

**MATANUSKA-SUSITNA BOROUGH  
NOVEMBER 5, 2024, ELECTION**

**CANDIDATE FILING PACKET**

**BOROUGH MAYOR**



**Lonnie R. McKechnie, CMC  
Borough Clerk**

**350 E. Dahlia Avenue, Palmer, AK 99645  
(907) 861-8683 phone  
(907) 861-7845 fax  
[www.matsugov.us](http://www.matsugov.us)**

**Return these items when filing for office:**

**Completed Declaration of Candidacy**

**\$25 cash only filing fee**

**Nickname Verification Form is using nickname**

**Copy of e-filed Public Official Financial Disclosure Statement that  
was electronically filed with APOC**

**Candidate Profile/Position Statement (100 words or less)**

**Photograph of Candidate in Digital Format**

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## **MATANUSKA-SUSITNA BOROUGH BOROUGH CLERK'S OFFICE**

350 East Dahlia Avenue • Palmer, AK 99645  
Phone (907) 861-8683 • Fax (907) 861-7845

August 14, 2024

Dear Candidate for Mayor:

Thank you for your interest in running for office in the November 5, 2024, regular Borough election. The candidate filing period opens on **Monday, August 19, at 8 a.m.** and closes on **Friday, August 30, at 5 p.m.**

In order to qualify as a candidate for Mayor, you must be a qualified voter of the Borough, meet State and Borough requirements for office, and have been a Borough resident for one year immediately prior to the election.

Attached are the forms required to file for office. The Declaration of Candidacy must be completed and signed by the candidate before a Notary. A Notary is available in my office, if needed.

Completed Declarations of Candidacy must be filed in my office in original paper form during the candidate filing period only. They cannot be emailed or faxed. My office is located in the Borough Administration Building (Dorothy Swanda Jones Building) at 350 E. Dahlia Avenue in Palmer. Office hours are Monday through Friday, 8 a.m. to 5 p.m.

Per MSB 25.015.015 (B)(1), nicknames are allowed on the ballot. If you plan to use a nickname, the Nickname Verification Form must be completed and turned in with your Declaration of Candidacy.

Per MSB 25.15.015 (B)(2), candidates are allowed to designate a political affiliation to appear on the ballot. If you are registered as affiliated with a political party or political group, you may request designation of that affiliation, or may request designation as nonpartisan or undeclared. If a candidate is not registered as affiliated with a political party, the candidate may request a designation of nonpartisan or undeclared. If you make no designation of affiliation, you shall be designated as undeclared.

A non-refundable \$25 cash only filing fee must accompany the Declaration of Candidacy. A check, money order, credit card, or any other form of payment will not be accepted. Candidates requesting a waiver of the filing fee must submit a Request for Waiver of Filing Fees. The indigency form is available in the Clerk's Office.

An election brochure is mailed to every registered voter household in the Borough. Candidates may submit a candidate profile/position statement, 100 words or less, and photograph for publication in the brochure. The photograph must be provided in portrait form and digital format (jpeg or tiff file) and emailed to [Lonnie.Mckechnie@matsugov.us](mailto:Lonnie.Mckechnie@matsugov.us) and/or [Estelle.Wiese@matsugov.us](mailto:Estelle.Wiese@matsugov.us). These items must be submitted at the time of filing for office. Please see candidate profile and position statement included in this packet.

During the candidate filing period, a candidate may amend their Declaration of Candidacy by submitting a signed written notice to me by 5 p.m., August 30, 2024. A candidate may withdraw their Declaration of Candidacy by submitting a signed written notice to me during the candidate filing period or by September 6, 2024.

Additionally, all candidates must electronically file an Alaska Public Offices Commission (APOC) Public Official Financial Disclosure Statement (POFDS) online at <https://my.alaska.gov/>. To do so, you will need a myAlaska account. If you already have a myAlaska user name and password established for filing your Permanent Fund Dividend application online, you may use the same information to access your account. Otherwise, please reference the instructions in this packet or contact APOC directly at 1-800-478-4176.

After you have completed your POFDS, **print and submit** a copy to my office along with your Declaration of Candidacy. If you already have a POFD on file, the Clerk's Office will make a copy and attach it to your Declaration of Candidacy.

Additionally, candidates must file either a Candidate Registration or Municipal Exemption Statement form with APOC. My office does not require copies of these forms. Information on these forms is included in this packet. Please contact APOC directly at 1-800-478-4176 on campaign disclosure related questions.

If you have any questions about the candidate filing process, please feel free to call my office at 907-861-8683.

Sincerely,



Lonnie R. McKechnie, CMC  
Borough Clerk

Enclosures: Declaration of Candidacy; Candidate Profile and Position Statement; Nickname Verification Form; APOC Information; 2024 Election Calendar; MSB 2.08, Mayor; MSB 2.71, Code of Ethics; and MSB 25, Elections.

**MATANUSKA-SUSITNA BOROUGH  
DECLARATION OF CANDIDACY**

*The information provided in this document is subject to public disclosure.*

I, \_\_\_\_\_, declare my candidacy for the  
*(full legal name of candidate)*

Office of Mayor in the November 5, 2024, regular Borough election and agree to serve, if elected, for the four-year term ending November 2028.

I have been a resident of the Matanuska-Susitna Borough since \_\_\_\_\_.

My current residence address is:

\_\_\_\_\_  
Address, legal description or tax identification

\_\_\_\_\_  
City State Zip

My current mailing address is:

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

Contact telephone number:

\_\_\_\_\_  
Day Evening

Email: \_\_\_\_\_

**Incumbents: Please provide a personal email address. We cannot use an email address associated with the office you hold.**

**I request that my name appear on the ballot as follows** *Full legal name or a familiar form of the candidates first name (example: Will instead of William). If a candidate wishes to use a nickname on the ballot, they must include the Nickname Verification Form when filing (example: Doe, John "Skippy"). Honorary or assumed titles are not allowed i.e., doctor, professor, esquire, etc.*

\_\_\_\_\_  
(Last Name) (First Name) (MI) (Nickname First Name)  
(Nickname Verification Form Must be attached)

Pursuant to MSB 25.15.015(B)(2), if a candidate is registered as affiliated with a political party, the candidate may request that affiliation appear on the ballot or may request a designation of nonpartisan or undeclared. If a candidate is not registered as affiliated with a political party, the candidate may request a designation of nonpartisan or undeclared to appear on the ballot. If a candidate does not make a designation, the candidate will be designated as undeclared on the ballot.

**Designated Political Affiliation:** \_\_\_\_\_

Pursuant to MSB 25.15.050 (C), please answer the following questions:

1. Do you have any civil judgments against you within the last 10 years, whether monetary, non-monetary, declarative, injunctive, or any other form or manner?  No  Yes  
\*If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.
2. Do you have any judgments against you in a criminal case within the last 10 years, whether upon finding of guilt, plea of no contest, suspended, or any form of judgment other than dismissal or not guilty?  No  Yes \*If yes, please provide on a separate page the following: (1) case name, (2) nature of action, (3) year of judgment, and (4) a brief description of the judgment entered and/or sentence imposed.

**CERTIFICATION.** I, the undersigned, certify and swear (affirm) that the information in this Declaration of Candidacy is true and accurate. I certify that I am a qualified voter of the Matanuska-Susitna Borough and a resident of the Matanuska-Susitna Borough, and that I meet, as required by law, the specific requirements of the office I am seeking. I certify that should I choose to withdraw my candidacy, my withdrawal shall be in writing, signed, and submitted to the Borough Clerk, not later than the seventh calendar day following the close of the filing period. I make this declaration and will serve this office, if elected.

\_\_\_\_\_  
Signature of Candidate

Subscribed and sworn to or affirmed before me at \_\_\_\_\_

on \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for Alaska  
My commission expires: \_\_\_\_\_

<p><b>Office Use Only:</b></p> <p>Date and Time of Filing: _____ Staff Initials: _____</p> <p>Residence Address = VREMS - Yes <input type="checkbox"/> No <input type="checkbox"/> Voter No. _____ Precinct _____</p> <p>Residence on Map = AD - Yes <input type="checkbox"/> No <input type="checkbox"/> POFD Statement Attached - Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Cash only filing fee of \$25 collected - Yes <input type="checkbox"/> No <input type="checkbox"/> Receipt Attached - Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Clerk Review - Declaration Certified on _____ Date Letter Sent _____</p> <p>Declaration Rejected on _____ Date Letter Sent _____</p>
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**Candidate Profile and Position Statement**  
(Due When Filing the Declaration of Candidacy)

Pursuant to MSB 25.05.120, the Borough Clerk publishes an Election Brochure to inform voters about the election. A position statement and photograph of each candidate is published in the brochure. Some candidate information is required under Borough code and other information is optional. Per code, candidates are required to provide the information below for publication unless marked by an asterisk.

The position statement will be published as written by the candidate. The Borough Clerk's Office will not edit content, grammar, spelling, or punctuation; however, adjustments may be made to font, size, spacing and formatting (bulleted items, etc.) to provide for uniformity in layout. Please note that hyphenated words count as 2 words.

Borough code limits a candidate statement to **100 words or less** (hyphens count as 2 words). Candidates are **highly encouraged** to submit the position statement electronically in Microsoft Word or in the body of an email. If you are not able to do so, please print your statement below. Please provide your candidate statement in paragraph format. All candidates are permitted the same amount of space in the brochure. If you submit your statement and it includes bullet points or hyphens for language, we will do our best to fit it in, but please note that to accommodate bullet points or hyphens with wording your statement may need to be adjusted or the font used may need to be smaller to fit the statement in the space provided.

For image quality, the photograph of the candidate must be submitted in portrait format and submitted in digital format (jpeg or tiff file) and emailed to [Lonnie.McKechnie@matsugov.us](mailto:Lonnie.McKechnie@matsugov.us) and/or [Estelle.Wiese@matsugov.us](mailto:Estelle.Wiese@matsugov.us)

Name of Candidate: \_\_\_\_\_

\*Political Affiliation noted on the Declaration of Candidacy: \_\_\_\_\_

Year of Birth: \_\_\_\_\_ Years of Residency in Alaska: \_\_\_\_\_

\*Mailing Address: \_\_\_\_\_

\*Contact Telephone Number: \_\_\_\_\_

\*Email Address: \_\_\_\_\_ \*Website: \_\_\_\_\_

*You may print your position statement in the blank space below, affix it on a separate sheet of paper, or submit it electronically (100 words or less):*

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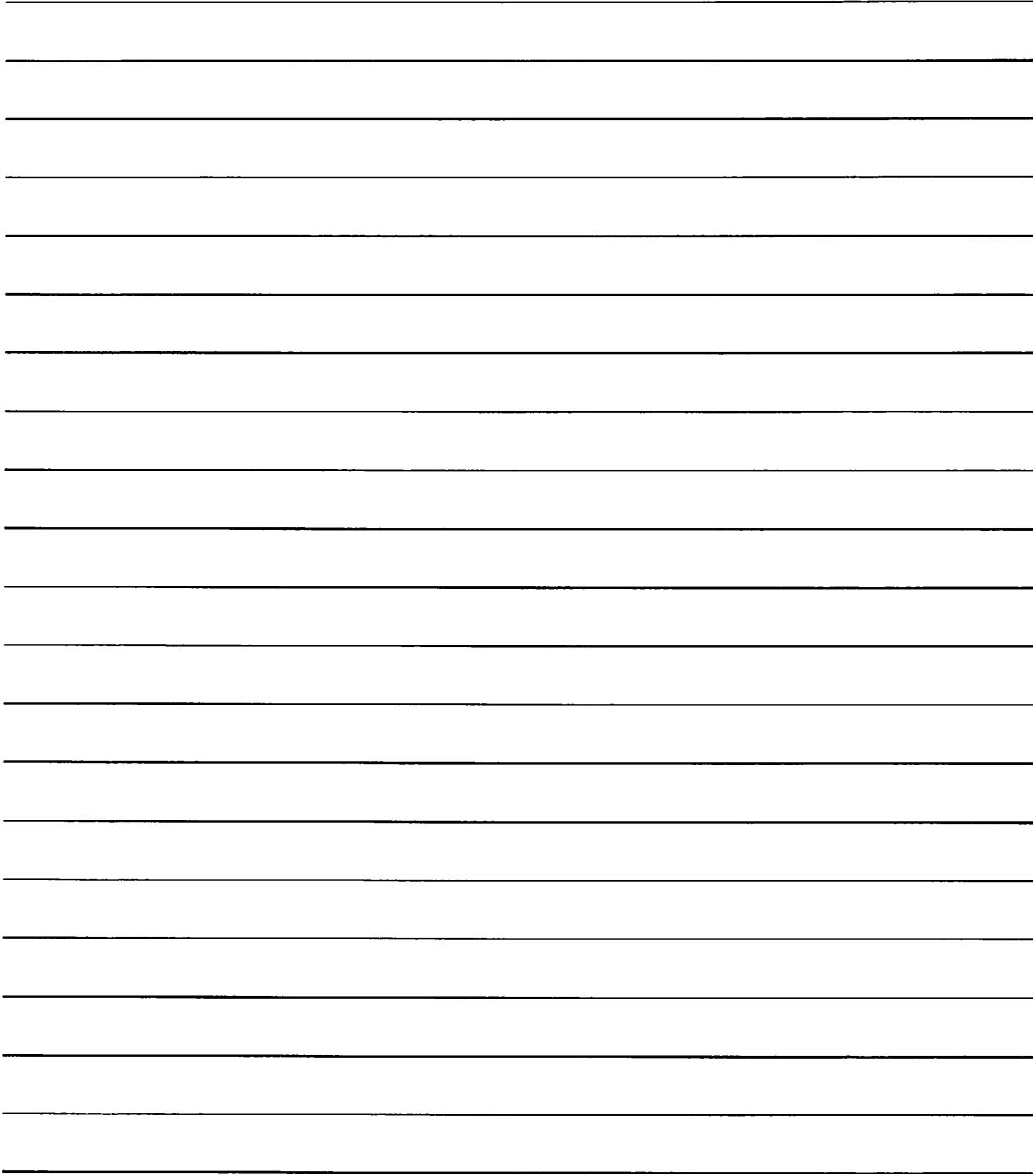
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# NICKNAME VERIFICATION FORM

Per MSB 25.15.015(B)(1), a persons legal name will appear on the ballot along with a nickname should they choose. Honorary or assumed titles are not allowed i.e., doctor, professor, esquire, etc. A candidate who wishes to place their nickname on the ballot must have at least five registered voters of the Borough willing to sign and verify that the candidate is known by a particular nickname. The nickname will be less than 15 characters long. It is suggested that the candidate gather more than five signatures in case there is person who signed that is not a registered voter. Ten signature lines have been provided. Example of legal name and nickname on the ballot: DOE, John "Skippy"

Candidate is to write in their legal name and nickname below prior to gathering signatures and submit this form when filing their Declaration of Candidacy.

