

**ORDINANCE NO. 6317, AS AMENDED**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
CHAPTER 22 ELECTIONS**

**WHEREAS**, regular City of Fairbanks elections are held in conjunction with Fairbanks North Star Borough elections; and

**WHEREAS**, the City aims to maintain consistent election codes and procedures with the Borough to ensure consistency and uniformity for voters and efficiency in the conduct of elections; and

**WHEREAS**, there are City Clerk ~~has identified~~ sections of the Fairbanks General Code that require clarification, additional guidance, or alignment with current procedures.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** That Fairbanks General Code Chapter 22 - Elections is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

**Sec. 22-1. - Definitions.**

The following definitions and clarifications apply to this chapter:

*Days* includes weekends and holidays.

*Election* includes any regular or special election of the City of Fairbanks.

*Election official* means the city clerk and employees of the city clerk's office, temporary election workers, **absentee voting officials**, election board members, and members of counting or review boards.

**Electronic transmission means delivery by facsimile transmission and or transmission through email or a website established by the city clerk.**

*Oath* includes affirmation **or sworn statement on penalty of perjury.**

**Office means any elective office under the charter and ordinances of the city.**

**Organized group means:**

- 1. the sponsor(s) of an initiative or referendum on the city ballot;**
- 2. a group or entity registered with the Alaska Public Offices Commission;**

3. a for-profit or non-profit corporation registered as an entity with the State of Alaska Division of Corporations, Business and Professional Licensing acting through an authorized agent with evidence that the corporation intends for the agent to participate as a poll watcher.

Polling place means a place designated and open for voting, including early voting and absentee voting locations.

*Precinct* means the territory established by the state within which residentqualified voters may cast votes at one polling place.

*Proposition* ~~includes question~~ means an initiative, referndum, or charter amendment submitted at an election to the public for vote.

*Publication* means notice printedpublished in a newspaper of general circulation distributed in the city or posting in public places.

Questioned voter means;

1. a voter whose name does not appear on the register in the precinct where they attempt to cast a vote;
2. a voter whose name appears on the precinct register but who does not present identification or is not personally known to an election official at that polling place;  
or
3. a voter who is questioned, for good cause, in writing at the polling place.

Registration or registered refers to the form of registration required by the State of Alaska. For city elections, a person is considered eligible to cast a vote if registered to vote in state elections in a city precinct at least 30 days prior to the election.

*Regular election* means a general election to fill city offices as required by section 22-6.

*Signature* ~~or subscription~~ includes any mark intended as a signature ~~or subscription.~~

*Special election* means any city election held at a time other than when a regular or runoff city election is held.

*Swear* includes affirm.

Total votes cast means the total number of votes cast for each seat for candidates whose names are printedrace or proposition on the ballot and votes properly cast for the same seat in the write-in section(s) of the ballot. Ballots counted as blank votes or as over-votes in a particular race shallor for a proposition will not be added into the total votes in determining votes cast.



*Voter* means any person who presents themselves for the purpose of registering to vote either in person or by absentee application or is voting, ~~either in person or by absentee~~ application ~~or~~ ballot.

**Sec. 22-2. - Incorporation of state and federal law.**

All provisions of the Constitution of the United States, the state constitution, and any laws pursuant to either constitution affecting city elections are incorporated in this chapter as if fully set out in this section.

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**Sec. 22-8. - Precincts and polling places.**

- (a) The precincts established by the state and set forth in the Alaska Administrative Code ~~shall~~ beare the precincts for all elections. The city clerk shall secure a polling place for each precinct for each election. Wherever practicable, the polling place ~~shall~~will be located within the precinct.
- (b) No later than 20 days before each regular and special election, the city clerk shall publish in one or more newspapers of general circulation in the city the locations of the precinct polling places. Such publication ~~shall~~must be repeated at least once no later than the day prior to the election.
- (c) For runoff elections, the notice of the locations of the precinct polling places may be included in or separate from the notice of the election, and ~~publications shall~~will be published at least once no later than five days prior to the runoff election.

**Sec. 22-9. - Declaration of candidacy by affidavit; ~~candidate biographical information and nonpartisan position statement.~~**

- (a) At least 95 days before each regular election, the city clerk shall publish in one or more newspapers of general circulation in the city a notice of offices to be filled at the election and the manner of declaring candidacy.
- (b) Any qualified person may have their name placed on the ballot as a candidate for not more than one elective office by filing no earlier than July 15 at 8:00 a.m., nor later than July 29 at 5:00 p.m., with the city clerk, a sworn declaration of candidacy. If July 29 falls on a Saturday or a Sunday, the filing deadline will be 5:00 p.m. the following Monday. Candidates for elective ~~council~~ office shall file a ~~conflict of interest statement~~ financial disclosure statement in accordance with the provisions of AS 39.50 at the time of filing a declaration of candidacy. Each candidate shall file the name and address of the campaign treasurer with the state public offices commission in accordance with the provisions of AS 15.13 no later than seven days after the date of filing a declaration of candidacy. A \$25.00 filing fee ~~shall~~must accompany every declaration of candidacy.

