CITY ALASKA

ORDINANCE NO. 46

AN ORDINANCE OF THE CITY OF BETHEL, ALASKA, AMENDING, INCORPORATING, AND SUPERCEDING ALL PREVIOUS ORDINANCES RELATIVE TO ELECTIONS FOR THE CITY OF BETHEL, SETTING UP THE ENTIRE ELECTION PROCEDURE, PROVIDING PENALTIES AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF BETHEL, ALASKA:

Sec. 1. Qualifications of Electors - Registration.

All citizens of the United States, eighteen (18) years of age and over, who are actual bona fide registered voters and residents of Alaska, and who have been such residents continuously during ~~the entire year immediately~~ preceding the 75 days election, and who have been such residents continuously for thirty (30) days next preceding the election in the City of Bethel, Alaska and who are not barred from voting by any other provision of law, shall be entitled to vote at any election held in the City of Bethel, Alaska.

(A) Any resident of the City may vote in a City election if he is a qualified elector under the Constitution and laws of the State of Alaska and has been registered by the State as required therein. In accordance with AS 15.07.040 registration shall be closed fourteen (14) days before an election when registering in person and thirty (30) days before the election when registering by mail.

(B) Registration is prima facie evidence of an elector's qualifications. However, it shall be the duty of election officials to challenge any elector whom they believe is not qualified. An election judge may question any person of doubtful qualification attempting to vote and may require identification of the elector. Any elector may be challenged by any qualified elector of the City of Bethel, however, a person who frivolously, maliciously or in bad faith challenges an elector is guilty of a misdemeanor.

Sec. 2. Candidate qualifications.

(A) Qualifications of candidates: No person shall hold any elective office, or be eligible to seek election thereto, unless he be a qualified elector of the City and resident of the City of Bethel for one year prior to the election for which he is declaring candidacy. ?

(B) Declaration of Cnadidacy: Any qualified candidate of the City may be nominated for elective office by filing a declaration of candidacy thereof on a form provided by the City Clerk. Said declaration shall be signed and filed with the City Clerk not earlier than thirty days nor later than fifteen days before the election. Otherwise they shall be unacceptable. A two dollar ($2.00) filing fee shall accompany every declaration of candidacy.

(C) Time for withdrawing candidacy: Any candidate may withdraw his nomination not later than the last day of filing for declaration of candidacy by filing a written notice for withdrawl with the City Clerk.

Sec. 3. Annual General Election.

There shall be held on the first Tuesday of October in each year in the City of Bethel, Alaska a General Election for the purpose of electing four council members in even numbered years and three members in odd numbered years. The term of office shall be two years. There shall be no limitation on the number of consecutive years for anyone. A Council President shall be elected each year by and from the Council members.

(A) In the event a two year council term is not completed, the Council shall appoint someone to fill the vacant Council seat until the next regular election. If there still is a full year to fill at that time, the vacancy shall be filled by the election process.

Sec. 4. Special Elections.

Special Elections may be called by the Council in the same manner and upon the same notice as required for general elections. No Special Elections may be called within ninety (90) days of the general election.

Sec. 5. Notice of Election.

It shall be the duty of the Clerk of the City of Bethel to publish or post in three(3) public places in said City at least fifteen (15) days before any general or special election, a notice of such election. Notice of Election shall include but not be limited to date of the election, precinct descriptions, polling place locations, poll hours and elector qualifications. The notice shall also include offices and propositions to appear on the ballot.

Sec. 6. Appointment of Election Officers.

It shall be the duty of the Council at a regular or special meeting held at least seven (7) days previous to the date of holding the election to appoint, from the qualified electors of the City of Bethel, at least three(3) but no more than five (5) judges of election in each precinct, one of whom shall be designated as the chairman, who shall constitute the Board of Election, who shall enter on poll lists the name of each elector whose ballot has been received, numbering each name as it is taken down. The precinct chairmen may appoint not more than four(4) counters to assist in counting ballots. Counters so appointed shall commence work immediately after the polls have closed and shall continue to work until all votes are tabulated. The election judges and counters shall continue to work until all the votes are tabulated. The election judges and counters including the chairmen shall be paid at the rate of $2.50 per hour.

Sec. 7. Oath of Election Officers.

All election judges and clerks, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the Clerk.

Sec. 8. Election Board Chairmen.

The Chairmen of the election board shall have the power to administer all necessary oaths and affirmations which may be required during the progress of the election, after subscribing to the oath of election officers. They shall also have the power to fill any vacancy which may occur in the board until their duties are comoleted.