I, the undersigned, verify that \_\_\_\_\_, is known by the nickname of: \_\_\_\_\_

Candidates Legal Name (first and last)		Candidates Nickname		
Registered Voters Full Name (first and Last)	Registered Voters Signature	Registered Voters Physical Address	Registered Voters Phone Number	Registered Voters Identification (DOB, last 4 of social, or ADL)

Matanuska-Susitna Borough  
Clerk's Office  
350 E Dahlia Avenue  
Palmer, AK 99645

**ELECTION CALENDAR**  
**NOVEMBER 5, 2024, REGULAR ELECTION**

907-861-8683 phone  
907-861-7845 fax  
[matsugov.us/elections](https://matsugov.us/elections)

<b>Date</b>	<b>Action</b>	<b>Authority</b>
<b>January 1</b>	Absentee By-Mail Ballot Applications are available from the Borough Clerk's Office	MSB 25.25.020
<b>August 14</b>	Candidate Declaration Filing Packets will be available for public distribution	
<b>August 19</b>	Candidate Declaration filing period opens at 8 a.m.	MSB 25.15.030
<b>August 30</b>	Candidate Declaration filing period closes at 5 p.m.	MSB 25.15.030
<b>September 6</b>	Last day to withdraw from candidacy	MSB 25.15.055
<b>October 6</b>	<b>Last day to register to vote in the 2024 regular election</b>	MSB 25.10.005
<b>October 21</b>	Early/Absentee In-Person/Early voting begins	MSB 25.25.051
<b>October 29</b>	Last day to request an Absentee By-Mail ballot	MSB 25.25.020
<b>October 31</b>	Last day to declare write-in candidacy	MSB 25.15.015
<b>November 4</b>	Early/Absentee In-Person voting ends at all locations.	
<b>November 5</b>	<b>Election Day – The polls are open from 7 a.m. to 8 p.m.</b>	MSB 25.05.030
<b>November 8</b>	Last day to receive Absentee By-Mail ballots in the mail from voters for counting	MSB 25.35.080
<b>November 19</b>	Election Certification at 5 p.m., Assembly Chambers, at the Borough Administration Building (Dorothy Swanda Jones Building) in Palmer	MSB 25.35.100

# ALASKA PUBLIC OFFICES COMMISSION



ANCHORAGE  
 2221 E. Northern Lights, Room 128  
 Anchorage, AK 99508-4149  
 Phone: (907) 276-4176 or  
 Toll free: (800) 478-4176  
 Fax: (907) 276-7018

Website: [www.doa.alaska.gov/apoc](http://www.doa.alaska.gov/apoc)  
 Email: [apoc@alaska.gov](mailto:apoc@alaska.gov)

JUNEAU  
 240 Main St. #500  
 PO Box 110222  
 Juneau, AK 99811  
 Phone: (907) 465-4864  
 Fax: (907) 465-4832

## MUNICIPAL LETTER OF INTENT

The Letter of Intent can be filed 18 months prior to the election. It permits a candidate to make campaign expenditures and to accept contributions prior to formally declaring for office with the municipal clerk. Other individuals may not accept contributions or make expenditures on behalf of the campaign, unless first registered on a Candidate Registration or Municipal Exemption Statement.

AS 15.13.067; AS 15.13.076; AS 15.13.100; 2 AAC 50.274

Please note that unless a candidate meets the specific criteria found in AS 15.13.040(m)(1), they are required to file all forms and reports electronically, through the APOC Forms Online Filing System (<https://my.alaska.gov/>).

A candidate's use of corporate, state, or municipal resources (i.e., office phone/address, equipment, staff time, etc.) for campaign purposes is prohibited. AS 15.13.074(f); AS 15.13.145

CANDIDATE NAME: \_\_\_\_\_

CAMPAIGN ADDRESS: \_\_\_\_\_

CAMPAIGN PHONE: \_\_\_\_\_ CAMPAIGN EMAIL: \_\_\_\_\_

### I INTEND TO BE A CANDIDATE IN THE FOLLOWING ELECTION:

Month:	Office / Race: (Optional)
Year:	District / Seat: (Optional)
Municipality / Borough:	

**Certification: I certify that the information contained in the foregoing document is true, complete, and correct.**

By submitting this Letter of Intent I certify that I will comply with the requirements of AS 15.13.	Signature	Date
	Printed name	

NOTICE: Candidates who loan personal funds to their campaign with the intent to repay themselves after the election may only do so if they file a Candidate Reimbursement Form within 5 days of putting personal funds into their campaign. If the campaign is able to repay the candidate's personal funds within 72 hours they may do so, and they do not need to file the Reimbursement Form. AS 15.13.078(b); AS 15.13.116(a)(4); 2 AAC 50.990(7)(c)(x)

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**MUNICIPAL EXEMPTION  
 STATEMENT**

Municipal candidates that do not intend to raise/spend more than \$5,000, including their personal funds, may file a Municipal Exemption Form. Exempt candidates are not required to file campaign disclosure reports during their campaign. If an exempt candidate exceeds \$5,000 in financial activity they must immediately file a Candidate Registration and file each report due after the change in status, disclosing all activity from the beginning of the campaign on their first report.

AS 15.13.040(g); 2 AAC 50.286.

Please note that unless a candidate meets the specific criteria found in AS 15.13.040(m)(1), they are required to file all forms and reports electronically, through the APOC Forms Online Filing System (<https://my.alaska.gov/>).

A candidate's use of corporate, state, or municipal resources (i.e., office phone/address, equipment, staff time, etc.) for campaign purposes is prohibited. AS 15.13.074(f); AS 15.13.145

CANDIDATE NAME: \_\_\_\_\_

CAMPAIGN ADDRESS: \_\_\_\_\_

CAMPAIGN PHONE: \_\_\_\_\_ CAMPAIGN EMAIL: \_\_\_\_\_

Election Month and Year:	Office / Race: (Optional)
Municipality / Borough:	District / Seat: (Optional)

**Certification: I certify that the information contained in the foregoing document is true, complete, and correct.**

I do not intend to raise/spend more than \$5,000 (including personal money) during my entire campaign for municipal office.	Signature	Date
	Printed name	

NOTICE: Candidates who loan personal funds to their campaign with the intent to repay themselves after the election may only do so if they file a Candidate Reimbursement Form within 5 days of putting personal funds into their campaign. If the campaign is able to repay the candidate's personal funds within 72 hours they may do so, and they do not need to file the Reimbursement Form. AS 15.13.078(b); AS 15.13.116(a)(4); 2 AAC 50.990(7)(c)(x)

**ALASKA PUBLIC OFFICES COMMISSION**

**CAMPAIGN DISCLOSURE STATEMENT**



ANCHORAGE  
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<http://doa.alaska.gov/apoc>

Cover Page

CANDIDATE NAME: \_\_\_\_\_

CAMPAIGN ADDRESS: \_\_\_\_\_

OFFICE / RACE: \_\_\_\_\_ DISTRICT / SEAT: \_\_\_\_\_

Please enter beginning and ending dates and check appropriate boxes

REPORTING PERIOD From \_\_\_\_\_ Through \_\_\_\_\_

<u>TYPE</u>	<u>ELECTION</u>	<u>REPORT</u>
MUNICIPAL:	Municipal	<input type="checkbox"/>
	Runoff	<input type="checkbox"/>
	Special	<input type="checkbox"/>
	No Election	<input type="checkbox"/>
	Other	<input type="checkbox"/>
		Year Start Report <input type="checkbox"/>
		30 Day Report <input type="checkbox"/>
		7 Day Report <input type="checkbox"/>
		105 Day Report <input type="checkbox"/>
		Year-End Report <input type="checkbox"/>

Check below if applicable:

- NO ACTIVITY. During the time period above, we received NO contributions, made NO expenditures, and incurred NO debts. Our closing cash on hand is identical to the closing cash on hand disclosed on our last report. If this is the case, file this page only.
- FINAL REPORT. We have closed out our campaign account. Our closing cash on hand is zero and we have no outstanding debts.

Certification		
I certify (or declare) under penalty of perjury, in my capacity as candidate or campaign treasurer that the above information is true, complete, and correct to the best of my knowledge.	Signature	Date
	Printed name	Title



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**Campaign Summary**

CANDIDATE NAME: \_\_\_\_\_

**ELECTION**

Municipality: \_\_\_\_\_

**REPORT**

- Year Start Report
- 30 Day Report
- 7 Day Report
- 105 Day Report
- Year-End Report

THIS PERIOD			ENTIRE CAMPAIGN		
Beginning Cash on Hand	\$		Total Income From Last Report <small>(From Box A of Previous Report)</small>		Entire Campaign Total Income <small>(Box A)</small>
[plus] ↓					
Total Income	\$	[+]→	\$	[=]→	\$
[minus] ↓			Total Expenses From Last Report <small>(From Box B of Previous Report)</small>		Entire Campaign Total Expenses <small>(Box B)</small>
Total Expenses	\$	[+]→	\$	[=]→	\$
[equals] ↓					
Closing Cash on Hand	\$				
[minus] ↓					
Debts	\$				
[equals] ↓					
Surplus or Deficit	\$				



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Campaign Income

CANDIDATE NAME: \_\_\_\_\_

Year Start Report  
  30-Day Report  
  7-Day Report  
  105-Day Report  
  Year End Report

**CANDIDATES:** Report all contributions up to \$50 by Date Received, Payment Method, Contributor Name and Address. Report all contributions over \$50 by Date Received, Payment Method, Contributor Name, Address Principal Occupation and Employer.

Date Received	Pmt Method (Check #, CC, Cash, Non-Mon Description, etc.)	Contributor Name, Address, Zip	Occupation, Employer	Amount

TOTAL \$ \_\_\_\_\_



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Campaign Expenses

CANDIDATE NAME: \_\_\_\_\_

Year Start Report  30-Day Report  7-Day Report  105-Day Report  Year End Report

Date	Pmt Method (Check #, CC, Cash, Non-Mon Description, etc.)	Vendor Name, Address, Zip	Purpose of Expenditure	Amount

TOTAL \$ \_\_\_\_\_

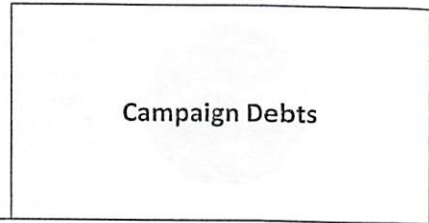




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CANDIDATE NAME: \_\_\_\_\_

Year Start Report  30-Day Report  7-Day Report  105-Day Report  Year End Report

Date Incurred	Name, Address, Zip	Description or Purpose	Original Amount	Balance Remaining

TOTAL \$ \_\_\_\_\_



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Additional Sheet

CANDIDATE NAME: \_\_\_\_\_

Income <input type="checkbox"/>	Expense <input type="checkbox"/>	Debt <input type="checkbox"/>
---------------------------------	----------------------------------	-------------------------------

Year Start Report <input type="checkbox"/>	30-Day Report <input type="checkbox"/>	7-Day Report <input type="checkbox"/>	105-Day Report <input type="checkbox"/>	Year End Report <input type="checkbox"/>
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Date Received	Pmt Method (Check #, CC, Cash, Non-Mon Description, etc.)	Contributor / Vendor Name, Address, Zip	Occupation/Employer (if income) Description (if expense or debt) Both (if non-monetary)	Amount

TOTAL \$ \_\_\_\_\_

# ALASKA PUBLIC OFFICES COMMISSION



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## MUNICIPAL CANDIDATE REGISTRATION

Unless an exemption statement is filed, municipal candidates must file a Candidate Registration within 7 days of filing a declaration of candidacy or nominating petition with the clerk's office. The registration provides contact information and designates campaign officers. Only registered campaign officers are permitted to accept/spend contributions on behalf of the campaign, or be reimbursed. Registered candidates must file campaign disclosure reports for the duration of their campaign.