- (c) Declaration of candidacy affidavit forms shall will be provided by the city clerk. The affidavit must and shall include: a provision for a statement by the candidate affirming their qualifications to fill the office for which they are filing.
- (1) the full name of the candidate and the manner in which they wish their name to appear on the ballot;
  - (2) all residential addresses of the candidate during the year immediately preceding filing for candidacy;
  - (3) the current mailing address of the candidate;
  - (4) the office for which the candidate declares;
  - (5) an affirmation that the candidate is qualified for the office as provided by law;
  - (6) a certification by the candidate that the information provided in the declaration is true and accurate;
  - (7) the date of the declaration and a notarized signature of the candidate; and
  - (8) any other information that the city clerk reasonably requires to determine whether the candidate is qualified for the office as provided by law.
- (d) Declarations of candidacy may be filed with the city clerk by electronic transmission or mail. If filed electronically, the declaration, along with all required forms, must be received by the deadline set forth in subsection (b) of this section. If mailed, the declaration, along with all required forms, must be received by the city clerk no later than the Tuesday following the filing period deadline. Non-compliance with this subsection will result in the candidate's name not appearing on the ballot. Any candidate desiring to withdraw their declaration of candidacy may do so at any time during the period for filing a declaration of candidacy and up to five business days following the closing date for filing. All declarations of candidacy which are not withdrawn shall be preserved by the city clerk for one year.
- (e) Persons filing for elective office as a write-in candidate shall file a declaration of candidacy under this section. Write-in candidates may file only after the official filing period has closed and not later than 5:00 p.m. on the weekday immediately preceding the election.
- (f) Each declaration of candidacy form will contain the following phrase immediately above the signature of the candidate, "I understand that false statements made on this form are criminal ~~violations~~ offenses."
- (g) Each candidate for mayor or member of the city council shall have resided within the city for one year immediately prior to the filing of the declaration of candidacy.
- (h) The city clerk shall determine whether each candidate for city office is qualified as provided by law. At any time during the election the city clerk may disqualify any candidate whom the clerk finds is not qualified and immediately notify that candidate by certified mail.



- ~~(i) Qualified candidates for city mayor and city council may provide biographical and non-partisan information in accordance with this section to be compiled by the city clerk into a candidate pamphlet.~~
- ~~(j) On a form prescribed by the city clerk, candidates may submit their biographical information, non-partisan position statement, and recent photograph to the city clerk's office. In order to be included in the candidate pamphlet, submissions must be received no later than 5:00 p.m., ten business days following the close of the filing period for a regular city election and no later than 5:00 p.m., five business days following the close of the filing period for a special city election.~~
- ~~(k) The biographical information may not exceed 150 words. The non-partisan position statement may not exceed 250 words. Articles such as "a," "an," and "the" will be counted as words. Biographical information and non-partisan position statements must be typewritten and may be submitted in person, by mail, or electronically.~~
- ~~(l) Candidate photographs should be a clear image of only the candidate, taken within one year of submission, and be of a quality suitable for reproduction. Photographs may be submitted in person, by mail, or electronically.~~
- ~~(m) The city clerk shall reject any information or photograph that is not in compliance with this section. The city clerk shall reject any portion of a candidate's biographical information or position statement deemed by the city clerk to be obscene, libelous, profane, defamatory, or affiliated with any political party.~~
- ~~(n) The city clerk shall compile and make available to the public a candidate pamphlet containing all information submitted in accordance with this section. The pamphlet will be available to the public no later than 30 days prior to a regular election and no later than 15 days prior to a special election and will, at a minimum, be published on the city website. Paper copies will be available at the city clerk's office.~~
- ~~(o) The city clerk will add a disclaimer to the candidate pamphlet noting that the candidate information and photograph is presented as submitted by the candidate without any changes to grammar, spelling, or punctuation and that the city has not verified the accuracy of the information provided by candidates.~~

**Sec. 22-9.1 – Amendment to and withdrawal of declarations of candidacy.**

- (a) Any candidate desiring to withdraw their declaration of candidacy may do so at any time during the period for filing a declaration of candidacy and up to five business days following the closing date for filing. The city cannot guarantee that a candidate's name will be removed from the ballot if the candidate's request for withdrawal is received after the deadline.**

- (b) A filed declaration of candidacy may not be changed. If a candidate who has already filed desires to file for a different seat, they must withdraw and file a new declaration of candidacy affidavit in accordance with section 22-9.

Sec. 22-9.2 – Municipal election information pamphlet.

- (a) A municipal election information pamphlet shall will be compiled by the city clerk's office containing candidate and proposition information in accordance with subsection (b). In addition, the city clerk shall include in the pamphlet information on early and absentee voting, polling place locations, sample ballots, and any other election information approved by the city clerk.
- (b) Qualified candidates for city mayor and city council may provide biographical and non-partisan information in accordance with this section for inclusion in the pamphlet.
- (1) On a form prescribed by the city clerk, candidates may submit their biographical information, non-partisan position statement, and recent photograph to the city clerk's office no later than 5:00 p.m. ten business days following the close of the filing period for a regular city election, and no later than 5:00 p.m., five business days following the close of the filing period for a special city election.
  - (2) The biographical information may not exceed 150 words. The non-partisan position statement may not exceed 250 words. Articles such as "a," "an," and "the" will be counted as words. Biographical information and non-partisan position statements must be typed and may be submitted in person, by mail, or electronically.
  - (3) Candidate photographs should be a clear image of only the candidate, taken within one year of submission, and be of a quality suitable for reproduction. Photographs may be submitted in person, by mail, or electronically.
  - (4) The city clerk shall will reject any information or photograph that is not in compliance with this section. The city clerk shall will reject any portion of a candidate's biographical information or position statement deemed by the city clerk to be obscene, libelous, profane, defamatory, or affiliated with any political party. The candidate will have an opportunity to revise and resubmit their information if they do so within the pamphlet filing period.
  - (5) The city clerk will add a disclaimer to the election pamphlet noting that the candidate information and photograph is presented as submitted by the candidate without any changes to grammar, spelling, or punctuation and that the city has not verified the accuracy of the information provided by candidates.
- (c) The city clerk shall make the municipal election information pamphlet available to the public on the city website and at the city clerk's office no later than 30 days prior to a regular election and no later than 15 days prior to a special election.



