - b. The date of the election.

- K. The sample ballot appearing at the end of this chapter illustrates the ballot format.

Section 9.67.030 Other Materials.

At least 30 days prior to the day of the election, the Clerk shall prepare or request 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 clerk may indicate from whom ballots were cast, and in which the election official may note the number of ballots 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, one marked "Spoiled Ballots" and the other marked "Questioned Ballots"; and
- G. Copies of the Notice of Elections and the city's elections ordinance.

AFTER MARKING THE BALLOT, FOLD BALLOT TO THIS LINE

CITY OF COLD BAY, ALASKA
OFFICIAL BALLOT

DISTRICT 3.

COLD BAY

INSTRUCTIONS

1. Mark ballots by placing an "X" in the box indicating your choice. 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 and mark the box next to the name.
2. Erasures will invalidate the ballot. If you mark the wrong box or spoil the ballot, return to the City Clerk who will exchange it for a new ballot.

COLD BAY CITY COUNCIL MEMBER – VOTE FOR NOT MORE THAN 4 (FOUR)

<input type="checkbox"/>	_____	
<input type="checkbox"/>	_____	
<input type="checkbox"/>	_____	
<input type="checkbox"/>	_____	
<input type="checkbox"/>	_____	(write in)
<input type="checkbox"/>	_____	(write in)
<input type="checkbox"/>	_____	(write in)
<input type="checkbox"/>	_____	(write in)

INITIATIVE PROPOSITION QUESTION:

(enter question here)

<input type="checkbox"/>	<u>Yes</u>
<input type="checkbox"/>	<u>No</u>

Prepared by: _____, City Clerk

BALLOT RETURN ENVELOPE
CITY OF COLD BAY, ALASKA

_____ (DATE OF ELECTION)

I, _____, state that I am a resident of and a registered voter in the City of Cold Bay, Alaska, and I hereby enclose my ballot. I understand that if a second ballot return envelope is received by the City of Cold Bay bearing my name, both ballots shall be rejected, and not counted in this election.

(signature of voter)

(residence address within City)

WITNESS:

SUBSCRIBED and SWORN to before me, this date _____, I hereby certify that the above named affidavit appeared before me, marked the enclosed ballot in my presence and, without allowing me or any other person to see how the ballot was marked, enclosed and sealed said ballot in a ballot envelope, and then enclosed and sealed that ballot envelope in this return envelope, handed me this return envelope sealed, and signed the above affidavit.

(signature of witness)

(printed name)

Chapter 68
ELECTION PROCEDURES

Sections:

- 09.68.010. Ballot Records.
- 09.68.020. Distribution of Ballots.
- 09.68.030. Ballots; Counting and Tallying.
- 09.68.040. Preparation of Ballot Box.
- 09.68.050. Deposit of Ballots into Box.
- 09.68.060. Counting of Ballots.
- 09.68.070. Voting; Spoiled Ballots.
- 09.68.080. Voting; Questioned Ballots.
- 09.68.090. Assisting Voter by Clerk.
- 09.68.100. Prohibitions.
- 09.68.110. Report of Election Results.
- 09.68.120. Posting Certificate of Preliminary Election Results.

Section 9.68.010 Ballot Records.

- A. The election supervisor shall keep the following records:
 - 1. The total number of all ballots printed;
 - 2. The number of ballots mailed and to whom;
 - 3. The number of persons voted;
 - 4. The number of question ballots;
 - 5. The number of spoiled ballots;
 - 6. The number of unused ballots; and
 - 7. The number of absentee in person ballots.
- B. A sample official ballot statement appears at the end of this chapter.

Section 9.68.020 Distribution of Ballots.

- A. By mail ballots shall be executed in the following manner:
 - 1. The Clerk shall include in each ballot mailing an official ballot, together with a ballot envelope and a return envelope.
 - 2. Upon issuing the ballot to a voter by mail, 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, the date on which the ballot was issued, and the address it was mailed to.
 - 3. The voter shall mark the ballot in accordance with ballot instructions, fold the ballot in the manner it was folded upon receipt, seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete and swear to the affidavit printed on the back of

the return envelope. Another voting citizen in the City of Cold Bay or any staff member for the City of Cold Bay shall certify to the affidavit on the envelope, attesting that the individual who signed the envelope is indeed the individual he or she claims.