[AS 15.13.060](#); [2 AAC 50.282](#); [2 AAC 50.298](#).

Please note that unless a candidate meets the specific criteria found in [AS 15.13.040\(m\)\(1\)](#), they are required to file all forms and reports electronically, through the APOC Forms Online Filing System (<https://my.alaska.gov/>).

A candidate's use of corporate, state, or municipal resources (i.e., office phone/address, equipment, staff time, etc.) for campaign purposes is prohibited. [AS 15.13.074\(f\)](#); [AS 15.13.145](#)

Candidate Name:	Campaign Committee Name: (Optional)
Election Month and Year:	Municipality / Borough:
Campaign Mailing Address:	Campaign Email:
Campaign Phone:	Additional Email:
Campaign Depository: (DO NOT list account number)	Campaign Depository Address:

Treasurer Name:	Treasurer Phone:
Treasurer Mailing Address:	Treasurer Email:
Deputy Treasurer(s): _____ _____ _____	Address(s): _____ _____ _____

I certify that the information contained in the foregoing document is true, complete, and correct.	Signature	Date
	Printed name	

NOTICE: Candidates who loan personal funds to their campaign with the intent to repay themselves after the election may only do so if they file a [Candidate Reimbursement Form](#) within 5 days of putting personal funds into their campaign. If the campaign is able to repay the candidate's personal funds within 72 hours they may do so, and they do not need to file the Reimbursement Form. [AS 15.13.078\(b\)](#); [AS 15.13.116\(a\)\(4\)](#); [2 AAC 50.990\(7\)\(c\)\(x\)](#)

# **ALASKA PUBLIC OFFICES COMMISSION**

## **CANDIDATE REPORTING DATES**

### **2024 DENALI & MAT-SU BOROUGH ELECTIONS**

**Tuesday, November 5, 2024**

<b>Report:</b>	<b>Covers:</b>	<b>Due:</b>
Year Start Report	Start of campaign - February 1	Thursday, February 15, 2024
30 Day Report	February 2 – October 4	Monday, October 7, 2024
7 Day Report	October 5 – October 26	Tuesday, October 29, 2024
24 Hour Reports*	October 27 – November 4	Daily As Needed*
105 Day Report	October 27 – February 3, 2025	Tuesday, February 18, 2025

\*During the 9 days before the election, contributions in excess of \$250 from a single source must be reported by date, amount, and contributor within 24 hours of receipt. This includes all monetary, non-monetary, and candidate contributions, as well as contributions of more than \$250, in the aggregate, from a single contributor during the 9-day period. You may need to report each day during that period, or not at all.

**Friday, October 4, 2024** (The last day of the 30-day reporting period)

The last day that a candidate may give or loan their campaign more than \$5,000.

**Friday, December 20, 2024** (45 days after the date of the Denali & Mat-Su Borough Elections)

The last day a candidate may accept contributions.

**Monday, February 3, 2025** (90 days after the date of the Denali & Mat-Su Borough Elections)

The date by which candidates must distribute the amount held in their campaign account.

Visit our website for more information about statutes, regulations, and reports filed by groups and candidates.

#### **Contact Information**

Website: [doa.alaska.gov/apoc](http://doa.alaska.gov/apoc)

Information Email: [apoc@alaska.gov](mailto:apoc@alaska.gov)

File Reports at: <https://my.alaska.gov/>

Anchorage APOC – 2221 East Northern Lights Blvd., Room 128, Anchorage, Alaska 99508

General Information: (907) 276-4176 / (800) 478-4176 / FAX (907) 276-7018

## Alaska Campaign Annual Contribution Limits – AS 15.13

FROM	TO CANDIDATE	TO GROUP & NON-GROUP ENTITY	TO POLITICAL PARTY	TO IE GROUP, INITIATIVE APPLICATION GROUP, & BALLOT GROUP
Authority	AS 15.13.070	AS 15.13.070	AS 15.13.070	AS 15.13.065(c)
Individual (AK resident)	Unlimited	Unlimited	\$5,000	Unlimited
Individual (non-resident)	Unlimited	Unlimited	\$5,000	Unlimited
Corporations, Business Organizations, Unions	Prohibited AS 15.13.074(f)	Prohibited AS 15.13.074(f)	Prohibited AS 15.13.074(f)	Unlimited
Group (based in Alaska)	\$1,000	\$1,000	\$1,000	Unlimited
Group (based outside Alaska)	Prohibited	\$1,000 Must first register with APOC*	\$1,000 Must first register with APOC*	Unlimited
Nongroup Entity (based in Alaska)	\$1,000	\$1,000	\$1,000	Unlimited
Nongroup Entity (based outside Alaska)	Prohibited	\$1,000 Must first register with APOC	\$1,000 Must first register with APOC	Unlimited
Political Party	Municipal \$5,000 House \$10,000 Senate \$15,000 Lt. Gov./Gov. \$100,000	\$1,000	Unlimited	Unlimited
Foreign Nationals	<b>Prohibited</b> Foreign nationals are prohibited from making expenditures or contributions in Alaska elections only to the extent prohibited or permitted by Federal law. AS 15.13.068.			

\* Groups based outside Alaska must ensure their received contributions comply with Alaska limitations before making contributions to groups based in Alaska or to a political party. Groups based in Alaska may not receive contributions from a group based outside Alaska whose received contributions do not comply with Alaska limitations, as such contributions are prohibited.

Individuals, Persons, and Groups may be required to fill out Form 15-5 Statements of Contribution and/or Form 15-6 Statements of Independent Expenditure where applicable. Please see our Forms page.

## CHAPTER 2.08: MAYOR

### Section

**2.08.010 Office established**

**2.08.020 Term of office**

**2.08.030 Eligibility**

**2.08.040 Duties**

**2.08.050 Procedure for election**

**2.08.060 Compensation and reimbursement**

**2.08.070 Absence; deputy mayor**

**2.08.080 Vacancy in the office of mayor**

### ***Statutory reference:***

*For provisions regarding the mayor's powers etc., see A.S. 29.20.220 – 29.20.280*

### **2.08.010 OFFICE ESTABLISHED.**

There is established the office of mayor. Executive duties of the borough shall be vested in the mayor.

(Ord. 94-001AM, § 3 (part), 1994; Ord. 84-34, § 5, 1984; Ord. 73-9, § 2, 1973)

### **2.08.020 TERM OF OFFICE.**

(A) The mayor's term shall be four years. The qualified candidate succeeds to the candidate's elected office the first Monday following the certification of the election and acceptance of the oath of office.

(B) No person shall hold the office of mayor for more than two terms, for life. For purposes of this section, service for more than one-half of a term is considered a full term. This limitation applies to all former and current mayors except that it shall not prevent the current mayor as

of the date of voter ratification of the ordinance codified in this section from holding the remainder of their term and to serve one additional full term.

(Ord. 24-009, § 2, 2024; Ord. 22-026, § 2, 2022; Ord. 11-056, § 2, 2011; Ord. 94-001AM, § 3 (part), 1994; Ord. 81-82, § 5, 1981; Ord. 73-9, § 2, 1973)

### **2.08.030 ELIGIBILITY.**

A person is eligible to hold the office of mayor if the person is a qualified borough voter and has been a borough resident for one year immediately prior to the election for that office. The mayor may not hold a position as assembly member or borough employee, except as provided by statute.

(Ord. 94-044AM, § 2, 1994; Ord. 94-001AM, § 3 (part), 1994; Ord. 73-9, § 3, 1973)

### **2.08.040 DUTIES.**

(A) The mayor shall:

- (1) preside at all assembly meetings. The mayor may take part in the discussion of matters before assembly, but may not vote, except that the mayor may vote in the case of a tie;
- (2) act as ceremonial head of the borough; and
- (3) sign documents on behalf of the borough upon assembly authorization.
- (4) *[Repealed by Ord. 94-001AM, § 3 (part), 1994 and recodified as MSB 2.08.040(B)]*
- (5) appoint members of boards and commissions subject to confirmation by the assembly.

(B) The mayor may veto any ordinance, resolution, motion or other action of the assembly, and may, by veto, strike or reduce items of appropriation ordinances. A veto shall be exercised before the next regular assembly meeting and shall be accompanied by written explanation of the reasons for the veto. A veto may be overridden by a two-thirds vote of the assembly within 21 calendar days following the veto, or at the next regular meeting, whichever is later. The veto does not extend to:

- (1) the manager plan of borough government;
- (2) the actions of the board of equalization;

- (3) the actions of the board of adjustment; or
- (4) the appropriation items in a school budget ordinance.

(Ord. 23-067, § 2, 2023; Ord. 94-001AM, § 3 (part), 1994; Ord. 92-046AM, § 2, 1992; Ord. 79-82, § 2, 1979; Ord. 73-9, § 4, 1973)

## **2.08.050 PROCEDURE FOR ELECTION.**

The position of mayor shall be filled in the same manner as that of assembly members, except that the mayor shall be elected at large.

(Ord. 73-9, § 5, 1973)

## **2.08.060 COMPENSATION AND REIMBURSEMENT.**

(A) The mayor shall receive a salary of \$65,000 per year. Reimbursement shall be provided for mileage and expenses which are reasonable and necessary in connection with assembly meetings and regular borough functions. The mayor shall be included in the borough employee health insurance plan, life insurance plan, and, unless a waiver executed by the mayor is in effect, in the borough retirement plan.

(B) The deputy mayor shall receive a salary of \$15,100 per year.

(C) *[Repealed by Ord. 09-057, § 2, 2009]*

(D) *[Repealed by Ord. 92-139AM, § 5, 1993]*

(E) The borough shall bear the mayor's travel expenses while on official business. The mayor's travel expenses shall be approved by the adoption of the annual budget. However, the mayor is authorized to travel to points other than those referenced in this proposed travel list submitted to the clerk at budget time pursuant to subsection (F) of this section. In any case, the mayor's travel may not exceed the amount appropriated in the mayor's annual budget without prior approval of the assembly. Travel of less than 100 miles one way from the point of origin of the travel does not require assembly approval.

(F) The mayor shall submit a list of proposed travel to the clerk at budget time.

(Ord. 21-040, § 2, 2022; Ord. 19-091, § 2, 2019; Ord. 09-057, § 2, 2009; Ord. 07-092, § 2, 2007; Ord. 02-012, § 2, 2002; Ord. 94-001AM, § 3 (part), 1994; Ord. 93-070 (sub1), § 2, 1993; Ord. 93-068, § 2, 1993; Ord. 92-139AM, §§ 4 and 5, 1992; Ord. 92-059, § 2, 1992; Ord. 91-114AM, §§ 2 and 3, 1991; Ord. 88-251, § 2, 1988; Ord. 87-51, § 3, 1987; Ord. 81-19, § 2, 1981; Ord. 79-83, § 2, 1979)



## **2.08.070 ABSENCE; DEPUTY MAYOR.**

The mayor, subject to assembly approval, shall designate an assembly member to act as mayor during the mayor's temporary absence or disability. In the mayor's absence, the deputy mayor shall preside at all regular and special meetings and perform the duties assigned by the mayor or assembly.

(Ord. 94-001AM, § 3 (part), 1994; Ord. 73-9, § 7, 1973)

## **2.08.080 VACANCY IN THE OFFICE OF MAYOR.**

(A) A vacancy in the office of the mayor occurring within 180 calendar days prior to a regular election shall be filled by appointment by the assembly. The person appointed shall serve until the next regular election and until a successor is elected to serve the balance of the term. If an assembly member is appointed the assembly member shall resign the assembly seat. If a vacancy occurs more than 180 calendar days before a regular election, the assembly shall call a special election to fill the unexpired term.

(B) The assembly shall, by two-thirds vote, declare the office of mayor vacant only when the person elected:

- (1) fails to qualify or take office within 30 calendar days after election or appointment;
- (2) unless excused by the assembly, is physically absent for 90 consecutive calendar days;
- (3) resigns and the resignation is accepted;
- (4) is physically or mentally unable to perform the duties of office;
- (5) is convicted of a felony or of an offense involving a violation of the oath of office;
- (6) is convicted of a felony or a misdemeanor described in A.S. 15.56;
- (7) is convicted of a violation of A.S. 15.13; or
- (8) no longer physically resides in the municipality.