**Sec. 22-10. - Election officials.**

- (a) For precincts within the city, the city ~~clerk, subject to the approval of the city council, and the borough assembly~~ shall appoint at least three election ~~officials~~ judges in each precinct to constitute the election board of that precinct. The city clerk is the election supervisor. One election ~~official~~ judge shall ~~will~~ be designated as chair and shall be ordinarily responsible for administering the election in that precinct. The city clerk may appoint additional election officials at any polling place ~~as necessary where they are needed~~ to conduct an orderly election.
- (b) All election officials ~~should~~ **must** attend a training session unless personally and specifically excused for cause by the city clerk. If any appointed election official is not able or refuses to serve on election day, the city clerk may appoint a replacement for that official.
- (c) Each election ~~official~~ judge serving at a precinct polling place must be a qualified voter and, if possible, a resident within the precinct to which they are appointed.
- (d) All election officials, before entering upon their duties, must subscribe to the oath required of all public officers by the state constitution in the manner prescribed by the city clerk.
- (e) Candidates and the contact person(s) or sponsor(s) on an initiative or referendum shall not serve as election officials. **No person may serve as an election official if they have a familial relationship with a candidate on the city ballot** ~~Certain familial relationships may not exist between a candidate and an election official in regular, runoff, or special elections. Those f~~ Familial relationships ~~means~~ are:
- (1) ~~M~~ **m**other, mother-in-law, stepmother;
  - (2) ~~F~~ **f**ather, father-in-law, stepfather;
  - (3) ~~S~~ **s**ister, sister-in-law, stepsister;
  - (4) ~~B~~ **b**rother, brother-in-law, stepbrother;
  - (5) ~~S~~ **s**pouse;
  - (6) ~~G~~ **g**randparent; or
  - (7) ~~P~~ **p**erson sharing the same living quarters.
- (f) The city clerk may appoint not more than two ~~people aged 16 and 17~~ as youth election workers at each precinct. A youth election worker must:
- (1) ~~B~~ **b**e a citizen of the United States;
  - (2) **be 16 or 17 years old;**
  - (3) ~~O~~ **o**btain written permission from a parent or legal guardian;
  - (4) ~~A~~ **a**ttend mandatory training on polling place election procedures; and
  - (5) ~~S~~ **s**erve under the supervision of the precinct chair.

**Sec. 22-11. - Form of ballots.**

- (a) Ballots shall be prepared in the manner prescribed by law for state elections, insofar as such prescription is applicable to nonpartisan elections. The ballots shall be consecutively numbered-in-series, the number being placed in an area set off by perforations for ease of removal and on a portion of the ballot that can be seen when the manner in which the ballot is marked is concealed from view.
- (b) All candidates ~~for~~ the same office shall be shown on one ballot. The title of each office to be filled ~~shall~~will be followed by the printed names of all candidates for that office, and provisions ~~shall~~will be made for write-ins equal in number to the positions to be filled. The names of candidates ~~shall~~will be printed as they appear upon the declaration of candidacy, except that any honorary or assumed title or prefix shall be omitted. A candidate's name appearing on the ballot may include a nickname or familiar form of a proper name that the candidate is known by, as specified on the declaration of candidacy. The words "Vote for not more than \_\_\_\_\_," with the appropriate number replacing the blank, shall be placed before the lists of candidates for each office. The order for placement of candidate names for each office shall be randomly determined by the city clerk~~Names of candidates shall appear on the ballot in rotated positions as prescribed in AS 15.15.030(6) for state elections.~~
- (c) Following the offices and candidates, there ~~shall~~will be placed on the ballot or on separate ballots as the city clerk may determine necessary, all propositions or questions to be voted on. The words "YES" and "NO" shall be placed below the statement of each proposition or question. The city clerk shall determine the number of ballots to be used to present all offices; and propositions ~~and questions~~ to the qualified voter.
- (d) Each ballot shall bear the words "Official Ballot" and the date of the election.
- (e) The city clerk shall have printed and available at each polling place on election day and in the city clerk's office preceding the election, the appropriate tinted sample ballots for each election.

**Sec. 22-12. – Preparation and dDistribution of ballots.**

- (a) The city clerk may contract for the preparation, printing, and distribution of ballots without obtaining competitive bids.
- (ba) The city clerk shall have the ballots in possession at least 15 days before each regular election or ~~tenseven~~ days before each runoff or special election. At that time the ballots may be inspected by any candidate whose name is on the ballot, or their authorized agent, and any mistake discovered ~~shall~~will be corrected immediately. Sufficient ballots for the registered voters of each precinct ~~shall~~will be delivered to the election board for that precinct prior to or on the date of the election before the opening of the polls. Sufficient ballots will be delivered to the early voting station prior to or on the date early voting begins.



- (c**b**) The ballots shall be delivered in a separate sealed package, with the number of ballots enclosed clearly marked on the outside of the package. A receipt shall be taken from the election board member to whom each package is delivered ~~in person or by mail; these receipts to be preserved with other records of the election for one year.~~

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**Sec. 22-14. - Voting systems~~devices and machines~~.**

- (a) Voting devices and machines will be used for all regular, runoff, and special elections unless determined not to be practicable by the city clerk. Where the city and the borough are conducting elections simultaneously, voting devices or machines shall be used by both entities or by neither. The laws of the state concerning voting devices and machines are incorporated in this chapter as if fully set out in this section except for provisions in conflict with this chapter. All necessary supplies for the assistance of voters, such as sample ballots, instructions, booths, etc., ~~shall~~**will** be provided **by the city clerk in the same manner as when paper ballots are used.**
- (b) **Nothing in this chapter prohibits the use of other ballot counting systems which have been approved for use in state elections. The city clerk, subject to any further approval as may be required by law, may prescribe rules for the use of these systems or may adopt such rules, regulations, and procedures as have been adopted for use in state elections.**