4. To be counted, the ballot must be executed by the voter on or before election day, and received by the Clerk prior to counting of ballots on the Friday following elections.
- B. Upon receipt, the Clerk shall retain in a locking file cabinet in the City Office all ballots received, until the Friday following the election when ballots are counted.

Section 9.68.030 Ballots; Counting and Tallying.

Ballots shall be counted the first Friday after the day of the election by the election board.

Section 9.68.040 Preparation of Ballot Box.

Before receiving any ballots the election board must, in view of all persons present at ballot counting meeting, open and exhibit the ballot box. After showing the box, the box will be sealed.

Section 9.68.050 Deposit of Ballots into Box.

Ballots shall be deposited into the ballot box in the following manner:

- A. On the Friday following the election, the Clerk shall deliver all ballots to the election board.
- B. The Clerk shall ensure there are not multiple ballots from any one voter. All repeat ballots shall be removed and inserted into the Questioned Ballot envelope.
- C. The clerk shall read off the name on each return envelope and indicate receipt of ballot on the voter register.
- D. The Clerk shall remove the ballot envelopes from the return envelopes; remove the ballot from the ballot envelopes; tear off the ballot number from the ballot without revealing the ballot; and deposit the ballot into the ballot box.

Section 9.68.060 Counting of Ballots.

- A. The ballots shall be counted in the following manner:
 1. The counting of ballots shall be public. The opening of the ballot box 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 appointed officials from their duties, and no one other than appointed election 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 ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.

2. The election board shall account for all ballots by completing a ballot statement containing:
 - a. The number of official ballots;
 - b. The number of official ballots mailed out;
 - c. The number of ballots received by mail;
 - d. The number of spoiled ballots;
 - e. The number of unused ballots;
 - f. The number of absentee in person ballots cast; and
 - g. The number of questioned ballots cast.
 3. The forms at the end of this chapter illustrate Tally sheets and Ballot Statement forms which may be used.
- B. 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, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or propositions 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, a vote shall be counted for each candidate properly marked.
 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 (1) of this section shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate that the voter intended the particular square to be designated.
 6. An improper mark, erasure, or correction on the ballot invalidates only the section of the ballot in which it appears.
 7. Write-in votes are not invalidated by writing the name of the candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was marked for the purpose of identifying the ballot.
 8. Write-in votes are invalidated if the voter fails to mark the square provided.
 9. No ballot shall be rejected if the election board can determine the intention of the voter.

- C. The rules set out in this section are mandatory and there shall be no exceptions. A ballot may not be counted unless marked in compliance with these rules.
- D. 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 reasons (other than failure of the voter to mark any choice with respect to a particular office or proposition) stated in subsection (1) 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.
- E. If a particular objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion of the ballot to which the objection applies.
- F. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots."

Section 9.68.070 Voting; Spoiled Ballots.

If a voter improperly marks or otherwise damages a ballot, and discovers his mistake before casting the ballot, he shall return it to the City Clerk, concealing from view the manner in which it is marked, and request a new ballot. The Clerk shall remove the ballot stub (number) and place the stub in the envelope marked for this purpose, record its number, and have the voter destroy and dispose of the spoiled ballot in the Clerk's presence. The Clerk shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than two times for a total of three ballots.

Section 9.68.080 Voting; Questioned Ballots.

- A. Every voter presenting to the office to vote absentee in person shall vote questioned ballot unless they present their ballot received by mail.
- B. The clerk or any 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.
- C. 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 the person meets all 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.

- D. A voter who casts a questioned ballot shall vote his ballot in the same manner prescribed for other voters. The voter shall insert the ballot into a ballot envelope and put the ballot envelope into a return envelope on which the statement the voter previously signed is located. The return envelope shall be sealed and deposited in the questioned ballot envelope. The merits of the question shall be determined by the City Council, meeting as the election review board on the second Wednesday following the election.
- E. A sample Oath and Affidavit of Eligibility form is included at the end of this chapter.

Section 9.68.090 Assisting Voter by Clerk.

A qualified voter who cannot read, mark the ballot, or sign his name or who because of blindness or other physical disability, or who because of unfamiliarity with the system of voting, needs assistance may request the Clerk to assist. If the Clerk is requested, he/she shall assist the voter.