(Ord. 97-040, § 2, 1997; Ord. 94-001AM, § 3 (part), 1994; Ord. 73-9, § 8, 1973)

## **CHAPTER 2.71: CODE OF ETHICS**

### Section

- 2.71.005 Definitions**
- 2.71.010 Short title**
- 2.71.020 Purposes and policies of code**
- 2.71.030 Applicability**
- 2.71.040 Board of ethics; created; membership**
- 2.71.050 Board of ethics; reimbursement**
- 2.71.060 Board of ethics; powers and duties**
- 2.71.070 Conflict of interests; prohibited acts**
- 2.71.080 Recusal**
- 2.71.090 Employment of municipal officials**
- 2.71.100 Conflict-of-interest report**
- 2.71.110 Prohibited actions**
- 2.71.120 Request for board opinion**
- 2.71.130 Confidentiality**
- 2.71.140 Filing and initial processing of complaint**
- 2.71.150 Screening**
- 2.71.160 Procedure for notification**
- 2.71.170 Probable cause for hearing**
- 2.71.180 Pre-hearing conference**
- 2.71.190 Hearing procedures**

## **2.71.200 Penalties and other remedies**

### **2.71.210 Time limitation**

### **2.71.220 Protection of public interest**

### **2.71.230 Education and training**

## **2.71.005 DEFINITIONS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- “Appointed officials” includes the manager, clerk, attorney, purchasing officer, finance director, deputies, and persons acting in their behalf.
- “Benefit” means anything that is to a person’s advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value.
- “Board” means the borough ethics board.
- “Board secretary” means the clerk or the person selected by the clerk to be the secretary to the board.
- “Borough” means all units of the Matanuska-Susitna Borough unless the context clearly indicates otherwise.
- “Clear and convincing evidence” means evidence indicating that the thing to be proved is highly probable or reasonably certain. This is a greater burden than preponderance of the evidence, the standard applied in most civil trials, but less than evidence beyond a reasonable doubt, the norm for criminal trials.
- “Complainant” means a person filing a complaint with the ethics board.
- “Confidential information” means information obtained in the course of holding public office or employment, which is not available to members of the public and which the official is not authorized to disclose, except to designated individuals or bodies, including written and non-written information.

- “Designated supervisor” means a municipal official’s designated supervisor, or the person responsible for supervision of that municipal official. The clerk is the designated supervisor for the mayor and the assembly, but only under circumstances delineated in MSB 2.71.070 regarding reporting certain information to a designated supervisor.
- “Entity” means an organization (such as a business or governmental unit) that has a legal identity apart from its members.
- “Ex parte” means a communication between a person and the ethics board or an ethics board member regarding a matter pending before the board when other parties are not present. This does not include communications with the ethics board clerk or the borough clerk’s office regarding procedural matters.
- “Financial interest” means:
  - (1) an interest held by a person subject to this code or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit in an amount over \$1,000; or
  - (2) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management.
- “Hearing officer” means an officer of the Matanuska-Susitna Borough Office of Administrative Hearings under MSB 2.29.
- “Immediate family member” means a municipal official’s grandparents, parents, children, grandchildren, siblings, spouse or domestic partner, spouse’s children, spouses of children, or a regular member of the official’s household.
- “Municipal official” includes the following:
  - (1) elected or appointed Matanuska-Susitna Borough officials;
  - (2) Matanuska-Susitna Borough employees;
  - (3) all paid or unpaid members of boards, commissions and committees of the Matanuska-Susitna Borough; and
  - (4) school board members.

- “Nepotism” means bestowal of official favors on one’s immediate family members, especially in hiring.
- “Official action” means a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a municipal official.
- “Organization” means a group, association, society, political party, or other entity made up of two or more persons, whether operated for profit or nonprofit.
- “Paid” means a person who receives value for the person’s services unless otherwise exempted from this code.
- “Parties” means respondent and complainant.
- “Person” includes a corporation, company, partnership, firm, association, organization, business trust or society, as well as a natural person.
- “Personal interest” means an interest held or involvement by a municipal official, or the official’s immediate family member, including membership in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit.
- “Probable cause” means evidence sufficient to cause a person of ordinary prudence and caution to conscientiously entertain a reasonable belief that an ethics violation has occurred; more than a bare suspicion but less than evidence that would determine a violation.
- “Respondent” means the person against whom a complaint is filed with the ethics board.
- “Source of income” means an entity for which service is performed for compensation or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person’s spouse or child, or a combination of them, holds a controlling interest, the “source” is the client or customer of the proprietorship, partnership, or corporation; if the entity which is the origin of payment is not the client or customer for whom the service is performed, both are considered the source.
- “Special consideration, treatment, or advantage” includes:
  - (1) any attempt to secure a benefit or any action giving an unfair advantage to another person where a primary motivation for the consideration, treatment, or advantage is improper;

(2) improper motivation for purposes of this definition is one not related solely to the best interests of the borough, including a person's:

- (a) friendship or kinship with the municipal official;
- (b) financial association with the municipal official;
- (c) other personal association with the municipal official;
- (d) potential for conferring a future benefit by the municipal official;
- (e) political affiliation;
- (f) political support for the governor, lieutenant governor, or legislators.

(3) evidence of special consideration, treatment, or advantage includes, but is not limited to, the following situations:

- (a) The municipal official interfered with, took actions not in conformance with, or took actions other than those set out in procedures for the award of a benefit, whether the procedures were established formally or informally, in a manner that favored or had an unequal impact on the person receiving the consideration, treatment, or advantage.
- (b) The person receiving the consideration, treatment, or advantage did not meet the standards set out for the award of a benefit, whether or not those standards were established formally or informally.
- (c) The person receiving the consideration, treatment, or advantage was substantially less qualified than other persons considered for the award of a benefit when compared in light of the formal or informal standards set out for the award of the benefit.

(4) includes meetings with or other forms of access to a municipal official if:

- (a) the person gaining access to the municipal official has the relationship described in subsections (2)(a) through (b) of this definition; and
- (b) the access allows that person to gain information, make a presentation, or receive other consideration, treatment, or advantage that results in an unfair advantage in applying for a borough contract or job that would normally be procured or filled by a competitive process.

(5) the burden of proof shifts to the municipal official to show by a preponderance of the evidence that the primary motivation for the consideration, treatment, or advantage was the best interest of the borough if, at hearing, it is shown by clear and convincing evidence both:

(a) that the person receiving the consideration, treatment, or advantage had the relationship described in subsections (2)(a) through (f) of this definition;

(b) that one of the circumstances described in subsections (3)(a) through (c) of this definition occurred.

(6) It is not a justification for the granting or securing of a consideration, treatment, or advantage or benefit that the result of what would otherwise be defined as a special consideration, treatment, or advantage was in the borough's best interest.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.010 SHORT TITLE.**

This chapter shall be known as the code of ethics.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.020 PURPOSES AND POLICIES OF CODE.**

(A) The Matanuska-Susitna Borough expects all municipal officials to provide their honest services, with equality, honesty, and transparency to the general public. Honest services includes the right to conscientious, loyal, faithful, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.

(B) To encourage high moral and ethical standards:

(1) To establish standards of ethical conduct.

(2) To promote ethics education for all municipal officials.

(3) To provide clear guidance to municipal officials of the ethical procedures and standards of the borough:

(a) to recommend procedures that promote ethical behavior and hold municipal officials responsible and accountable for their behavior;

(b) to promote borough procedures that protect municipal officials from harassment or retribution should they raise concerns about activities that do not appear to be in line with good government, honest services or other ethical behavior.

(4) To provide for the consideration of potential ethical problems before they arise.

(5) To provide for the fair and effective administration and enforcement of this code.

(C) *Scope of code.* Any effort to benefit a substantial financial interest through official action is a violation of the public trust. The assembly finds that, so long as it does not interfere with the full and faithful discharge of an official's public duties and responsibilities, this code does not prevent an official from following other independent pursuits. The assembly further recognizes that:

(1) in a representative democracy, the representatives are drawn from society, and therefore cannot and should not be without personal and financial interests in the decisions and policies of borough government;

(2) people who serve as municipal officials retain their rights to interests of a personal or financial nature; and

(3) standards of ethical conduct for municipal officials need to distinguish between those minor and insubstantial conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

(D) *Unethical conduct.* Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a municipal official's:

(1) financial interest in the matter is insubstantial, or of a type that is possessed generally by the public or a large class of persons to which the municipal officer belongs; or

(2) action or influence would have insubstantial or conjectural effect on the matter.

(3) A financial interest over \$1,000 is presumed substantial under this chapter. A lesser amount is presumed insubstantial.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.030 APPLICABILITY.**



(A) The code of ethics shall apply to all municipal officials and shall apply to former municipal officials to the extent that the conduct involved occurred during the term of service of the former municipal official.

(B) MSB 2.71.190 shall apply to all persons subject to a subpoena or order issued by the board of ethics in connection with an official proceeding before the board.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.040 BOARD OF ETHICS; CREATED; MEMBERSHIP.**

(A) There is created a board of ethics with a total membership of five persons designated by seats numbered one through five. All members shall be residents of the Matanuska-Susitna Borough in accordance with MSB 4.05.040. For any matter to be set for pre-hearing conference under MSB 2.71.180 to come before the board for a full hearing under MSB 2.71.190 or for any matter involving an advisory opinion, the board will be called.

(B) A paid municipal official may not be a board member.

(C) The chair of the board shall be a hearing officer from the Matanuska-Susitna Borough Office of Administrative Hearings.

(D) The chair shall rule on all matters and make all determinations through screening and probable cause. If the matter continues, the chair rules on all procedural matters, presides over the hearing under MSB 2.71.190, makes all rulings thereunder and rules on evidentiary matters. The chair may attend, assist and participate in discussions regarding the final order after a hearing under MSB 2.71.190 or the final opinion on an advisory matter, but shall not vote on such final orders or opinions.

(E) Members called for a pre-hearing conference under MSB 2.71.180 to come before the board for a full hearing under MSB 2.71.190 may not participate in probable cause or screening and do not vote on matters of conduct of the hearing, procedure, admissibility of evidence, etc. Members called for a hearing or advisory opinion vote on the final opinion only.

(F) A quorum shall be three voting members of the board called for a purpose; however, no action may be taken without the presence of the chair.

(G) Any member of the board who has conflicting interests, including being a complainant, in any matter under active investigation may not participate in the matter.

(H) If any board member misses three consecutive meetings for any reason, the member automatically forfeits his seat and the clerk shall report the vacancy to the assembly.

(I) In the event a quorum cannot be met due to disqualification or recusal of members, the case documentation and information shall be considered solely by a hearing officer from the office of administrative hearings for action according to the procedures as set forth in this chapter.

(Ord. 17-133, § 2, 2017; Ord. 11-022, § 3 (part), 2012)

## **2.71.050 BOARD OF ETHICS; REIMBURSEMENT.**

(A) Board members shall be reimbursed for mileage incurred in connection with meetings of the board in the same manner as borough employees are reimbursed for mileage expenses upon presentation of supporting documentation satisfactory to the borough clerk. Reimbursement to the ethics board members is not a form of compensation for the purposes of this chapter.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.060 BOARD OF ETHICS; POWERS AND DUTIES.**

(A) The duties of the board shall be as follows:

- (1) to prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this code;
- (2) to conduct hearings, recommend disciplinary action, assess penalties, and make referrals;
- (3) to prepare an annual report and recommend changes to this code;
- (4) to investigate complaints alleging violation of the standards in this code of ethics;
- (5) upon the written request of any municipal official, to issue its advisory opinion, in writing, as to any questions;
- (6) to make recommendations to the assembly for amendments to this code of ethics and for other legislation affecting the subject matter of this code of ethics as the board may deem necessary or desirable;

- (7) to provide a continuing program of education, assistance and information about this code to persons to whom it applies;
- (8) to timely process complaints concerning acts subject to the code;
- (9) to create and revise policies and procedures as necessary to transact business under this chapter.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.070 CONFLICT OF INTERESTS; PROHIBITED ACTS.**

### **(A) *Misuse of official position.***

- (1) A municipal official may not grant, obtain, or receive directly or indirectly, any special consideration, treatment, or advantage, for themselves or others, beyond what is generally available to borough residents.
- (2) A municipal official may not, among other things:
  - (a) seek other employment or contracts through the use or attempted use of official position;
  - (b) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the borough;
  - (c) use borough time, property, equipment or other facilities to benefit substantial financial interests;
  - (d) take or withhold official action in order to affect a matter in which the municipal official has a substantial financial interest; or
  - (e) attempt to benefit a personal or financial interest through coercion of another municipal official covered by the code.
  - (f) No municipal official in his or her official capacity or using their title may publicly promote products or services. However, this does not prohibit a municipal official from answering inquiries by other governmental officials, consumer organizations, or product information services.

### **(B) *Nepotism.***

- (1) Nepotism is prohibited.

(C) *Receiving improper gifts.*

(1) A municipal official or a member of the official's immediate family may not solicit, accept, or receive, directly or indirectly, a gift in any form, that is a substantial financial interest to the officer under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment, or constitute a benefit for past performance of official duties, actions, or judgment. Going away parties, parting gifts, social activities, and other events of this type are exempt.

(2) A municipal official subject to this code shall notify the official's designated supervisor of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, within 30 days after the date of its receipt, if the municipal official may take or withhold (or took or withheld) official action that affects the giver.

(3) Municipal officials may request guidance from the board concerning whether acceptance of a particular gift is prohibited.

(4) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

(5) Gifts that are not connected with the recipient's status as a municipal official are outside the scope of this chapter and no disclosure is required.

(D) Improper influence in borough grants, contracts, leases, or loans includes the following:

(1) A municipal official or the official's immediate family members may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a borough grant, contract, lease, or loan if the municipal official may take or withhold official action that affects the award, execution, or administration of the borough grant, contract, lease, or loan.

(2) The prohibition in subsection (C)(1) of this section does not apply to a borough grant, contract or lease that is competitively solicited unless the municipal official:

(a) is employed by the administrative unit awarding the grant, contract or lease, or is employed by the administrative unit for which the grant, contract, or lease is let;  
or

(b) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

(3) A municipal official shall report in writing to the official's designated supervisor a personal or financial interest held by the official or the official's immediate family members, in a borough or school district contract, lease or loan that is awarded, executed or administered by the department that the official serves. The supervisor shall immediately send a copy of this written report to the clerk to be appended to the municipal official's financial disclosure conflict of interests report.