**Sec. 22-15. - Absentee voting.**

- (a) Any qualified voter may vote an absentee ballot for any reason.
- (b) The city clerk will provide absentee ballots, small and large envelopes, and an affidavit by which a voter shall declare their qualification to vote, ~~followed by~~**and** a provision for attestation by a witness who is 18 years of age or older.
- (c) **Absentee ballot envelopes will be examined by the canvass board which will determine whether the absentee voter is qualified to vote at the election and whether the ballot was properly cast.**
- (d) **No person may receive a fee from a voter for attesting to any voter's certificate required in absentee voting.**
- (e) **Election officials shall maintain a list, open to public inspection, of the names of voters, with at least one identifier, who voted absentee. The record must contain the date the ballot was sent to the voter (if by mail or electronic transmission), the date the ballot was marked by the voter, the date the ballot was postmarked (if by mail), and the date the ballot was received by the clerk's office.**
- (f**e**) *Absentee voting in person.*

- (1) A qualified voter may apply for an absentee ballot in person on any date after the ballots are prepared and available, up to and including the day before the date of the election.
- (2) In-person absentee voting locations shall will be designated by the city clerk and shall be identified by signage.**
- ~~(32)~~ On receipt of an application in person for an absentee ballot and exhibition of proof of identification as required in section 22-17(d), the **election official**~~city clerk~~ shall issue the ballot to the applicant.
- ~~(43)~~ On receipt of an absentee ballot in person, the voter shall proceed to the voting booth to mark the ballot in secret, to place the ballot in the small envelope, and to place the small envelope in the larger envelope in the presence of the election official who will sign and date **the larger envelope** as the attesting official. The election official shall then accept the ballot and immediately place the ballot in the ballot box.
- (5) If a voter improperly marks or otherwise damages a ballot, they shall return it to the election officials, concealing the manner in which it is marked from view, and request a new ballot. The election officials shall destroy the damaged ballot after having made note on the ballot statement and issue a new ballot to the voter. A voter requesting replacement of a damaged or mismarked ballot may receive no more than three ballots.**
- (64) Absentee voting officials shall deliver to the clerk a registry of all in-person absentee voters by the close of business on the day following the election**~~The election official shall keep a record of the names and signature of all voters who cast absentee ballots and the dates on which the ballots were cast.~~

**(gd)** *Absentee voting—Special needs.*

- (1) A qualified voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote a special needs ballot. Special needs ballots shall be issued and accounted for in accordance with the rules adopted by the state for use in state elections and in effect at the time of the local election.

**(he)** *Absentee voting by mail.*

- (1) A qualified voter may apply for an absentee ballot by mail if postmarked not earlier than the first day of the calendar year in which the election is to be held **and not**~~or~~ less than seven days before any election. The application **shall will** include the address to which the absentee ballot **shall must** be returned, the applicant's full Alaska residence address, and the applicant's signature.
- (2) After receipt of an application by mail, the city clerk shall send the absentee ballot and other absentee voting material to the applicant by **the most expeditious mail service**~~first class mail~~~~first-class mail~~. The materials, including a pre-addressed mailing envelope, **shall will** be sent as soon as they are ready for distribution.
- (3) Upon receipt of an absentee ballot by mail, the voter, in the presence of a person over the age of 18 years, may proceed to mark the ballot in secret, place the ballot in the small envelope, place the small envelope in the larger envelope, and sign the



voter's certificate on the back of the larger envelope. The witness shall must sign as attesting official, and shall date their signature, and clearly print their name.

**(4) The city clerk shall require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of the voter's identity.**

- (54)** To be counted in the election, an by-mail absentee ballot must be postmarked on or before election day and be received by the clerk's office no later than the Tuesday following the election. By-mail A absentee ballot envelopes received after that time shall will not be opened, but shall and will be marked "invalid" with the date of receipt noted thereon. Such envelopes shall be retained with other election records and destroyed in accordance with the city records retention schedule. Absentee ballot envelopes shall be examined by the canvas board which shall determine whether the absentee voter is qualified to vote at the election and whether the ballot was properly cast.

**(if) Absentee voting by electronic transmission.**

- (1)** A qualified voter may apply for an absentee ballot to be sent by electronic transmission if. Such request is must be made no earlier than the first day of the calendar year in which the election is to be held and before by noon (Alaska Standard Time) the day immediately preceding the election. Absentee ballots will be electronically transmitted to the location designated in the application. If no location is designated, and if the request is received no later than seven days prior to the election, the ballot will be mailed in the manner provided for absentee ballots by mail. The clerk may impose reasonable conditions for electronically transmitting absentee ballots.
- (2)** A ballot electronically transmitted Electronic transmissions shall must contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the polling places is acceptable.
- (3)** Upon receipt of an absentee ballot by electronic transmission, the voter, in the presence of a person over the age of 18 years, may proceed to mark the ballot in secret, place the ballot in the small envelope, place the small envelope in the larger envelope, and sign the voter's certificate on the back of the larger envelope. The witness shall must sign as attesting official, date their signature, and clearly print their name.
- (4)** The city clerk shall require a voter casting an absentee ballot by electronic transmission to provide proof of identification or other information to aid in the establishment of the voter's identity.
- (53)** Electronically-transmitted ballots may be submitted by mail in accordance with the requirements of subsection (he) (45) of this section.
- (64)** To be counted in the election, an electronically transmitted absentee ballot must be received by the clerk's office no later than the closing of polls 8 p.m. on election day A voter may transmit the ballot electronically no later than the day before the election. The ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the

manner in which a particular absentee voter cast their ballot. However, it shall be unlawful to display an electronically transmitted ~~telefax~~ ballot in a manner revealing the way in which a particular voter cast their ballot to any person other than the ~~municipal~~ city clerk, a member of the city clerk's staff, the election official in the course of their duties, or an attorney advising the city clerk on legal questions concerning the ballot. Electronically transmitted absentee ballots received after the closing of polls 8 p.m. on election day will be marked "invalid" with the date of receipt noted thereon. The ballots will be retained with other election records and destroyed in accordance with the city records retention schedule.