Sec. 9. Ballots, Typing, Contents.

(A) All ballots used at any election of said City shall be typed on white paper of good quality, at the expense of the City and shall be furnished to the said election board by the municipal clerk. Such ballots shall contain the names of all candidates whose nomination for any office specified on the ballot has been filed with the municipal clerk according to the provisions of this chapter, and not otherwise. The candidate names shall be listed on the ballot in alphabetic rotation as provided in AS 15.15.030. At the end of the list of candidates shall be left a blank space, or spaces large enough for the name of candidates to be written in, and nothing contained in this chapter shall prevent any elector from writing on his ballot the name of any person for whom he desires to vote for any office, and such ballot shall be counted the same as if printed and morked by the elector.

(B) All questions or propositions shall appear on a separate ballot from the candidate ballot.

Sec. 10. Sample Ballot Posting.

At least seven days before the election, the municipal clerk shall cause to be posted, in the room where the election is to be held, and in at least three (3) public places in the City, specimen ballots with instructions to elector. The specimen ballot shall be like the official ballot in contents and shall be printed or type-written on colored paper, and should be marked sample.

Sec. 11 Number of Ballots.

The municipal clerk or secretary shall cause to be delivered to the judges of election, at least one hundred (100) more ballots than the highest number of votes cast at the last regular or special election. He shall also deliver to the judges a registration book, precinct polling place to accomplish the election progress. The reverse side of the ballot shall contain the words "Official Ballot", City of Bethel, and the date of the election.

Sec. 12 Hours of Voting.

The polls at all general or special elections shall be opened at the hour of eight o'clock A.M. on the date of the election and shall be kept open continuously until eight o'clock P.M. of the same date. All electors in line to vote on or before eight o'clock shall have the right to vote.

Sec. 13 Opening Polls.

Immediately after opening the polls, and before receiving any ballots, the Election Board Chairman shall proclaim in a loud voice from the doors of the polling place, that the polls of such election are open.

Sec. 14. Voting procedure at the Polls.

When any person offers to vote in any election, the Election Board Chairman shall announce his name in an audible voice, and if there be no objections to his qualifications as an elector having checked the precinct registration for registered electors and after he has signed the poll book, he shall receive from the judges the appropriate ballot or ballots.

Sec. 15. Marking and Casting of Ballots.

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

(B) The elector shall give the election officials his name and address. If it is determined that he is a qualified elector of that precinct, he hall then place his signature on the appropriate line in the precinct index provded by the Clerk. If any election official present believes the elector is not qualified, he shall immediately challenge the elector.

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

(D) Each elector shall retire alone to a booth or private area to mark his ballot. If a elector is blind or otherwise unable to mark his ballot alone, he may request assistance and it may be permitted pursuant to AS 15.15.240. Immediately after marking the ballot, the elector shall return it to the election judge, having concealed the manner in which it is marked.

(E) If an elector improperly marks or otherwise damages a ballot, he shall return it to the election officials, concealing the manner in which it is marked from view, and shall request a new ballot. The election officials shall destroy the damaged ballot and shall issue a new ballot to the elector. A elector may request replacement of a damaged ballot no more than three (3) times.

(F) Fifteen (15) minutes before the closing of the polls the time remaining before such closure shall be proclaimed. When the polls are closed for the purposes of voting, that fact shall likewise be proclaimed and thereafter no ballot shall be issued except to those voters who were present and waiting their turn to go through the voting procedure at the time prescribed for closing the polls.

Sec. 16. Challenged Ballot Procedure.

A person whose right to vote has been challenged may be issued a ballot if he first completes and subscribes to an affidavit of his qualification. When the marked ballot is returned to the election officials, it shall be placed in an envelope to permit segregation before being cast in the ballot box. The Clerk shall provide forms and materials for this procedure. All envelopes containing challenged ballots shall be returned to the Clerk for delivery unopened to the Canvass Board.

Sec. 17. Ballot Counting, Tallying and Ballot Rejection.

(A) As soon as the polls are closed, the judges shall open the ballot box and commence counting the ballots, and continue without adjournment until they are all counted; and in no case shall the ballot box be removed from the room in which the election was held until all the ballots have been counted. Both candidate and proposition ballots shall be counted in a manner prescribed the Clerk persuant with AS 15.15.330 and AS 15.15.360. The opening of the ballot box and the counting of ballots shall be accomplished in full view of any persons present. The public may not be excluded from the area in which ballots are counted. However, the chairman of the election board shall not permite anyone present to interfere in any way or to distract the appointed officials from their duties and no one other than appointed election officials may handle the ballots.