Section 9.68.100 Prohibitions.

- A. Prohibiting the identification of ballots: No election official may 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.
- B. Prohibition of political discussion by election board: During the hours voting may take place in the city office, no judge or clerk may discuss any political party, candidate, or issue while on duty.
- C. Prohibition of political persuasion near election polls: During the hours voting may take place, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt, by word or manner, to persuade a person to vote for or against a candidate, proposition, or question. The clerk shall post warning notices of the required distance in the form and manner prescribed by the supervisor of elections.

Section 9.68.110 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 and for each proposition question. All members of the election board shall immediately upon completion of the report sign both copies of the report.

The election supervisor shall keep the duplicate of the report of election and all other materials in a safe place and present to the canvass committee meeting on the second Wednesday following the election.

- B. The election supervisor shall place all election materials received from the election board in a locking file cabinet in the city office until the canvass meeting on the Wednesday following the election.

Section 9.68.120 Posting Certificate of Preliminary Election Results.

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:

- A. The time and place of the canvass committee meeting to consider the election results;
- B. That the results do not reflect the votes of questioned ballots and are not final until the council formally certifies the election; and
- C. That anyone has the opportunity to contest the election at the meeting.

CITY OF COLD BAY, ALASKA
OATH AND AFFIDAVIT OF ELIGIBILITY

I, _____, DO DECLARE THAT I AM A RESIDENT OF THE CITY OF COLD BAY, 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: _____

TALLY SHEET
CITY OF COLD BAY, ALASKA

_____ (DATE OF ELECTION)
_____ (DATE AND TIME OF VOTE COUNT)

COLD BAY CITY COUNCIL:

(Name)	()	(total)
(Name)	()	(total)
(Name)	()	(total)
(Name)	()	(total)
Write-In: (name)	()	(total)
Write-In: (name)	()	(total)
Write-In: (name)	()	(total)
Write-In: (name)	()	(total)
Write-In: (name)	()	(total)
Write-In: (name)	()	(total)
Write-In: (name)	()	(total)
Write-In: (name)	()	(total)

PROPOSITIONS:

(Question)		
Yes:	()	(total)
No:	()	(total)

(Question)		
Yes:	()	(total)
No:	()	(total)

CITY OF COLD BAY, ALASKA
REPORT OF PRELIMINARY ELECTION RESULTS

The tally below is a true and accurate record of all regular votes cast in the _____ (regular/special) election held in the City of Cold Bay, Alaska, on _____ (date) _____.

PART I: ELECTED OFFICIALS

CITY COUNCIL SEATS

CANDIDATE	VOTE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITIONS:

(Question)
Yes: _____ No: _____

(Question)
Yes: _____ No: _____

PART III: OFFICIAL BALLOT STATEMENT

A. TOTAL NUMBER OF BALLOTS PRINTED: _____

B. NUMBER OF BALLOTS MAILED: _____

C. NUMBER OF PERSONS VOTED: _____

D. NUMBER OF QUESTION BALLOTS: _____

E. NUMBER OF SPOILED BALLOTS: _____

F. NUMBER OF UNUSED BALLOTS: _____

G. NUMBER OF ABSENTEE IN PERSON BALLOTS: _____

The tally of votes was completed between _____ (enter time) and _____ (enter time) on _____ (enter date) .

Respectfully submitted,

_____, Election Board Chairman

_____, Election Judge

_____, Election Judge

_____, Election Judge

Attest:

_____, City Clerk

(City Seal)

Chapter 69

ABSENTEE IN-PERSON VOTING

Sections:

- 09.69.010. Absentee In-Person Voting; Eligible Persons.
- 09.69.020. Absentee Ballots; Application; Filing.
- 09.69.030. Ballot and Envelope Form.
- 09.69.040. Absentee Voting Procedures.
- 09.69.050. Liberal Construction.

Section 9.69.010 **Absentee In-Person Voting; Eligible Persons.**

Any qualified voter, who wishes to vote in person rather than by mail, may cast an absentee ballot at the City Office with the City Clerk.