#### **Sec. 22-15.1. - Early voting.**

- (a) *Administration of early voting.* The city clerk shall provide general administrative supervision over the conduct of early voting, to include designating early voting election officials, designating the time and location of early voting, and establishing procedures relating to early voting. Prior to election day, the city clerk ~~shall~~ will mark the precinct registers of those voters who voted early or give to the election board in each precinct a list of voters from the precinct who have voted early. If a voter who voted an early ballot appears at their regular precinct on election day, the voter may not vote a regular ballot but may vote a questioned ballot.
- (b) *Dates and times of early voting.* Early voting will begin no later than 15 days before each regular election and no later than ten days before each special or run-off election and will continue up to and including the Thursday prior to election day.
- (c) *Providing ballots to early voters.* An early voter appearing before an election official will be issued a ballot upon ~~verification that the voter's residence address on the official registration list is current and upon:~~
  - (1) Verification that the voter's residence address on the official registration list is current;
  - (2+) Showing proof of identification as required in this chapter; and
  - (32) Signing the early voting register.

Voter assistance and ballot handling procedures set forth in this chapter will apply to early voting. If a voter is not eligible for early voting, the voter may apply for an absentee ballot.

- (d) *Counting of ballots.* Early voting ballots will be counted in accordance with the ballot counting procedures in this chapter, including the completion of a ballot statement by the election officials.

#### **Sec. 22-16. - Special or advisory elections.**

The city clerk may administer a special or advisory election by mail at the direction of the city council. If by mail, the city clerk shall administer the election in accordance with the provisions of the Charter and this chapter relating to special elections and absentee voting by mail.



Sec. 22-17. - Voting procedures at the polls.

- (a) On the day of the election, each election board shall will open the polls for voting at 7:00 a.m., shall will close the polls for voting at 8:00 p.m., and shall will keep the polls continuously open during the time between those hours. The election board shall will report to the polling place by 6:30 a.m. so that voting will start promptly at 7:00 a.m. The chairperson of the election board shall will rotate times at which election officials may be relieved for breaks or meals; provided, however, that at all times at least two election officials are present at the polling place.
- (ba) 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 will be closed and shall will not be opened again or removed from the polling place until the polls have closed.
- (cb) The election ~~officials~~ judges shall will keep an original register in which each voter, before receiving their ballot, ~~shall signs~~ their name and ~~give~~ provides both their residence and mailing address. A record shall will be kept in the registration book in the space provided of the name of persons who offer to vote but who actually do not vote, and a brief statement of explanation. The signing of the register constitutes a declaration by the voter that they are qualified to vote. If a person's name does not appear on the official registration list of the precinct in which the person seeks to vote, the person may vote a questioned ballot.
- (de) Before being allowed to vote, each voter shall exhibit to an election ~~official~~ judge one form of identification, including but not limited to an official voter registration card, driver's license, birth certificate, passport, or hunting or fishing license. ~~An election judge may waive the identification requirement if they know the identity of the voter.~~ A voter who is unable or unwilling to ~~cannot~~ exhibit a required form of identification and whose identity is not personally known by an election official at that polling place shall will be allowed to vote a questioned ballot.
- (ed) When the voter is deemed qualified to vote, the election ~~official~~ judge shall will give the voter an official ballot. ~~The voter shall~~ Marking of ballots must take place in ~~retire to a booth or private place to mark the ballot. The ballot must be voted at the polling place, and~~ no ballot may be removed from the polling place until the election ~~officials~~ judges have completed their post-election duties.
- (fe) A qualified voter who cannot read, mark the ballot, or sign their name may request an election official or not more than two persons of their choice to assist them. If an election official is requested, they shall must assist the voter. If any other person(s) is requested, the person(s) shall must state upon oath before the election official that they will not divulge the vote cast by the person whom they assist.

- (gf) If a voter improperly marks or otherwise damages a ballot, they 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 after having made note on the ballot statement ~~recorded its number~~ and shall issue a new ballot to the voter. A voter ~~may request~~ ing replacement of a damaged or mismarked ballot may receive no more than three ballots ~~times~~.
- (hg) Fifteen minutes before closing the polls and at the time of closing the polls, an election official shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement at 15 minutes prior to closing time ~~shall~~ does not in any way invalidate the election or extend the time for closing of the polls. Upon closing, no person will be allowed to enter the polling place for the purpose of voting. Every qualified voter present and in line at the time prescribed for closing the polls may vote.
- (ih) When the polls are closed and the last ballot has been cast, the election board ~~shall~~ will account for all ballots by completing a ballot statement containing the number of official ballots supplied in a manner prescribed by the city clerk.
- (ji) The election board ~~shall~~ will count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies ~~shall~~ must be noted on the ballot statement.
- ~~(j) Poll watchers will be allowed at city precincts with the same rights and under the same restrictions as provided for under state law and Fairbanks North Star Borough ordinance.~~

**Sec. 22-17.1 - Prohibitions at polling places.**

- (a) During the hours that the polls are open, no election official may discuss any political party, candidate, or issue while on duty.**
- (b) During the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition, or question, nor may any person conduct other political activities that may pertain to any future city election or potential city ballot proposition. The election board shall will post warning notices in the form and manner prescribed by the city clerk.**
- (c) No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot.**
- (d) While the polls are open, no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.**



(e) No person may leave the polling place with an official ballot they received to mark.

Sec. 22-17.2 – Poll watchers.