(B) Immediately following the closing of the polls, the election board will destroy all unused ballots.

(C) The Clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot, so as to assure accuracy and to expedite the process. No person handling ballots may have a marking device in hand other than the rubber stamp provided pursuant to this section. Ballots not counted or parts of ballots not counted pursuant to the rules set forth in As 15.15.360 shall be marked "REJECTED" using the rubber stamp provided. Ballots not counted shall be retained, however, and delivered to the Clerk.

Sec. 18. Certification of Election by Election Board.

As soon as all the ballots are counted, a certificate drawn up on each of the papers containing the poll list and tallies, or attached hereto stating the number of votes each candidate has received and designating the office for which he received the votes; and declaring the person or persons receiving the highest number of votes for any office and in like manner certifying the votes cast in the affirmative and in the negative of any proposition vote upon, shall be prepared. All counted ballots, and election materials will be delivered to the Clerk upon completion of the precinct canvass.

Sec. 19. Tie Vote Procedure.

If two (2) or more persons shall have received an equal and the highest number of votes for the same office, the municipal clerk shall give notice to each of such persons to attend at a time and place appointed by said municipal clerk, who shall then and there publicly procede to determine, by lot, which of the persons so having an equal number of votes shall be declared duly elected; and shall issue to such person, so declared elected, his certificate accordingly.

Sec. 20. Absentee Voting.

(A) Eligibility: Any qualified elector who expects to be absent from his election precinct or who will be unable to get to the polling place of that precinct for reasons of physical disability on the day of election may cast an absentee ballot. The provisions of this section effectuating the constitutional guarantee of absentee voting rights shall be liberally construed.

(B) Application for ballot: Application for absentee ballot by mail must be filed with the clerk not more than thirty (30) days nor less than four (4) days before the election. Application for absentee ballot in person must be made in writing and filed with the clerk not more than thirty (30) days before the election nor later than 12:00 noon of the day before the election. The application must be signed by the applicant, must show his residence location or address and must make clear to the Clerk the applicants right to a ballot.

(C) Issuance of Ballot: Before delivering any ballot, the clerk shall satisfy himself of the applicants right to vote and may require the applicant to comply with the challenged ballot procedure. Upon issuing an absentee ballot the clerk shall enter on the application the date of delivery or mailing and indicate what ballots were issued. Before the election, the clerk shall furnish to the election board of each precinct a list of elector of that precinct who have been issued absentee ballots. When the canvass board meets, the clerk shall furnish to it all absentee ballot applications, bearing the aforesaid notations relative to issuance of ballots.

(D) Absentee Ballots by Mail: Ballots cast absentee by mail must be received in the clerk's office until 5:00 P.M. the day of the canvass and post marked no later than the date of the election.

(E) Materials for Absentee Voting: There shall be a ballot envelope and a return envelope supplied to each absentee elector. The return envelope shall have printed upon it an affidavit by which the elector shall declare his qualification to vote, followed by provision for attestation by a witnessing officer. The following notice shall also appear on the return envelope. Notice: Return the voted ballot in sealed evelope immediately to the City of Bethel, City Clerk, Bethel, Alaska marked "Ballot Enclosed - To Be Opened by the Canvass Board."

(F) Emergency Application for Absentee Ballot: Any qualified elector is a patient under the care of a physician in a hospital or a private home on the day of election and is unable to vote in the polling place of his precinct may request delivery of a ballot or ballots to him after the time for application for absentee ballots has lapsed. Such request may be by telephone or by a third party on the voters behalf. If, in the opinion of the Clerk, there is time for the voted ballots to be returned before closing the polls, a duly appointed and sworn election clerk shall take the ballot or ballots, along with an absentee ballot application and other necessary materials to the elector. After having filled out and signed the application for absentee ballot, the voter shall cast his ballot in the same manner provided herein for absentee voting in the office of the Clerk. If there is doubt of the voter's qualification, he may be required to comply with the challenged ballot procedure.