(E) A board, commission, committee, or assembly member may not appear on behalf of a private or public interest before any borough body of which the municipal official is a member.

(F) A municipal official may not represent a private or public interest in any action or proceeding against the interest of the borough to which the borough is a party; provided, that this section shall not apply to:

(1) any member of the assembly or a municipal official appearing before governmental agencies in behalf of or as a representative of constituents in the course of official duties; or

(2) performing public or civic obligations without additional compensation; or

(3) any municipal official appearing on the official's own behalf; or

(4) board, commission, committee, or an assembly member representing a client in front of a borough body of which they are not a member.

(G) A municipal official may not render services to benefit a personal or financial interest, or engage in or accept employment outside the public employer the official serves, if the outside employment or service is incompatible with, or in conflict with, or impairs the official's independence of judgment or action, the proper discharge of the official's official duties, except as set forth in MSB 2.71.020(C)(1) and (2) and subsections (D)(1) through (3) of this section.

(H) A municipal official may not take an active part in political campaigns during duty hours or on borough premises.

(I) A municipal official must notify the manager, in writing, when an immediate family member is applying for a position with the borough.

(J) Improper use or disclosure of information includes the following:

(1) A municipal official or a former municipal official may not disclose any confidential information obtained formally or informally as part of his or her work for the borough or

due to his or her position with the borough, or use any such confidential information to further his or her own or any other person or entity's personal or financial gain.

"Confidential information" means information obtained in the course of holding public office or employment, which is not available to members of the public and which the official is not authorized to disclose, except to designated individuals or bodies, including written and non-written information. When such information is also available through channels open to the public, officials are not prohibited from disclosing the availability of those channels.

(2) A current or former municipal official may not disclose or use confidential information acquired in the course of official duties.

(K) Release of confidential information is a violation of the ethics code.

(L) A municipal official may not administer, oversee, or take action (including advisory functions) with respect to a borough contract with the municipal official's current employer. A municipal official may not administer, oversee, or take action (including advisory functions) with respect to a borough contract with the municipal official's prior employer unless a period of two years has passed since the municipal official's prior employment. The assembly may waive application of these restrictions by formal action in its sole and absolute discretion.

(Ord. 23-030, § 2, 2023; Ord. 11-022, § 3 (part), 2012)

## **2.71.080 RECUSAL.**

(A) A municipal official shall recuse himself from acting on any matter or proceeding coming before a borough-elected body, board, commission, or committee of which the official is a member when the matter or proceeding involves any person who is, or has been, a client of the official or the official's firm or partnership within the 12-month period immediately preceding the date of the action.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.090 EMPLOYMENT OF MUNICIPAL OFFICIALS.**

(A) An elected official of the borough shall not be eligible for employment with the borough while serving as an elected official or within one year after leaving office.

(B) Except for salary, benefits, and expense reimbursement applicable to each elected official in the course of performing their duties of elected office, an elected official of the

borough, an entity employing an elected official, or an entity in which the elected official exercises any control, management, or operational decision making authority shall not be eligible to be employed, represent, advise, or assist the borough for compensation in any manner, or have any interest in a contract to provide services or supplies to the borough while the elected official is in office or within one year after leaving office. The borough assembly, in its sole and absolute discretion, may waive application of this section in advance of any bid, response, or offer being placed.

(C) A school board member shall not be eligible for employment with the borough or school district while serving as an elected school board member or within one year after leaving office.

(D) A municipal official who leaves borough service may not, for one year after leaving borough service, represent, advise or assist a person for compensation regarding the following:

(1) a matter that was under consideration by the department served by that municipal official; or

(2) a matter in which the official participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures; or the proposal, consideration or adoption of administrative regulations or code.

(3) This restriction on employment or re-employment after leaving municipal service does not prohibit the municipality from contracting with a former municipal official to provide service on a matter on behalf of the municipality.

(4) The assembly may waive application of this restriction upon determination that a proposed action by a former municipal official is not adverse to the public interest. The waiver shall be by formal action and a copy shall be provided to the board of ethics.

(E) A municipal official other than an elected official who leaves borough service may not, for one year after leaving borough service, represent, advise, or assist the borough for compensation in any manner unless the borough assembly, in its sole and absolute discretion, approves the compensation. This section does not apply where the official is re-hired, elected, or appointed into a position within the borough.

(Ord. 19-088, § 2, 2019; Ord. 11-022, § 3 (part), 2012)

## **2.71.100 CONFLICT-OF-INTEREST REPORT.**

**(A) A conflict-of-interest report shall be filed under oath once each year by all elected officials, manager, clerk, attorney, department heads, all paid members of boards or commissions, and all municipal officials authorized to obligate the borough to make expenditures, unless a financial disclosure and conflict-of-interest report required by state law is filed with the clerk. An unpaid member of a board or commission with a personal or financial interest, or other activity governed by this code, or prohibited by any other provision of law, shall file the financial disclosure and conflict-of-interest report required by this code and shall update it, as necessary, in accordance with subsection (B) of this section.**

**(B) The reports shall be filed with the clerk's office within 30 days after an official comes under jurisdiction of this code. If the information in the report becomes incomplete or inaccurate during the year, the statement shall be corrected within 30 days after the changed circumstances occur.**

**(C) A conflict-of-interests report shall contain the following information:**

**(1) the name of each person doing business with or receiving benefit from the borough from which a municipal official or member of the official's immediate family has received a benefit in an amount in excess of \$500 during the preceding year if the officer knew of the benefit incurred;**

**(2) the names of any corporations, partnerships, firms, associations or enterprises (including sole proprietorships) doing business with, or receiving benefit from the borough in which the municipal official or the official's spouse has a direct financial interest in excess of \$1,500; provided, that policies of insurance and amounts on deposit in accounts in banks, savings and loan associations or credit unions shall not be considered to be a financial interest within the meaning of this paragraph;**

**(3) the names of any corporations, partnerships, firms, associations, or enterprises doing business with the borough, both profit and nonprofit, in which the municipal official or immediate family member holds a position of official or member of board of directors, and the title of each position held; and**

**(4) sources of income in excess of \$5,000 for all elected officials and municipal officials authorized to execute contracts, make purchases or award grants.**

**(D) In addition to disclosure required by MSB code or state law, all municipal officials filing a conflict-of-interest report with the clerk as required under this section shall simultaneously file a supplement to the report on a form prescribed by the borough clerk. The supplement shall contain a list of all civil and criminal judgments entered against the official within ten**



years of the date of the report to include the case name, nature of action, year of judgment, and a brief description of the judgment entered and/or sentence imposed.

(Ord. 14-168, § 2, 2014; Ord. 11-022, § 3 (part), 2012)

### **2.71.110 PROHIBITED ACTIONS.**

(A) It is unlawful:

- (1) for any municipal official to willfully fail or refuse to file a written statement required by this code, or to knowingly make any false statement of a material fact in any written statement so filed;
- (2) for any person to intentionally file an ethics complaint they know to be false, against any municipal official;
- (3) for any person to fail or refuse, to appear before the board of ethics pursuant to an order of the board;
- (4) for any person to refuse to be sworn or to affirm or to answer any material or proper question;
- (5) for any person to fail to produce, upon reasonable notice, any material or proper documents, papers, books, accounts, letters, or records in the person's possession or under the person's control;
- (6) for any person having been duly sworn to fail to tell the truth by knowingly giving false testimony as to any material matter; or
- (7) to violate any provision of this code.

(Ord. 11-022, § 3 (part), 2012)

### **2.71.120 REQUEST FOR BOARD OPINION.**

(A) Municipal officials are encouraged to request an opinion from the board relating to any situation which may give rise to the possibility of a conflict of interest under this code. Requests shall be in writing, shall set forth the pertinent facts, be signed by the municipal official making the request and, if requested by the municipal official, be held in confidence by the board.

(B) The mayor and assembly members may request an opinion from the borough attorney relating to any situation which may give rise to the possibility of conflict of interest or other violation under this code. The mayor or assembly member may also request the opinion be held in confidence.

(C) An advisory opinion rendered by the board of ethics, or borough attorney, until and unless amended or revoked, is binding upon the ethics board in any subsequent proceeding concerning the person or entity that requested the opinion and acted in good faith, unless he, she or it omitted or misstated a material fact to the board of ethics or borough attorney.

(D) The ethics board or borough attorney may amend or revoke an advisory opinion including a showing that material facts were omitted or misstated in the request for the opinion. The municipal official who requested the opinion shall be notified of any proceedings regarding modification of said opinion.

(E) Notwithstanding all other provisions of the Matanuska-Susitna Borough Code, it is not a violation of the code, and the board has no jurisdiction to hear any complaint alleging an elected official should not have voted or participated in an issue before the borough assembly where an elected official discloses a potential conflict of interest and the following procedure (or substantially similar) is followed:

- (1) the mayor or an assembly member may declare a potential conflict and shall declare a substantial financial interest the member has in an official action and may ask to be excused from participating and voting on the matter;
- (2) the mayor shall rule on a request by an assembly member to be excused;
- (3) the deputy mayor shall rule on a request by the mayor to be excused;
- (4) the decision on a request to be excused may be overridden by four affirmative votes of the assembly, except that the member to whom the ruling applies shall not vote on the question.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.130 CONFIDENTIALITY.**

(A) The filing of a complaint and information regarding an investigation conducted under this code, or obtained by the hearing officer during the investigation, will take place under a confidential process. Confidentiality shall be maintained by the complainant, the respondent, the hearing officer, the board, the clerk, and all contacted municipal officials during the:

- (1) filing of a complaint;
- (2) screening of a complaint; and
- (3) process of determining probable cause.

(B) All third parties contacted who are not municipal officials shall be asked to maintain confidentiality.

(C) All portions of board meetings held solely to make a decision are confidential and are held in closed adjudicatory session.

(D) It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

(E) The respondent may, in writing, waive the confidentiality protection of this section as to the complaint, the response and associated documentation.

(F) Prior to a determination of probable cause, if confidential provisions of this chapter are violated by anyone other than the respondent, the complaint shall be dismissed with prejudice.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.140 FILING AND INITIAL PROCESSING OF COMPLAINT.**

(A) Any person or entity may file a complaint regarding the conduct of a current or former municipal official.

(B) A complaint shall:

- (1) be alleged in writing on a form provided by the clerk's office;
- (2) shall clearly state allegations of ethics violations under MSB code; and
- (3) shall be signed and affirmed by the complainant.

(C) A complaint alleging a violation of this code shall be filed within one year of the violation.

(D) *Procedures.*

(1) When the complaint is filed in the clerk's office, the clerk shall:

- (a) date, notarize, number, and log the complaint;

(b) send a copy of the complaint and attached documents to the respondent.

(2) The clerk shall contact the next available hearing officer for appointment as chairperson, who shall review the complaint and may request public background material associated with the complaint. The request for all information and the response shall be kept confidential.

(3) The clerk shall prepare a confidential file available only to the hearing officer and the respondent, which contains a copy of the complaint and associated documentation.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.150 SCREENING.**

(A) *Standard of review.* The hearing officer shall review each complaint filed to determine whether it is:

- (1) properly completed;
- (2) clear and understandable; and
- (3) contains allegations, which if true could constitute conduct in violation of this code.

(B) The hearing officer shall screen the complaint in closed adjudicatory session. The request for all information and the response shall be kept confidential.

(C) After the screening, the hearing officer shall, by formal order:

- (1) accept the complaint in whole or in part; or
- (2) reject the complaint in its entirety.

(D) In addition, after the screening, the hearing officer shall by formal order:

- (1) refer allegations of violations of municipal, state, or federal law outside the board's authority to the proper authority for appropriate disposition; and
- (2) refer a complaint outside the jurisdiction of this code to the manager if the complaint alleges a violation of the personnel rules or other matters.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.160 PROCEDURE FOR NOTIFICATION.**

(A) *Rejection.* If the complaint is rejected, the clerk shall notify the complainant and respondent of the hearing officer's rejection of the complaint, including a copy of the complaint, within ten calendar days of its decision.

(B) *Acceptance.* If the hearing officer accepts a complaint, in part or in whole, the clerk shall notify the complainant and respondent of the acceptance of the complaint. The hearing officer shall request the respondent to provide full and fair disclosure, in writing, of all facts and circumstances pertaining to the alleged violation(s). Misrepresentation of material facts in a response to the hearing officer is a violation of this code. The respondent shall provide a response within 20 calendar days after service. An additional time period of ten to 20 days may be granted in writing by the hearing officer. At the conclusion of the prescribed time, the hearing officer may continue its investigations or immediately proceed to determining probable cause.

(C) *Reception of information.* Within 20 days of receiving the requested information, the clerk shall forward the information to the hearing officer who shall proceed in determining probable cause.

(D) *Lack of response from respondent.* If the 20-day limit for response has expired, and no response has been received from the respondent, the clerk shall forward the information to the hearing officer who shall proceed in determining probable cause.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.170 PROBABLE CAUSE FOR HEARING.**

(A) The hearing officer shall consider all information gathered and determine whether or not there is probable cause to believe that a violation of this code has occurred.