(a) Each candidate or organized group that sponsors or opposes a proposition may designate one person at a time to be a poll watcher in each precinct. Poll watchers must be citizens of the United States and must reside within the Fairbanks North Star Borough.

(b) Each candidate or organized group that sponsors or opposes a proposition wishing to assign poll watchers shall must request authorization from the city clerk no later than 5:00 p.m. the Tuesday prior to the election. The authorization must include:

1. the name of the person to act as a poll watcher;
2. the name, address and contact information of the candidate, group, or organization the poll watcher is representing;
3. the date of the election; and
4. the precinct the poll watcher wishes to observe.

(c) The poll watcher must present authorization as defined in subsection (b) of this section to the election official upon request. The poll watcher will be provided an area to view all actions of the election board. If the poll watcher does not provide the requested authorization, an election official may require the poll watcher to leave the polling place.

(d) The poll watcher observing may:

1. observe the conduct of the election; and
2. check the polling booths after each voter to make sure campaign materials have not been left in the booth.

(e) The poll watcher may not:

1. have any duties in the conduct of the election;
2. be allowed to touch any of the election materials; and/or
3. interfere or disturb the orderly conduct of the election.

(f) If the poll watcher violates any provision in this chapter, the election official may require the poll watcher to leave the polling place.

Sec. 22-18. - Questioning procedure.

- (a) Every election official shall question, and any person qualified to vote in the precinct may question, a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote in the election. All questions regarding a person's qualifications to vote shall be made in writing, setting out the reason(s) for the question. A questioned person, before voting, shall subscribe to an oath or affirmation on a

form provided by the election official, attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not already voted at the same election. If the question is to residence within the precinct or voting area, the questioned person shall also state the place from which they came immediately before living in the precinct where offering to vote. After the questioned person has executed the oath or affirmation, the person may vote a questioned ballot. If the questioned person refuses to execute the oath or affirmation, the person shall not vote.

- (b) If a voter's polling place is in question, the voter shall vote a questioned ballot after complying with subsection (a) of this section.

#### **Sec. 22-19. - Disposition of questioned votes.**

A voter who casts a questioned ballot shall vote their ballot in the same manner as prescribed for other voters. After the election official ~~or judge~~ removes the numbered stub from the ballot and the voter votes the ballot, the voter shall insert the ballot into a small blank envelope and put the envelope into a larger envelope on which the statement the voter previously signed is located. These larger envelopes ~~shall~~will be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes ~~shall~~will be counted and compared to the voting list, segregated, and delivered to the election canvass board. The election canvass board ~~shall~~will review all questioned ballots to determine eligibility of the voter and ~~judge the applicability of all questioned ballots.~~

#### **Sec. 22-20. - Unused ballots.**

The number of unused ballots ~~shall~~will be recorded, and all such ballots ~~shall~~will be disposed of as instructed by the city clerk before ballot box is opened. The number of ballots damaged or mismarked by voters and replaced by election officials pursuant to section 22-17 ~~shall~~will also be recorded. ~~The record of unused ballots and damaged and replaced ballots shall be preserved for at least 30 days after certification of the election.~~

#### **Sec. 22-21. - Counting ballots.**

- (a) In optical scan or other computer-read or electronic ballot precincts, when the polls have closed and the last vote has been cast, the election board ~~shall~~will immediately transmit election results to the city clerk following the written instructions provided to each precinct. Once the election results have been transmitted, the election board ~~shall~~will open the ballot box and place all ballots in the tamper-proof containers provided. The election board ~~shall~~will remove all questioned ballots and place them in the container provided. The election board ~~shall~~will proceed with the ballot accountability and poll closing procedures provided by the city clerk.
- (b) The city clerk may issue rules prescribing the manner in which the precinct ballot count is to be accomplished so as to assure accuracy in the count and to expedite the process. The election board ~~shall~~must account for all ballots by completing a ballot statement containing (+) the number of official ballots received, ~~;- (2) the number of official ballots~~



voted; ~~(3) the number of official ballots spoiled;~~ and (4) the number of official ballots unused, and destroyed. The board ~~shall~~will count the number of questioned ballots and ~~shall~~will compare that number to the number of questioned voters who signed the register. Discrepancies ~~shall~~will be noted, and the numbers of discrepancies will ~~shall~~ be included in the certificate prescribed by the clerk.

- (c) Ballots may not be counted before 8:00 p.m., local time on the day of the election.

**Sec. 22-22. - Rules for determining mark.**

All canvassing and counting of ballots will be conducted according to the following rules:

- (1) A failure to properly mark a ballot as to one or more candidates does not in itself invalidate the entire ballot.
- (2) A voter may mark their ballot only by using a cross mark, "X" mark, diagonal, horizontal or vertical mark, solid mark, circle, or asterisk with a pencil or pen. The marks will be counted only if they ~~are substantially inside the ovals provided, or touching the oval so as to indicate clearly that the voter intended~~ to mark the particular candidate or answer to a proposition ~~oval to be designated~~.
- (3) If a voter marks fewer names than there are persons to be elected to the office, the vote will 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 that office will not be counted.
- (5) Improper marks on the ballot will not be counted and will not invalidate properly made marks for other candidates or answers to propositions properly made.
- (6) Any ~~erasure or~~ correction invalidates only that section of the ballot on which it appears.
- (7) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless ~~the printed name is for the same office and has also been marked or unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.~~
- (8) In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and, in addition, mark the oval opposite the candidate's name in accordance with subsection (2) of this section.
- (9) Stickers may ~~cannot~~ be used on the ballot. Use of stickers may cause that portion of the ballot to be invalidated.

**Sec. 22-23. – Ballot security and tally of votes.**

- (a) Ballot security.

- (1) The city 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. The election board shall canvass and count the votes according to the rules for determining marks on ballots prescribed in section 22-22.