Section 9.69.020 **Absentee Ballots; Application; Filing.**

- A. A person who seeks to vote by absentee ballot may file in person to the City Clerk.
- B. An application made in person must be filed with the City Clerk not more than twenty days before the city election, and no later than 3:00pm the day of the city election.
- C. The application must be signed by the applicant and show his/her place of residence.
- D. Nothing in this section is intended to limit the City Clerk 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.
- E. The form appearing at the end of this chapter illustrates the application.

Section 9.69.030 **Ballot and Envelope Form.**

The ballot provided to absentee voters shall be identical to the ballots prepared and mailed to voters. The ballot envelopes shall be identical to the mail-in ballot envelopes. The return envelope shall be distinct from the mail-in ballot return envelopes – it shall be an absentee return envelope. The absentee return envelope shall have printed upon its back the affidavit and certification illustrated at the end of this chapter.

Section 9.69.040 **Absentee Voting Procedures.**

- A. The Clerk shall provide each eligible absentee voter with an official ballot together with a ballot envelope and a return envelope.

- B. The clerk shall not issue absentee ballots sooner than 20 days before the election.
- C. Upon issuing an absentee ballot to a voter, the Clerk shall enter in the 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.
- D. To be counted, an absentee voter's ballot must be executed before 3:00pm on election day.
- 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.
- F. The absentee in-person voter shall cast his ballot in the following manner: The voter shall secretly mark the ballot in the presence of the Clerk but in a manner 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 name across its seal, and retain the envelope in his custody to be delivered to the Council for canvassing.

Section 9.69.050 Liberal Construction.

This Chapter shall be liberally interpreted, so as to accomplish the purpose set forth.

CITY OF COLD BAY, ALASKA
APPLICATION FOR ABSENTEE BALLOT

I DO HEREBY MAKE APPLICATION FOR AN ABSENTEE BALLOT FOR THE _____ CITY
ELECTION TO BE HELD _____.

I ATTEST THAT I AM A REGISTERED VOTER IN THE STATE OF ALASKA AND
REGISTERED VOTER OF THE CITY OF COLD BAY.

I ATTEST THAT I HAVE NOT SUBMITTED AND WILL NOT SUBMIT ANY OTHER BALLOT
FOR THIS ELECTION, AND THAT IF A BALLOT HAS BEEN MAILED TO ME FOR THIS
ELECTION, I WILL DESTROY THE BALLOT.

I UNDERSTAND THAT IF A SECOND BALLOT RETURN ENVELOPE IS RECEIVED BY THE
CITY OF COLD BAY BEARING MY NAME, BOTH BALLOTS SHALL BE REJECTED, AND
NOT COUNTED IN THIS ELECTION.

NAME: _____
SOCIAL SECURITY NUMBER or VOTER REGISTRATION NUMBER (circle one) _____
MAILING ADDRESS: _____
RESIDENCE ADDRESS IF DIFFERENT: _____

SIGNED: _____
NAME: _____
DATE: _____
ADDRESS: _____

RECEIVED BY: _____
DATE: _____

ABSENTEE BALLOT RETURN ENVELOPE
CITY OF COLD BAY, ALASKA

_____ (DATE OF ELECTION)

I, _____, state that I am a resident of and a registered voter in the City of Cold Bay, Alaska, and I hereby enclose my ballot. I understand that if a second ballot return envelope is received by the City of Cold Bay bearing my name, both ballots shall be rejected, and not counted in this election.

(signature of voter)

(residence address within City)

SUBSCRIBED and SWORN to before me, this date _____, I hereby certify that the above named affidavit appeared before me, was presented an official ballot, marked that ballot in my presence and, without allowing me or any other person to see how the ballot was marked, enclosed and sealed said ballot in a ballot envelope, and then enclosed and sealed that ballot envelope in this return envelope, handed me this return envelope sealed, and signed the above affidavit.

(official's signature)

(title of officer)

(SEAL)

Chapter 70
REVIEW OF ELECTION RETURNS

Sections:

- 09.70.010. Canvass Committee: Meeting.
- 09.70.020. Review to be Public.
- 09.70.030. Procedure for Questioned Ballot Review.
- 09.70.040. Absentee In-Person Ballots.
- 09.70.050. Defective Ballots.
- 09.70.060. Counting Absentee, Defective, and Questioned Ballots.
- 09.70.070. Certificate of Election.
- 09.70.080. Retention of Election Records.