(B) If probable cause is not found, all parties are notified and the information gathered remains confidential.

(C) If probable cause is determined by the hearing officer, the documents and all subsequent proceedings, outside of deliberations or closed adjudicatory sessions, are open to the public. Release of such documents shall be subject to restrictions imposed by other provisions of law, if applicable.

(1) The clerk shall notify all the parties of the decision and schedule a pre-hearing conference within 30 days. Extensions may be requested by the parties.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.180 PRE-HEARING CONFERENCE.**

- (A) All parties shall be notified of the pre-hearing conference.
- (B) The pre-hearing conference may include:
  - (1) setting a time and place for the hearing within 45 days of the pre-hearing conference unless extensions are granted;
  - (2) stipulation as to matters of fact;
  - (3) simplifying issues;
  - (4) identifying and scheduling pre-hearing matters;
  - (5) setting the briefing schedule and establishing dates for witness lists; and
  - (6) resolving other pre-hearing matters before the hearing.
- (C) In the event that a proposed settlement agreement had been reached it may be announced at the pre-hearing conference and a hearing scheduled for the board to consider only the settlement;
  - (1) should the board disagree with the party's settlement agreement, a future hearing date shall be set no sooner than seven business days.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.190 HEARING PROCEDURES.**

- (A) The hearing officer, as the chair of the board, shall preside over the hearing and shall make all rulings on issues of procedure, process, continuances, form and conduct of the hearing and admissibility of evidence, etc. The remainder of the board shall attend the entire hearing, but does not vote on any issue except the final decision.
- (B) The board may administer oaths, hold hearings, and take testimony, issue subpoenas, and consider and accept stipulations or possible settlement agreements.
- (C) The respondent may be represented by counsel, by submitting a notice of appearance to the board. The parties may each have the opportunity to be heard, present evidence, and cross-examine witnesses, who shall testify under oath. Written requests to appear by telephone may be considered by the chair.

(D) Within ten business days after the conclusion of the last pre-hearing conference, unless good cause is shown and an extension is granted, the parties shall submit witness lists with requests for subpoenas to be issued, if needed. Within five days after receipt of witness list and request for subpoenas, the clerk shall mail or personally serve the parties. Upon request by a party, the chair, on the board's behalf, may issue subpoenas as follows:

(1) the parties may summon witnesses and request the production of records, books, and papers by the issuance of subpoenas; and

(2) subpoenas shall be served as prescribed by Rule 45 of the Alaska Rules of Civil Procedure. Failure of any person to comply with a subpoena or order issued by the board is a violation of borough code. Remedies, enforcement actions and penalties for such violations shall be consistent with the terms of MSB 1.45. Such remedies are not exclusive and the borough may pursue any and all legal and equitable remedies available under law necessary to enforce such subpoenas and orders, including application to superior court.

(E) The chair may rule on a motion for continuance or extension of deadlines without calling a board meeting as long as there has been an opportunity for the other party to respond to the motion for continuance. The continuance may be granted for good cause. The ruling shall be in writing and shall specify the date to which the deadline has been changed or the time frame which has been extended.

(F) Any motions that the parties would like the board to consider shall be filed within ten business days after the date of service of the witness lists. Within three business days, the clerk shall serve the motion(s) to all of the parties. An opposition to the motion may be filed within seven business days of the date of service of the motion. Upon receipt of the motions, the chair may determine the need to schedule an additional pre-hearing conference to consider the motion(s), otherwise the board can consider the motions at the hearing.

(G) Written arguments and exhibits shall be submitted by the date determined at the pre-hearing conference. Written arguments and exhibits submitted shall become part of the record, and shall be mailed or personally served to the board and the parties within seven business days after the written arguments and exhibits are due.

(1) Any evidence not already part of the record that a party wants the board to consider must be submitted to the clerk's office before or on the day written arguments are due. Written arguments and exhibits shall not be accepted after the deadline and before the hearing date unless the party requests and is granted leave by the board chair to make a late filing. New evidence may be submitted at the time of hearing if the board chair determines that the evidence was not discovered or could not have been

obtained prior to the deadline for evidence submittal, or if the evidence is relevant and it is in the interest of justice that it be considered.

(H) The hearing shall be subject to the following order:

- (1) introduction of the case;
- (2) opening statement by complainant;
- (3) opening statement by respondent;
- (4) complainant witnesses:
  - (a) complainant questions witnesses;
  - (b) respondent may cross-examine the complainant's witnesses;
  - (c) board members may ask questions of the complainant's witnesses;
- (5) respondent's witnesses:
  - (a) respondent questions witnesses;
  - (b) complainant may cross-examine the respondent's witnesses;
  - (c) board members may ask questions of the complainant's witnesses;
- (6) complainant's closing statement;
- (7) respondent's closing statement; and
- (8) complainant rebuttal.

(I) The chair or hearing officer may limit testimony by any person to reduce cumulative or repetitive testimony. The chair or hearing officer may vary the hearing procedures as long as the parties are afforded a fair and reasonable opportunity to be heard.

(J) Technical rules of evidence do not apply, but the board's finding shall be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing shall be recorded and retained according to applicable borough records retention schedules. Upon request, a copy of the recording of the hearing shall be furnished to the parties.

(K) *Decision of the board.* The board may deliberate in closed adjudicatory session. A finding of a violation of this code shall be supported by clear and convincing evidence presented at the hearing. The board's decision shall be in writing, shall state it is a final



decision, and shall state the parties have 30 days from the date of distribution to appeal to the Superior Court. The decision shall include findings of fact and conclusions and shall be reasonably specific so as to provide a clear and precise understanding of the reason for the decision.

(L) The board's decision shall be filed with the clerk within 30 days after the completion of the hearing and served to the parties by the clerk within 10 days after the board decision has been filed. Final administrative decisions may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure, part 600.

(M) The chair may attend, assist, and participate in all sessions of the board, but may not vote on the final decision.

(Ord. 11-022, § 3 (part), 2012)

## **2.71.200 PENALTIES AND OTHER REMEDIES.**

(A) The board, upon a finding of a violation of this code in the case of current or former official, may singly or in combination:

- (1) impose a civil fine of not more than \$5,000;
- (2) order divestiture, establishment of a blind trust, restitution or forfeiture;
- (3) order the municipal official to stop engaging in any official action related to the violation;
- (4) recommend that the official's appointing authority take disciplinary action, including dismissal. In the event the board recommends disciplinary action and the manager or appointing authority disagrees with the recommendation, the manager or appointing authority must provide a written explanation for the manager or appointing authority's action to the board within ten days of service of the board's decision.

(B) If the board determines that a non-salaried member of a board or commission has violated this code, it:

- (1) shall order the member to refrain from voting, deliberating or participating in the matter;
- (2) may order restitution; or

(3) may recommend to the appropriate appointing authority that the member be removed from the board or commission.

(C) Notwithstanding other provisions of the borough code, a violation of this code is grounds for removal of a board or commission member for cause. If the ethics board recommends that any board or commission member be removed from office, the board shall forward its recommendation to the mayor and the assembly.

(D) If the ethics board determines that a former municipal official has violated this code, it shall issue a public statement of its findings, conclusions and recommendations. Additionally, it shall recommend the borough seek all available recommended remedies.

(E) Disciplinary action for violation shall be as follows:

(1) The board of ethics, on behalf of the borough, may censure or reprimand any person or entity it finds has violated this code and/or recommend to the appointing authority: demotion, suspension, discharge or other disciplinary actions. Should the responsible municipal official not wish to follow the recommendations of the board, a written explanation shall be provided to the board within 30 days of the board's final decision.

(F) Actions taken in violation of this code shall be treated as follows:

(1) In addition to any other action provided by law, a grant, contract, or lease entered into in violation of this code is voidable by the borough. In determining whether to void a grant, contract or lease, the interest of third parties who could be damaged may be taken into account. The borough may give notice of intent to void a borough grant, contract or lease under this section no later than 30 days after the board's determination of a violation under this code.

(2) In addition to any other action provided for by law, a loan issued by the borough received in violation of this code could become immediately payable.

(3) Any borough action taken in violation of this code is voidable, except that the interest of third parties in the nature of the violation may be taken into account. The borough may pursue any other available legal or equitable remedies.

(4) The borough may recover any fee, compensation, gift or benefit received by a person as a result of a violation of this code by a current or former municipal official.

(G) Any municipal official that intentionally violates any provision of this code may be required to pay the borough an additional civil penalty up to twice the amount that any

person obtained as a result of the violation. This provision may be imposed in addition to any penalty imposed under subsection (A)(1) of this section.

(H) A penalty imposed under this section is exclusive of and not instead of any other penalty that may be imposed according to law. To the extent that violations under this code are punishable in a criminal action, that sanction is in addition to the civil remedies in this code.

(I) Any person or entity that violates any provision of this code is liable in damages to the borough for any losses or increased costs incurred by the borough as a result of the violation.

(J) A decision of the board is final. An appeal from a decision of the board may be taken within the time prescribed in the State of Alaska Rules of Appellate Procedure by the aggrieved party. Upon request, the clerk shall estimate the cost of preparing the transcript of the public hearing and compile the record on appeal. The appellant shall deposit the estimated costs with the clerk in advance. Upon completion of the record on appeal, the clerk shall refund any excess deposited or charge the appellant for costs exceeding the deposit.

(Ord. 11-022, § 3 (part), 2012)

### **2.71.210 TIME LIMITATION.**

A complaint alleging a violation of this code shall be filed within one year of the violation.

(Ord. 11-022, § 3 (part), 2012)

### **2.71.220 PROTECTION OF PUBLIC INTEREST.**

This code shall be liberally construed in favor of protecting the public interest in full disclosure of conflict of interests and promoting high standards of ethical conduct for borough government. However, the code shall be narrowly construed where it would limit or hinder an elected official's right and duty to vote or otherwise participate on any issue before the elected body or in performing their duties as local legislators. The provisions of this chapter are not subject to collective bargaining.

(Ord. 11-022, § 3 (part), 2012)

### **2.71.230 EDUCATION AND TRAINING.**

(A) The borough shall provide training to all persons covered by this code who shall sign an acknowledgement that they have received the training and understand the code; and

(B) People doing business with the borough, and candidates for borough office shall receive a copy of the ethics code.

(Ord. 11-022, § 3 (part), 2012)

## TITLE 25: ELECTIONS

### Chapter

**25.05 GENERAL PROVISIONS**

**25.10 VOTER QUALIFICATION**

**25.15 CANDIDATES**

**25.20 ELECTION ORGANIZATION**

**25.25 ABSENTEE VOTING**

**25.26 EARLY VOTING**

**25.27 ELECTIONS BY MAIL**

**25.30 VOTING PROCEDURE**

**25.35 BALLOT COUNTING**

**25.40 CONTEST OF ELECTION**

**25.45 ELECTION RECOUNT**

### **CHAPTER 25.05: GENERAL PROVISIONS**

#### Section

**25.05.010 Definitions**

**25.05.020 Incorporation of state and federal laws**

**25.05.025 Powers/duties of the clerk**

**25.05.030 Regular election**

**25.05.040 Special election**

*25.05.045 Runoff elections [Repealed]*

*25.05.050 Creating and declaring vacancies in office [Repealed]*

**25.05.060 Initiative, referendum, and recall**

**25.05.065 Bonded indebtedness**

**25.05.067 Propositions and questions**

**25.05.070 Nonpartisan requirement**

**25.05.080 Sale of liquor on election day**

**25.05.090 Prohibition on use of public moneys to promote passage of ballot propositions**

**25.05.100 Simple majority elections**

**25.05.110 Severability**

**25.05.120 Informational brochures for elections**

## **25.05.010 DEFINITIONS.**

(A) In this title, unless the context otherwise requires:

- “Ballot type” refers to ballots being categorized by the various areawide and non-areawide candidates and propositions. Each group or type of ballot is identified by an identifying symbol.
- “Day of the certification of the election” means the date the assembly is scheduled to certify the entirety of the election results or 14 days after the date of election, whichever is earlier.
- “Election” includes any regular or special borough election.
- “Election official” includes election officials at the polls, early voting officials, absentee voting officials, canvass board, review board, counting teams, receiving teams, the clerk, and the clerk’s office staff.
- “Immediate family” means a candidate’s grandparents, parents, children, grandchildren, siblings, spouse, spouse’s children, spouses of children, or a regular member of the candidate’s household.
- “Oath” means any form of attestation by which a person signifies the person is bound in conscience to perform and act faithfully and truthfully. Oath includes affirmation.

- “Precinct” means the territory within which resident voters may cast votes at one polling place.
- “Proposition” means an initiative, referendum, recall, or other issue submitted to the public at an election.
- “Qualified voter” means any voter who has the qualifications required by this chapter and is not disqualified under Article V of the Alaska State Constitution.
- “Questioned voter” means a voter:
  - (a) whose name does not appear on the register in the precinct where the voter attempts to vote or in the official register at an early voting location;
  - (b) who has received an absentee ballot and does not turn it in when voting at the voter’s precinct on election day;
  - (c) who does not bear identification or is not personally known to an election official though the voter’s name appears on the precinct register; or
  - (d) who is questioned for good cause at the polls in writing pursuant to MSB 25.30.070.
- “Registration” or “registered” refers to the form of registration required by the state election code. For borough elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 calendar days prior to the borough election.
- “Regular ballot” means a ballot voted at the polls which is not a questioned or an absentee ballot.
- “Regular election” means the borough election held on the first Tuesday following the first Monday in November annually, as required, unless a different date or interval of years is provided by ordinance.
- “Signature” or “subscription” includes a mark intended as a signature or subscription.
- “Special election” means any election held at a time other than when a regular election is held.
- “Swear” includes “affirm.”
- “Voter” means a person who votes a ballot either in person or by mail.