- (2) The election board shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read.
- (3) No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the city clerk may remove a ballot from the immediate vicinity of the polling places or have a marking device in hand.

(b) **Delivery of ballots and tally of votes by computer.**

- (1) Election ~~officials~~ judges and clerks serving at the counting center shall be appointed in the same manner as those serving at the polling places. Any qualified voter of the city, except a candidate for city office or a member of a candidate's immediate family or contact person(s) and sponsor(s) on an initiative or referendum may be appointed for this service.
- (2) Upon receipt of the ballot container, an election official at the counting center shall test the seal and certify that it has not been broken. If there is a discrepancy, it shall be brought to the city clerk's attention immediately.
- (3) After certification that the seal on the ballot container was intact upon receipt, an election official at the counting center official shall break the seal and remove the ballots. Those ballots that cannot be processed by the computer due to physical damage shall be stamped "DEFECTIVE" and shall be delivered to the canvass board.
- (4) Three election officials, as a board, shall prepare facsimiles of all defective ballots, recording ballot numbers in the manner prescribed by the city clerk in order to permit verification of duplication, if necessary, at a later date. Facsimile ballots shall be placed with the valid, non-defective ballots of the precinct to be delivered to the computer area for tally of votes. Defective ballots of which facsimiles have been prepared and rejected ballots shall be placed in an envelope bearing the number of the precinct at which they were cast and shall be preserved by the city clerk for one year.
- (5) Only those ballots marked in accordance with section 22-22 ~~shall~~ will be counted.
- (6) Computer tallying of votes cast shall be directed by the city clerk, shall be observed by an independent review board, and shall be open to the public. When the tally of votes has been completed, the voted ballots ~~shall~~ will be sealed into containers and delivered to the city clerk ~~to be preserved for one year~~. Ballot containers may not be opened without authorization of ~~unless the city clerk is ordered to do so by the city council or by the court.~~
- (7) Write-in votes will only be tabulated manually when the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.
- (8) **Votes cast for a candidate who is disqualified shall will not be counted.**

**Sec. 22-24. - Canvass of returns.**

- (a) Before each election, the city clerk, subject to approval of the city council, shall appoint four or more qualified voters, who ~~shall~~ will constitute the election canvass board for that election. All members of the election canvass board, 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 city clerk.

- (b) On the day following each election, or as soon as is practicable, the election canvass board shall will meet in a public session and canvass all election returns. In full view of those present, the election canvass board shall will judge the applicability of absentee and questioned ballots, ~~shall~~ open and tally those accepted, and ~~shall~~ compile the total votes cast in the election. ~~The e~~Canvass of the ballot vote counted by precinct election boards and early voting station election officials shall will be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's or the early voting station's certificate of results. All obvious errors found by the election canvass board in the transfer of totals from the tally sheets to the certificate of returns shall will be corrected by the canvass board. If in the opinion of the canvass board a mistake has been made in the returns which is not clearly an error in the transfer of results from the tallies to the certificate of results, the canvass board may recommend a recount of the precinct(s) or early voting station results be made for that portion of the returns in question.
- (c) The canvass board shall will begin reviewing questioned and absentee ballots the day following the election. All ballots received must be reviewed and counted by the Tuesday following the election. No questioned or absentee ballot shall will be counted if the voter has failed to properly execute the oath and affidavit, if the witness has failed fails to affix their signature and print their name, if the voter's registration has been cancelled under state law, or if the voter fails to enclose their marked ballot inside the envelope provided. ~~The canvass board will review all questioned and absentee ballots to determine eligibility of the voter.~~ If a ballot is rejected, the clerk shall send a statement to the voter stating why their ballot could not be counted~~processed~~. All rejected questioned and absentee ballots shall must be enclosed in a separate envelope with statements of the basis for the rejection. If a questioned or absentee ballot is accepted, the canvass board shall will place the valid ballot in a separate container to be opened and counted on the Tuesday following the election.
- (d) Upon completion of the canvass, the canvass board shall will prepare a certificate of the results of votes cast by early, absentee ~~ballot~~, questioned ~~ballot~~, and ~~by~~ regular ballots and shall will prepare and submit a written report of the results to the city council.

**Sec. 22-25. - Votes required for election to office; certification of the election.**

- (a) To be elected to the office of city mayor, a candidate must receive over 40 percent of the votes cast for that office. A runoff election for the office of mayor shall will be held between the two candidates receiving the highest number of votes if no candidate receives over 40 percent of the votes cast.
- (b) To be elected to the office of city council, a candidate must receive the greatest number of votes cast for that seat.

- (c) As soon as possible after completion of the canvass, the city council shall meet in public session to receive the report of the canvass board. If after considering the report the city council determines that the election was validly held, such conclusion ~~shall~~will be declared and entered upon the minutes of the meeting.
- (d) If the canvass board reports a failure to comply with provisions of state law ~~and~~or city ordinance, or illegal election practices have occurred, and that such failure is sufficient to change the outcome of the election, the city council may order further investigation or take other appropriate action, such as excluding~~exclude~~ the votes cast or ordering a new election in one or more precincts where such failure or illegal practices ~~have occurred from the total returns or may declare the entire election invalid and order a new election.~~
- (e) If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the city council may order a recount of the votes cast in those precincts. Such recount ~~shall~~must be conducted immediately by the canvass board and the results reported to the city council.
- (f) In case of failure to elect because of a tie vote, the city clerk shall immediately proceed with a recount of votes. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates tying in a meeting of the city council and under its direction. After the determination has been made by lot, the city council shall certify the result.
- (g) Upon certification of a valid election, the ~~city council shall direct the city clerk~~ shall~~to~~ deliver to each person elected to office a certificate of election signed by the city clerk and authenticated by the seal of the city.