Section 9.70.010 Canvass Committee: Meeting.

- A. The City Council acting as the canvass committee shall meet on the second Wednesday following the election to canvass all absentee, questioned, and defective ballots. If the Council is unable to obtain a quorum or complete the count on this day, the canvass shall be continued 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 ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

Section 9.70.020 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 there is any unexplained error in the tally of ballots, the canvass committee shall count the ballots from the ballot box.

Section 9.70.030 Procedure for Questioned Ballot Review.

- A. The election supervisor shall contact the State Division of Elections and the local voter registrars by the Monday following the election and determine if persons casting questioned ballots because of failure of their names to appear on the Master Voter Registration List were in fact registered to vote in state elections.

The election supervisor shall record the names of those 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 at the canvass meeting.

- B. The canvass committee shall examine each questioned ballot envelope and determine whether the person casting each questioned ballot was registered and eligible to vote. In making this determination, the canvass committee may request the assistance of the Clerk, and shall hear the testimony of the voter who cast the questioned ballot and of any other city resident who has information useful to the canvass committee's decision. If the canvass committee 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 may not be counted if:
 - a. The voter has failed to properly execute the certificate;
 - b. The return envelope was not witnessed in accordance with 9.66.130(D)(3);
 - c. The voter is not a registered voter in compliance with 9.66.020; or
 - d. The voter submitted multiple ballots for the same election.
 2. Any person present at the questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The election review committee by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in subsection 9.70.030(B)(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 challenge. The envelope shall be labeled "rejected questioned ballots" and shall be saved with other election materials.
 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 the ballot box and mixed with other small envelopes containing questioned ballots.

- E. Upon the canvass committee's satisfaction that no other ballot was submitted by the voter in this election, the Clerk shall remove the ballot envelopes from the return envelopes; remove the ballot from the ballot envelopes; tear off the ballot number from the ballot without revealing the ballot; and deposit the ballot into the ballot box.
- A. If the absentee ballot is rejected by the canvass committee because the voter submitted multiple ballots, the election supervisor shall send a copy of the statement of challenge to the questioned voter. The election supervisor shall place all rejected absentee ballots in the "rejected questioned ballots", as described in Subsection 9.70.030(B)(3).

Section 9.70.050 Defective Ballots.

Canvass committee members shall examine the defective ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote. If the canvass committee determines for whom the voter intended to vote and that the ballot should be counted, the ballot shall be placed in the ballot box along with the absentee and questioned ballots to be counted.

Section 9.70.060 Counting Absentee, Defective, and Questioned Ballots.

If no contest of election is begun under the provisions of Chapter 9.71, and after all absentee, defective, and questioned ballots are counted or rejected, the canvass committee shall:

- A. Certify a report that shows:
 - 1. The total number of ballots cast in the election;
 - 2. The names of the persons voted for (including write-ins) and the propositions 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.

Section 9.70.070 Certificate of Election.

- A. Upon authorization of certification of the election results by the canvass committee, 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 to the successful candidate or the sponsor of the successful candidate 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.

Section 9.70.080 Retention of Election Records.

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

CITY OF COLD BAY, ALASKA
REPORT OF ELECTION RESULTS

THE TALLY BELOW IS A TRUE AND ACCURATE RECORD OF ALL VOTES CAST IN THE
_____ (regular/special) _____ ELECTION HELD IN THE CITY OF COLD BAY ALASKA ON
_____ (date) _____.

PART I: ELECTED OFFICIALS

CITY COUNCIL SEATS

CANDIDATE	VOTE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PART II: BALLOT PROPOSITIONS AND QUESTIONS

PROPOSITIONS:

(Question)

Yes: _____ No: _____

(Question)

Yes: _____ No: _____

PART III: ACCOUNTING OF BALLOTS

H. TOTAL BALLOTS CAST: _____

I. TOTAL REGULAR BALLOTS CAST: _____

J. TOTAL QUESTIONED BALLOTS CAST: _____

a. ACCEPTED: _____

b. REJECTED: _____

K. TOTAL ABSENTEE BALLOTS CAST: _____

a. ACCEPTED: _____

b. REJECTED: _____

L. TOTAL DEFECTIVE BALLOTS CAST: _____

a. ACCEPTED: _____

b. REJECTED: _____

The canvass of the election was completed between (enter time) and (enter time)
on (enter date) .