(Ord. 19-045, § 3, 2019; Ord. 16-064, § 2, 2016; Ord. 02-067, § 2, 2002; Ord. 01-019, § 2, 2001; Ord. 99-081, § 2, 1999; Ord. 97-079, § 2, 1997; Ord. 97-025, §§ 2, 3, 1997; Ord. 95-020, § 3, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.05.020 INCORPORATION OF STATE AND FEDERAL LAWS.**

All provisions of the United States Constitution, the Alaska State Constitution, and the laws enacted pursuant to these constitutions affecting borough elections are incorporated in this chapter as if fully set out in this chapter.

(Ord. 94-040AM1, § 3 (part), 1994)

### **25.05.025 POWERS/DUTIES OF THE CLERK.**

(A) The clerk shall administer all municipal elections and shall determine whether candidates for municipal office are qualified in accordance with this title.

(Ord. 12-053, § 2, 2012; Ord. 99-081, § 3, 1999)

### **25.05.030 REGULAR ELECTION.**

(A) The date of the regular election shall be annually on the first Tuesday following the first Monday in November.

(B) The assembly may provide for different dates for regular election by ordinance.

(Ord. 18-089, § 2, 2018; Ord. 94-040AM1, § 3 (part), 1994)

### **25.05.040 SPECIAL ELECTION.**

The assembly may call a special election at any time at least 75 calendar days prior to the date of the election. Notice of the special election shall be made in accordance with MSB 25.20.020.

(Ord. 97-025, § 4, 1997; Ord. 95-020, § 4, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.05.045 Runoff Elections. [Repealed by Ord. 19-045, § 6, 2019]**



**25.05.050 Creating and Declaring Vacancies in Office. [Repealed by Ord. 97-040, § 4, 1997]**

**25.05.060 INITIATIVE, REFERENDUM, AND RECALL.**

(A) The powers of initiative and referendum reserved by the state constitution to the people of the state are also reserved to the people of the Matanuska-Susitna Borough as provided by state law.

(B) Any elected official of the organized borough may be recalled as provided by state law.

(C) A decision by the clerk on an application for petition is subject to judicial review in the manner provided by law for reviewing the final action of an administrative agency.

(Ord. 07-032, § 2, 2007; Ord. 94-040AM1, § 3 (part), 1994)

**25.05.065 BONDED INDEBTEDNESS.**

(A) Only qualified voters may vote on a question of incurring bonded indebtedness by the borough. If the debt to be incurred is to be an areawide debt, the vote shall be areawide. If the debt to be incurred is to be limited to the area outside cities only, the vote shall be limited to the qualified voters who reside in the area outside cities.

(B) Notice of bonded indebtedness shall be given consistent with the provisions of MSB 25.20.020(C) and A.S. 29.47.190.

(Ord. 95-020, § 9, 1995; Ord. 94-040AM1, § 3 (part), 1994)

**25.05.067 PROPOSITIONS AND QUESTIONS.**

(A) An ordinance placing propositions and questions before the voters must be adopted not later than 67 calendar days before a regular or special election.

(Ord. 19-045, § 4, 2019; Ord. 16-064, § 3, 2016; Ord. 96-014AM, § 11, 1996)

**25.05.070 NONPARTISAN REQUIREMENT.**

Subject to the provisions of MSB 25.15.015, all borough elections shall be nonpartisan. A qualified voter may cast a vote for any candidate without limitations based on the political

party or political group affiliation of either the voter or the candidate.

(Ord. 24-010, § 2, 2024; Ord. 94-040AM1, § 3 (part), 1994)

### **25.05.080 SALE OF LIQUOR ON ELECTION DAY.**

In accordance with A.S. 04.16.070(b), the provisions of A.S. 04.16.070(a) do not apply in the borough, and intoxicating liquor may be given, sold, bartered, consumed or dispensed in a licensed premises on election day.

(Ord. 95-020, § 10, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.05.090 PROHIBITION ON USE OF PUBLIC MONEYS TO PROMOTE PASSAGE OF BALLOT PROPOSITIONS.**

(A) The use of public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees in kind, to promote the passage of ballot propositions including public expenditures, appropriations or bond issues is prohibited.

(B) The term “promote” means an attempt to influence, whether affirmatively or negatively, the vote of the people upon ballot propositions or bond issues. The term “promote” does not encompass the following and similar activities:

(1) the publication, circulation or mailing of informational items or legal notices pertaining to proposed bond issues or ballot propositions, so long as any literature distributed to the public, or to news media, fairly and fully presents information needed by the public to make an informed vote upon any ballot propositions or bond issue;

(2) the participation by borough general government or school district personnel in public discussions, or interviews with news media, relating to proposed ballot propositions or bond issues;

(3) the borough administration may prepare and disseminate an informational brochure regarding propositions or bond issues placed on the ballot by the borough assembly which accords equal presentation of facts supporting and opposing the proposition or bond issue.

(C) Borough-owned schools, buildings, and other facilities may be utilized for public meetings, discussions, and other assemblies by private groups supporting or opposing any ballot proposition or bond issue. General government and school district employees may arrange for public meetings and assemblies where the advantages and disadvantages of a

proposed ballot proposition or bond issue are fairly presented by opponents and proponents of the item.

(D) No posters, fliers or other printed material advocating or opposing a ballot proposition or bond issue may be displayed in any borough-owned or controlled building or facility except in a single area of general public access designated by the building supervisor. Both proponents and opponents of the ballot item shall be accorded equal access to the space.

(E) The constitutional rights of public employees to express their personal views on proposed bond issues and ballot propositions during public meetings or in interviews with news media shall not be abridged by this title. However, any employee expressing personal views shall clearly state that the statements reflect personal or professional beliefs only and do not represent the position of the borough or the school district.

(Ord. 94-040AM1, § 3 (part), 1994)

### **25.05.100 SIMPLE MAJORITY ELECTIONS.**

(A) Each borough office shall be filled by the candidate receiving the greatest number of votes.

(1) *[Repealed by Ord. 19-045, § 7, 2019]*

(Ord. 19-045, § 7, 2019; Ord. 02-067, § 3, 2002; Ord. 01-097 § 2, 2001; Ord. 97-079, § 3, 1997; Ord. 94-040AM1, § 3 (part), 1994)

### **25.05.110 SEVERABILITY.**

Should any provision of this election code, or its application to any person or set of circumstances, be held invalid, the remainder of its provisions shall not be affected.

(Ord. 94-040AM1, § 3 (part), 1994)

### **25.05.120 INFORMATIONAL BROCHURES FOR ELECTIONS.**

(A) Not later than 20 calendar days prior to each regular or 15 calendar days prior to a special election, the clerk shall prepare and mail one election brochure per registered voter household containing information approved by the assembly pertaining to each proposition on the ballot, candidate information to include candidate's name, year of birth, Alaska residency, and a 100-word or less position statement by the candidate, sample ballots, and other general voting information.

(B) Statements advocating voter approval (pro) or rejection (con) of initiatives, referendums, or propositions approved by the assembly:

(1) Pro and con statements for each proposition may be included in the election brochure if submitted. Only one pro statement and one con statement will be printed in the election brochure per proposition. Should only one statement be submitted on a particular proposition, whether it is a pro or con statement, no statements shall be placed in the election brochure for that proposition.

(2) The deadline for submitting a pro or con statement is seven days following the proposition adoption deadline for a regular or special election.

(3) A statement may not exceed 250 words. Articles such as "a," "an," and "the" will be counted as a word. Numbers written in numerical form will be counted as a single word.

(4) The clerk shall offer authorship of the statement advocating voter approval of an initiative or referendum in the following order and to the extent that more than one person or organization meets the criteria for authorship preference shall also be given in the following order:

(a) to the primary contact person of the initiative or referendum;

(b) to an APOC-registered person or organization with the identified purpose of supporting or rejecting an initiative, referendum, or proposition.

(5) A statement submitted under this section must include the signature of the author(s) located at the bottom of the statement. There shall not be more than three authors' signatures. Any signers more than the allotted three will be considered endorsements and included in the text of the statement and count against the 250-word limit. Signers must include the signers' full names and organizations, if any.

(6) The clerk will not release statements until all statements regarding the question have been received in final form and have gone to the printer.

(7) Statements must be accepted by the clerk in order to be published.

(8) The clerk will add a disclaimer to each statement noting the information is the opinion of the author(s) and has been reproduced as submitted, without any changes to grammar, spelling, or punctuation.

(9) The presentation of the pro and con statements shall be in the following order in the election brochure: text of the ballot language, statement advocating voter approval, statement advocating voter rejection.

## CHAPTER 25.10: VOTER QUALIFICATION

### Section

#### **25.10.005 Voter qualification**

#### **25.10.010 *Voter qualification [Repealed]***

#### **25.10.015 Rules for determining residence of voter**

#### **25.10.020 *Rules for determining residence of voter [Repealed]***

#### **25.10.030 Registration**

#### **25.10.040 *Voter disqualification for felony conviction [Repealed]***

#### **25.10.050 *Voter disqualification for unsound mind [Repealed]***

### **25.10.005 VOTER QUALIFICATION.**

(A) A person may vote in a borough election only if the person:

- (1) is qualified to vote in state elections under AS 15.05.010;
- (2) has been a resident of the borough for 30 days immediately preceding the election;
- (3) is registered to vote in state elections at a residence address within the borough at least 30 days before the borough election at which the person seeks to vote; and
- (4) is not disqualified under Art. V of the State Constitution.

(Ord. 12-053, § 4, 2012)

### **25.10.010 Voter Qualification. [Repealed by Ord. 12-053, § 3, 2012]**

### **25.10.015 RULES FOR DETERMINING RESIDENCE OF VOTER.**

(A) Rules for determining the residence of a voter are made in accordance with AS 15.05.020; and

(1) In order to vote for a candidate or on a ballot measure relating to a specific assembly district, service area, or other election district a person must be registered to vote in state elections at least 30 days before the borough election at an address within the boundaries of that assembly district, service area, or other election district.

(Ord. 12-053, § 6, 2012)

**25.10.020 Rules for Determining Residence of Voter. [Repealed by Ord. 12-053, § 5, 2012]**

**25.10.030 REGISTRATION.**

(A) A person may vote in an election only if the person is a qualified voter under the Alaska State Constitution, the laws of Alaska and this chapter and the person has registered as required by the state election code and MSB 25.10.005.

(B) The precinct election officials at any election shall allow a person to vote whose name is on the official registration list for that precinct and who is qualified under this chapter and A.S. 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot.

(Ord. 12-053, § 7, 2012; Ord. 94-040AM1, § 3 (part), 1994)

**25.10.040 Voter Disqualification for Felony Conviction. [Repealed by Ord. 02-067, § 6, 2002]**

**25.10.050 Voter Disqualification for Unsound Mind. [Repealed by Ord. 02-067, § 7, 2002]**

**CHAPTER 25.15: CANDIDATES**

Section

**25.15.010 Candidate qualifications**

**25.15.015 Declaration of candidacy; mayor, assembly, school board, write-in**

**25.15.020 Declaration of candidacy; mayor, assembly, school board, write-in  
[Repealed]**

**25.15.030 Declarations of candidates; procedure**

**25.15.035 Determination of eligibility of candidate**

**25.15.040 Declarations; notice of vacancies in office**

**25.15.050 Public official financial disclosure statement**

**25.15.055 Corrections, amendments, and withdrawal of declarations of candidacy**

**25.15.060 Code of ethics**

## **25.15.010 CANDIDATE QUALIFICATIONS.**

(A) Any person is eligible for borough office if the person is a qualified voter of the borough and meets state and borough requirements for the office.

(1) Candidates for assembly seats shall reside in the borough and in the assembly district for which they file and meet the requirements of MSB 2.12.030.

(2) Any borough resident is eligible to run for the office of mayor.

(3) Candidates for school board shall reside in the borough and in the school board district for which they file.

(4) Candidates shall provide proof that they are eligible, or shall be eligible by the date of the election, to be recognized as a candidate for any election.

(B) In determining the residence of a candidate for purposes of compliance with borough code, the borough clerk shall apply the rules as per AS 15.25.043 as applicable for the elective office.

(Ord. 16-011, § 5, 2016; Ord. 16-002, § 3, 2016; Ord. 94-040AM1, § 3 (part), 1994)

## **25.15.015 DECLARATION OF CANDIDACY; MAYOR, ASSEMBLY, SCHOOL BOARD, WRITE-IN.**

(A) A candidate for borough office shall file a declaration of candidacy under oath on a form provided by the clerk and a public financial disclosure statement in accordance with MSB 25.15.050.