**Sec. 22-26. - Recount application and automatic recounts.**

- (a) A defeated candidate or ten qualified voters who believe there has been a mistake made by an election official or by the canvass board in counting the votes in an election may file an application requesting a recount. The recount application ~~shall~~must be filed with the city clerk no later than 5:00 p.m. on the Monday following the election or one business day after completion of the canvass, whichever is later. The date on which the city clerk receives an application, rather than the date of mailing or transmission, determines whether the application is filed within the time allowed under this section. The applicant shall include a deposit in cash or certified check for \$200.00 per election precinct to be recounted. The deposit shall be applied against any costs incurred pursuant to subsection (e) of this section or refunded if there is no liability for recount costs.
- (b) Recount application forms ~~shall~~will be provided by the city clerk. The application ~~shall~~will specify with particularity the grounds for the contest, the particular election precinct(s) (to include absentee, questioned, and early voting ballots) for which the recount is to be held, the particular office, proposition, or question for which the recount is to be held, and that the person making the application is a candidate or that the ten persons making the application are qualified voters of the city. The application for a recount



shall ~~must include~~ bear the notarized signature(s) of the candidate or the ten qualified voters seeking the recount.

- (c) **As soon as practicable after** Upon receiving an **recount** application in substantially required form, the city clerk shall appoint a recount board of four or more qualified voters to conduct the recount of ballots as soon as possible of the precinct(s) cited in the application for recount. The rules governing the counting of marked ballots by the election board shall **will** be followed. The city clerk shall make the final determination on which ballots or parts of ballots were properly marked. **The city clerk shall give t** Those requesting the recount, **and** those whose election is recounted **notice of the time and place of the recount**, and the **recount proceeding shall will be open to the public** shall be allowed to attend the recount proceeding. **For efficiency, the city clerk may include two or more applications in a single review and count of votes.**
- (d) Upon completion of recount, the recount board shall **will** certify the results of the recount to the city council. The city council shall **will** declare the final election results, and direct the city clerk **shall** to deliver to each person elected to office a certificate of election signed by the city clerk and authenticated by the seal of the city.
- (e) The applicant for the recount shall pay all costs and expenses incurred in a recount of an election demanded by the applicant if the recount fails to reverse any result of the election or if the difference between the winning and losing vote on the result for which the recount is requested is more than one percent.
- (f) If two or more candidates having the highest number of votes for the same office, to which only one candidate is to be elected, are separated by ten votes or less, the city clerk shall initiate a recount of that race. The clerk shall cease a recount under this subsection if a defeated candidate concedes the election in writing no later than the close of business two days after completion of the canvass.

#### **Sec. 22-27. - Contest of election.**

A defeated candidate or any ten qualified voters who caused the recount of an election may bring an action in the superior court within ten days after the city council has concluded that the election was validly held and the results entered upon the minutes. Such legal action shall **must** be upon the grounds set forth in AS 15.20.540 for contesting state elections. The judge shall render a decision as required by AS 15.20.560 for state elections. If no such action is commenced within the ten-day period, the election and the election results shall be conclusive, final, and valid in all respects.

#### **Sec. 22-28. - Expenses.**

- (a) The city shall pay all necessary election expenses, including those of securing polling places and providing ballot boxes, ballots, voting booths or screens, national flags, and other supplies and any wages to election officials unless otherwise provided by this chapter.

- (b) The city ~~shall~~will pay each election ~~official~~board member and ~~canvass board member~~ for the time spent at their election duties, including the receiving of instructions. Election ~~official~~worker pay ~~shall~~will be equivalent to the hourly rate paid to similar election officials for regular borough elections.

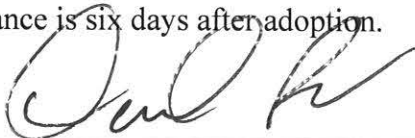
**Sec. 22-29. - Preservation of election ballots, papers and materials.**

The city clerk shall preserve all precinct election certificates, tallies and registers, receipts for ballots, all voted ballots and declarations of candidacy filed for 30 days after election certification. These materials may be destroyed after their retention period has lapsed unless an application for a recount has been filed and not completed, or unless their destruction is stayed by an order of the court. Certificates of the canvass board are to be preserved as permanent records.

**Sec. 22-30. - Authority to expend funds~~Disclosure of campaign contributions and expenditures.~~**

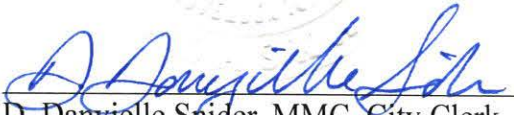
- ~~(a) Each candidate and group shall disclose all pre-election contributions and expenditures by filing with the city clerk true and correct copies of all reports and forms required under AS 15.13.040 and AS 15.13.110 to be filed with the state public offices commission. Such forms and reports shall be filed with the city clerk no later than the close of business on the first day following the mailing or other transmission of the forms and reports to the public offices commission.~~
- ~~(b) Prior to expending any public funds to inform the public or promote awareness of any issue on a city ballot under this section, the mayor, a member of the city council, or any department head shall first obtain the approval of the city council, which ~~shall~~must, by motion, approve or disapprove such expenditures. Any funds expended under this subsection ~~shall~~can be for informational purposes only, and no public funds will be spent to advocate a position in an attempt to influence an election.~~

**Section 2.** That the effective date of this ordinance is six days after adoption.


  
David Pruhs, City Mayor

AYES: Tidwell, Sprinkle, Ringstad, Marney, Therrien, Cleworth  
NAYS: None  
ABSENT: None  
ADOPTED: July 14, 2025

ATTEST:

  
D. Danyielle Snider, MMC, City Clerk

APPROVED AS TO FORM:

  
Thomas A. Chard II, City Attorney