



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 27-2021

Meeting Date: January 12, 2021

1 **From:** Assembly Member LaFrance

2
3 **Subject:** AO 2020-131(S) – AN ORDINANCE OF THE ANCHORAGE
4 MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL
5 CODE TITLE 28, ELECTIONS, TO UPDATE AND CLARIFY
6 PROVISIONS OF THE CODE [CONSISTENT WITH THE
7 MUNICIPALITY’S VOTE BY MAIL SYSTEM AND RELATED
8 MATTERS].
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10 Since at least 2012, after each year’s election, the Municipal Clerk, assisted by the
11 Election Commission, the Municipal Attorney, Assembly Counsel, the Assembly
12 Ethics and Election Committee, and the Clerk’s staff, reviews the Election Code
13 (Title 28). The Clerk’s review may result in recommended amendments to the code
14 to clarify the law, address unanticipated issues, and improve election procedures.
15 The Assembly has adopted amendments to Title 28 every year but one since 2012.
16

17 The majority of the changes proposed in this ordinance are to update terms for
18 clarity, readability, and consistency of language. For example, “accessible vote
19 center” is changed to “vote center,” and “electronic transmission” is changed to “fax
20 or email.” In some places, duplicate verbiage is eliminated. Additionally, cross
21 references to other sections of code and to state statute are updated.
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23 Some changes are proposed to clarify and improve our election procedures:

- 24 • To preserve the security and integrity of elections, new verbiage proposed in
25 this ordinance makes it explicit that the Clerk has the authority, if an election
26 offense or voter fraud is alleged, to “gather information” and provide that
27 information to involve law enforcement, if necessary, for a complete
28 investigation of the allegations.
- 29 • For a runoff election, the number of days that vote centers are open is slightly
30 reduced due to the shortened election period for a runoff election.
- 31 • To assist voters, the period to receive ballots that are mailed from overseas
32 and postmarked by Election Day is extended by approximately four days.
- 33 • To make sure every valid vote is counted, the review standards for a
34 questioned ballot envelope are modified so that the ballot can be counted if
35 the voter is qualified to vote, even if the voter or an election worker forgets to
36 sign the questioned ballot envelope.
- 37 • To assist voters, additional instructions on how to invalidate a vote without
38 making an alternate choice are provided.
- 39 • To keep election processes transparent, a deadline for informing voters
40 whose ballots were rejected is added.
- 41 • The time period for requesting a recount or for contesting an election is
42 moved to start at Assembly certification of an election, which is more public,
43 rather than at the Election Commission’s adoption of their report.
- 44 • Consistent with state statute, voter misconduct offenses are added so that

AO 2020-131(S)

1 the Municipality has the authority to prosecute election offenses and maintain
2 the accuracy and integrity of municipal elections.

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4 To clarify the time and method of how the Assembly may call a special election, a
5 change to AMC 28.20.010 is proposed to be modified. The new language clarifies
6 that the Assembly would adopt a resolution in order to call a special election. The
7 specific time frames of 30 and 45 days are removed in favor of various timing
8 requirements in the municipal charter and code. For example, paragraph
9 28.20.040A. requires notice of a special election to be published 30 days ahead of
10 the election, which can't happen if the Assembly calls an election in 30 days.

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12 Additional provisions to clarify situations where an automatic recount (initiated by
13 the Municipal Clerk) would be required are proposed. If no mayoral candidate
14 receives more than 45% of the vote and a runoff is required, if there is less than
15 0.5% separating the second and third place candidates, then there would be an
16 automatic recount to confirm the second place candidate who would participate in
17 the runoff. Additionally, there would be a recount if a proposition passed or failed by
18 less than 0.5% of the vote.

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20 A section by section summary of the Code changes is attached to AM 736-2020.

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22 Respectfully submitted:

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24 Suzanne LaFrance
25 Assembly Member, District 6 (South Anchorage)