Mayor

ATTEST:

City Clerk

City Seal

CITY OF COLD BAY, ALASKA

CERTIFICATE OF ELECTION

THIS IS TO CERTIFY THAT ON _____, _____ was elected to the office of _____ of the City of Cold Bay, Alaska, as confirmed by the City Council of the City of Cold Bay upon completion of the final canvass of ballots on _____.

Mayor

ATTEST:

City Clerk

City Seal

CITY TREASURER BALLOT

Term Elected from _____ to _____.

Vote for only one:

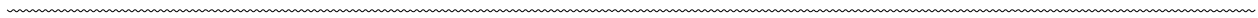
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

MAYOR BALLOT

Term Elected from _____ to _____.

Vote for only one:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



VICE-MAYOR BALLOT

Term Elected from _____ to _____.

Vote for only one:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OATH OF OFFICE
MAYOR, CITY OF COLD BAY

I, _____, do solemnly swear that I will support the Constitution and the laws of the United States and the State of Alaska and the laws and ordinances of the City of Cold Bay, and that I will honestly, faithfully, and impartially perform my duties as Mayor to the best of my ability. So help me God.

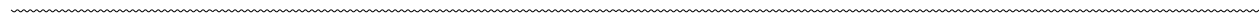
ATTEST:

Signature

City Clerk

Date

Date



OATH OF OFFICE
CITY COUNCIL MEMBER, CITY OF COLD BAY

I, _____, do solemnly swear that I will support the Constitution and the laws of the United States and the State of Alaska and the laws and ordinances of the City of Cold Bay, and that I will honestly, faithfully, and impartially perform my duties as City Council Member to the best of my ability. So help me God.

ATTEST:

Signature

City Clerk

Date

Date

Chapter 71
CONTEST OF ELECTION

Sections:

- 09.71.010. Contest of Election; Contestant.
- 09.71.020. Contest of Election; Council.
- 09.71.030. Ballot Recount.
- 09.71.040. Prohibited Practices Alleged.
- 09.71.050. Sustained Charges; Recount.
- 09.71.060. Recount Expenses; Appeal.

Section 9.71.010 Contest of Election; Contestant.

- C. Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.
- D. Any qualified voter who believes that prohibited practices occurred at any election may contest the election by:
 - a. Filing a written affidavit with the City Clerk specifying with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct.
 - b. This affidavit must be filed with the City Clerk before or during the first canvass meeting the second Wednesday 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.
 - c. The sample affidavit at the end of this Chapter shows the form this affidavit should take.

Section 9.71.020 Contest of Election; Council.

The City Council may:

- A. Order an investigation or a recount of the ballots;
- B. Declare the election invalid and order a new election;
- C. Declare the affidavit of the election contest without merit and certify the results of the election; or
- D. Declare the affidavit of the election contest without consequence and certify the results of the election.

Section 9.71.030 Ballot Recount.

If only a recount of ballots is demanded, the election board shall recount the ballots.

Section 9.71.040 Prohibited Practices Alleged.

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

Section 9.71.050 Sustained Charges; Recount.

If the charges alleged by the contestant are upheld, the canvass committee shall make a recount. The Council shall then certify the correct election returns.

Section 9.71.060 Recount Expenses; Appeal.

- E. 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 a losing vote on the result contestant is more than two percent.
- F. A person may appeal the decision of the Council in Section 9.71.020 to the Superior Court, 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, has exhausted his administrative remedies before the City Council, and has commenced, within 10 days after the Council has declared the election results, an action in the Superior Court. If no such action is commenced within the 10 day period, the election and election results shall be conclusive, final, and valid in all respects.

CITY OF COLD BAY, ALASKA

AFFIDAVIT OF ELECTION CONTEST

The undersigned believe, that prohibited practices occurred at the _____ municipal election held on _____ at Cold Bay, Alaska.

The undersigned states that the following laws were violated:

The undersigned states that the above provision of the law were violated in the following manner:

Printed Name of Person Contesting Election

Signature of Person Contesting Election

City Seal

City Clerk