(G) Casting Absentee Ballot: At any time on or before the day of the election any elector issued an absentee ballot may appear before any persons authorized by law to administer oaths, including the Clerk and in the presence of such officer shall cast his ballot in the following manner: The elector shall first show the witnessing officer that the ballot has not been previously marked; then he shall mark the ballot in such a manner that none other than the elector may see how it is marked. The electorshall place the marked ballot in the ballot envelope, then place the ballot envelope in the return envelope. The elector shall complete and swear to the affidavit printed on the return envelope and deliver it, properly sealed to the witnessing officer who shall attest to the affidavit. If the ballot is cast in the Clerk's Office, the clerk shall retain it for delivery to the canvass board. If the ballot is cast in another location, the elector shall return it by mail to the clerk immediately for delivery to the canvass board.

Sec. 21. Canvassing Board.

(A) On the first Thursday after an election, City Council shall meet and canvass all election returns. The canvass may be postponed, for cause, from day to day, but there shall be no more than three such postponements.

(B) The canvass of all election returns shall be made in public by opening the returns and tallying the number of votes cast for each candidate, and for and against each proposition voted upon at such an election. The Council acting as Canvassing Board shall also determine the validity of challenged ballots and if allowed, shall be counted with the absentee ballots in the same manner as prescribed for precinct canvassing. The result of the election shall be publicly declared by the Council and entered upon the public records of such meeting. The records therein shall show:

(1) The number of votes cast in such election'
(2) The names of the persons voted for
(3) The proposition voted upon at such election
(4) The offices voted for and the number of votes cast for each candidate and the number of votes cast for and against each proposition at such election.

Sec. 22. Violation of Election Laws.

Any person who shall knowingly vote, or attempt to vote, at any election in the City of Bethel, who is not duly qualified to vote in such election, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined twenty-five ($25.00) dollars or imprisioned for five (5) days, or both such fine and imprisonment.

Sec. 23. Repealer.

This ordinance in effect repeals ordinance # 14, the election ordinance and all amending ordinances to it.

Sec. 24. Effective Date.

This ordinance shall become effective upon its passage and approval. Publication of this ordinance shall be by posting a copy thereof on the City Hall Bulletin Board for a period of ten (10) days following its passage and approval.

First Reading August 23, 1971
Second Reading August 23, 1971

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA THIS 30th DAY OF August, 1971

William B. Zabradnicek
William B. Zabradnicek, Mayor

ATTEST:

Kathleen F. Heddell
Kathleen F. Heddell, City Clerk

AMENDMENT #1
TO
ORDINANCE #46

AN ORDINANCE OF THE CITY COUNCIL OF BETHEL, ALASKA AMENDING BETHEL MUNICIPAL CODE SECTION 1.20.060 AND 1.20.080 TITLED ELECTIONS.

Section 1. It is hereby ordained that the following sections of the Bethel Municipal Code 1.20.060 and 1.20.080 be amended to read as follows:

1.20.060 ANNUAL ELECTION.

There shall be held on the first Tuesday of October in each year in the City an election for the purpose of electing three council members in even numbered years and four council members in odd numbered years. The term of office shall be two years. Council candidates shall run at large.

Those candidates receiving the largest number of votes greater than forty percent (40%) of the total votes cast for all the candidates divided by the number of seats being elected shall be seated on the City Council. A runoff election shall be held if not enough candidates receive the minimum number of votes required for election.

The runoff election shall be held within 3 weeks of the date of certification for the election for which runoff is required. A notice of the runoff election shall be published at least 5 days before the election date. The runoff election shall be between those candidates which received the highest number of votes but failed to receive the minimum number of votes required for election. No more than two candidates per vacant seat to be filled shall be eligible for the runoff election.

Council seats will be designated 1 through 7 for convenience only.

Voters will be able to cast the same number of votes as the number of seats being elected. Voters may not cast more than one vote for a candidate.

There shall be no limitation on the number of terms a person may serve on the City Council.

A Mayor shall be elected each year by and from the Council members.

1.20.080 COUNCIL VACANCIES. The following paragraph shall be added to the existing paragraph:

If the vacancy is filled at a general election, the City Council candidate who receives the highest number of votes in the general election shall have the option to serve for either a full term or to serve for the remaining term of the vacant Council seat. In the event that person shall decline to fill the vacant Council seat,

the candidate who received the next highest number of votes shall be given the same option. This process shall be repeated until such time as a City Council candidate has agreed to fill the vacant seat.

Section 2. Effective Date.

This ordinance shall be effective upon adoption, however, no election shall be held pursuant to this ordinance until such time as pre-election clearance has been received from the United States Department of Justice in accordance with the Voting Rights Act.

Adopted this 12th day of November, 1991.

James Feaster III

James Feaster III
Mayor, City of Bethel

ATTEST:

Jane Elam

Jane Elam
City Clerk