(B) A declaration of candidacy shall state the following:

(1) the full legal name of the candidate and, if different, the manner in which the candidate wishes their name to appear on the ballot. A substitute first name shall be limited to a familiar form of the candidate's name or an initial. Should a candidate choose to use a nickname, their legal name will appear on the ballot along with the nickname and the candidate will follow the guidelines in subsection (B)(1)(a) of this section. Honorary or assumed titles and the like are not allowed;

(a) Candidates who would like their nicknames to appear on the ballot will have five registered voters of the borough verify that the candidate is known by that nickname. The nickname will be less than 15 characters. The form that is to be used will be provided by the clerk;

(2) whether the candidate designates a political affiliation as follows:

(a) if a candidate is registered as affiliated with a political party or political group, the candidate may request designation of their affiliation, or may request designation as nonpartisan or undeclared.

(b) if a candidate is not registered as affiliated with a political party or political group, the candidate may request designation as nonpartisan or undeclared;

(c) if a candidate makes no designation of affiliation, the candidate shall be designated as undeclared;

(3) the full residence and mailing addresses of the candidate;

(4) the day and evening telephone number and other contact information of the candidate;

(5) the office for which the candidate declares and the date of the election at which the candidate seeks election;

(6) a statement that the candidate is qualified for the office as provided by law and shall serve if elected;

(7) the date and notarized statement of the candidate;

(8) the candidate shall certify information contained in the declaration of candidacy is true and accurate.

(C) *Write-in candidates.* 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 five days before the election.



**25.15.020 Declaration of Candidacy; Mayor, Assembly, School Board, Write-In. [Repealed by Ord. 12-053, § 8, 2012]**

**25.15.030 DECLARATIONS OF CANDIDATES; PROCEDURE.**

(A) Packets containing declarations of candidacy shall be available from the clerk's office no later than the day the filing period opens. The packets shall remain available throughout the filing period. Declarations of candidacy shall be submitted in original form and shall not be submitted by facsimile. All declarations of candidacy in proper form, which are not withdrawn by the candidate, shall be preserved by the clerk and eventually destroyed as provided by the records retention policies promulgated by the clerk. A declaration of candidacy shall be completed and filed with the clerk:

(1) except as provided in subsection (A)(3) of this section, no earlier than 8 a.m., 78 calendar days before a regular election and no later than 5 p.m., 67 calendar days before a regular election; and

(2) no earlier than 8 a.m., 64 calendar days before a special election and no later than 5 p.m., 53 calendar days before a special election.

(3) *[Repealed by Ord. 15-012, § 8, 2015]*

(B) Persons seeking elective office shall request a declaration of candidacy from the borough clerk for the specific seat which they are seeking. If the person chooses to run for a different seat, a declaration of candidacy for that seat shall be filed with the clerk's office. A declaration of candidacy for a particular seat may not be substituted for another office or seat.

(C) Within four business days after filing a declaration of candidacy the clerk shall notify the candidate named in the declaration of candidacy as to whether it is in proper form. If not, the clerk shall immediately return the declaration of candidacy to the candidate, with a statement certifying how the declaration of candidacy is deficient.

(D) A non-refundable \$25 cash fee shall accompany each declaration of candidacy for the office of mayor, assembly seats, and school board seats to help defray administrative costs of holding the election. If a candidate withdraws a declaration for one seat or office to file for another seat or office, in accordance with MSB 25.15.055, an additional non-refundable \$25 cash filing fee shall be collected by the clerk's office. An application showing proof of

indigence may be completed, and submitted to the clerk for approval, by candidates requesting waiver of the filing fee.

(Ord. 15-012, § 8, 2015; Ord. 12-053, § 10, 2012; Ord. 07-032, § 4, 2007; Ord. 03-074(AM), § 3, 2003; Ord. 01-176 (AM), § 5, 2001; Ord. 00-024, § 3, 2000; Ord. 96-014AM, § 3, 1996; Ord. 95-020, §§ 13 and 14, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.15.035 DETERMINATION OF ELIGIBILITY OF CANDIDATE.**

(A) The clerk shall determine whether each candidate for municipal office is qualified as provided by law. At any time before the election the clerk may disqualify any candidate whom the clerk finds is not qualified.

(B) Any person, including the clerk, may question the eligibility of a candidate who has filed a declaration of candidacy with the clerk by filing a complaint with the clerk. The complaint must be received by the clerk no later than 5 p.m. three borough business days after the filing period closes.

(C) The complaint must be in writing and include the name, mailing address, contact phone number, signature of the person making the complaint, and a statement describing the grounds on which the candidate's eligibility is being questioned.

(D) The clerk will review only those issues in the complaint related to candidate qualifications.

(E) Upon receipt of a complaint, or if the clerk questions the eligibility of the candidate, the clerk will send notification in writing to the candidate. The notification will include a copy of the complaint, if applicable.

(F) The clerk will review any evidence relevant to the candidate's qualifications, including the candidate's registration, declaration of candidacy, and any other document of public record on file with the state. Based on the review of the public documents, the clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate.

(G) If the clerk determines the preponderance of evidence supports the eligibility of the candidate, the clerk will issue a final determination supporting the candidate's eligibility.

(H) If the clerk determines the preponderance of evidence does not support the candidate's eligibility, notice to the candidate will identify any additional information or evidence that must be provided by the candidate. The requested information must be received by the clerk no later than three borough business days from date of notice. The clerk will consider any

additional information provided and issue a final determination as to the candidate's eligibility no later than three borough business days from receipt of the additional information.

(I) If the information requested by the clerk in subsection (H) of this section is not received by the specified deadline, the clerk will issue a final determination regarding the candidate's eligibility based on the information initially reviewed.

(J) The clerk will send notice of final determination in writing to the person making the complaint, if applicable, and to the candidate. The determination of the clerk is final.

(Ord. 00-024 § 4, 2000; Ord. 99-081, § 7, 1999)

### **25.15.040 DECLARATIONS; NOTICE OF VACANCIES IN OFFICE.**

At least ten calendar days before declarations are open for each regular or special election, the clerk shall publish twice in one or more newspapers of general circulation in the borough a notice of offices to be filled at the election and the manner for filing declarations of candidacy.

(Ord. 00-024 § 5, 2000; Ord. 95-020, § 15, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.15.050 PUBLIC OFFICIAL FINANCIAL DISCLOSURE STATEMENT.**

(A) Candidates for elective borough office shall file an Alaska Public Offices Commission Public Official Financial Disclosure Statement with the clerk in accordance with A.S. 39.50 at the time of:

(1) Filing a declaration of candidacy. The name of the candidate shall be placed on the ballot by the clerk only after the candidate has complied with this requirement.

(2) Declaring their candidacy as a write-in candidate.

(B) *[Repealed by Ord. 99-081, § 8, 1999]*

(C) In addition to disclosure required by MSB code and AS 39.50, all candidates filing a financial disclosure with the clerk as required under this section shall simultaneously file a supplement to the report on a form prescribed by the borough clerk. The supplement shall contain a list of all civil and criminal judgments entered against the official within ten years of the date of the report to include the case name, nature of action, year of judgment, and a brief description of the judgment entered and/or sentence imposed. This form shall be

provided to the clerk at the time of filing a declaration of candidacy or declaring as a write-in candidate.

(Ord. 14-168, § 4, 2014; Ord. 07-032, § 5, 2007; Ord. 04-075, § 2, 2004; Ord. 99-081, § 8, 1999; Ord. 97-025, § 6, 1997; Ord. 96-014AM, § 4, 1996; Ord. 95-020, § 16, 1995; Ord. 94-040AM1, § 3 (part), 1994)

## **25.15.055 CORRECTIONS, AMENDMENTS, AND WITHDRAWAL OF DECLARATIONS OF CANDIDACY.**

(A) *Correction or amendment.* A candidate may correct or amend his or her declaration of candidacy at any time during the period of filing a declaration of candidacy by written notice, signed by the candidate, to the clerk. After the filing period has closed, no declaration of candidacy may be corrected or amended.

(B) If a candidate desires to file for a different office or seat, the candidate shall request a new form from the clerk and meet the requirements of MSB 25.15.020 and 25.15.030.

(C) *Withdrawal.* A candidate may withdraw his or her declaration of candidacy. Should the candidate choose to withdraw, the withdrawal shall be in writing, signed, and submitted to the clerk not later than the seventh calendar day following the close of the filing period.

(Ord. 12-053, § 11, 2012; Ord. 00-024 § 6, 2000; Ord. 99-081, § 9, 1999; Ord. 96-014AM, § 5, 1996; Ord. 95-020, § 17, 1995)

## **25.15.060 CODE OF ETHICS.**

The clerk shall provide a copy of the code of ethics, MSB 2.70, to candidates filing for elective office.

(Ord. 94-040AM1, § 3 (part), 1994)

## **CHAPTER 25.20: ELECTION ORGANIZATION**

Section

**25.20.010 Time of election**

**25.20.020 Notice of election**

*25.20.025 Notice of runoff [Repealed]*

**25.20.030 Election officials**

25.20.040 *Ballots; form [Repealed]*

**25.20.045 Ballots; form**

**25.20.050 Ballots; distribution**

**25.20.060 Election materials**

**25.20.070 Reporting voting information to the state**

**25.20.080 Expenses**

**25.20.090 Designation of hand-count precincts**

**25.20.010 TIME OF ELECTION.**

(A) *[Repealed by Ord. 99-081, § 10, 1999]*

(B) The polls in each voting precinct shall be open from 7 a.m. until 8 p.m. on all election days for the purpose of voting.

(Ord. 99-081, § 10, 1997; Ord. 94-040AM1, § 3 (part), 1994)

**25.20.020 NOTICE OF ELECTION.**

(A) *Notice of voter registration.* The clerk shall publish a notice of voter registration not less than 60 calendar days before each election. The notice shall include the qualifications required of voters, the deadline for registering to vote in the election, and places where voters may register.

(B) *Notice and publication.* The clerk shall publish a notice of each election at least twice in one or more newspapers of general circulation in the borough. The first publication shall occur at least 30 calendar days before a regular election and 20 calendar days before a special election. Each notice of election shall include:

- (1) the type of election, regular or special;
- (2) the date of election;
- (3) the location of the polling places and the hours the polling places shall be open;
- (4) the offices to which candidates are to be elected;

- (5) the subjects of propositions to be voted upon;
- (6) instructions for absentee and/or early voting; and
- (7) notification that anyone needing special assistance in casting their vote due to a disability or bilingual need shall contact the clerk for assistance at least 24 hours prior to the time of casting their ballot.

(C) *Notice of bonded indebtedness.* Before a general obligation bond issue election, the clerk shall publish notice of the borough's total existing bonded indebtedness at least once a week for three weeks. The first notice shall be published at least 20 calendar days before the date of the election. The notice shall state:

- (1) the current total general obligation bonded indebtedness, including authorized but unsold bonds of the borough;
- (2) the cost of the debt service on the current indebtedness; and
- (3) the total assessed valuation of property within the borough.

(Ord. 19-045, § 8, 2019; Ord. 16-064, § 8, 2016; Ord. 12-053, § 12, 2012; Ord. 03-074(AM), § 4, 2003; Ord. 02-067, § 8, 2002; Ord. 00-024 § 7, 2000; Ord. 99-081, § 11, 1999; Ord. 98-104, § 2, 1998; Ord. 97-025, § 7, 1997; Ord. 95-020, § 18, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.20.025 Notice of runoff. [Repealed by Ord. 02-067, § 9, 2002]**

### **25.20.030 ELECTION OFFICIALS.**

(A) *Appointment, number.* Before each election, the clerk shall recommend to the assembly at least three election officials in each precinct to constitute the election board for that precinct and the number of election officials that the clerk considers necessary to conduct absentee and early voting. One election official in each precinct shall be designated chairperson and shall be primarily responsible for administering the election in that precinct. If no chairperson is appointed for the precinct or the chairperson is unable to fulfill the chairperson's duties, the other election officials shall perform the chairperson's duties. The clerk may make necessary adjustments to the election boards as required to conduct a properly held election.

(B) *Qualifications.* Each election official shall be a registered voter of the precinct for which the election official is appointed, unless no voter is willing to serve. Absentee and early voting officials shall be qualified to vote in borough elections. There shall be no inquiry into an

election official's political party as a prerequisite to service. Candidates or members of the candidate's immediate family may not serve as election officials for an election in which the candidate has filed a declaration of candidacy. All election officials shall attend training sessions offered by the clerk, unless excused by the clerk.

(C) *[Repealed by Ord. 98-104, § 4, 1998]*

(D) *Oath.* All election officials, before entering upon their duties, shall, in a manner prescribed by the clerk, subscribe to the oath required of all public officers by the Alaska State Constitution.

(E) *Failure to serve.* If any election official fails or refuses to attend and serve, the clerk shall appoint a person eligible under this section to serve in place of the absent election official.

(Ord. 03-074(AM), § 5, 2003; Ord. 02-067, § 10, 2002; Ord. 00-024 § 7, 2000; Ord. 98-104, §§ 3, 4, 1998; Ord. 96-014AM, § 6, 1996; Ord. 94-040AM1, § 3 (part), 1994)

## **25.20.040 Ballots; form. [Repealed by Ord. 98-104, § 5, 1998]**

## **25.20.045 BALLOTS; FORM.**

(A) The clerk shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of elections.

(B) The clerk shall determine the size of the ballot, the type of print, necessary additional instruction notes to voters, and other similar matters of form not provided by law. The ballots shall be numbered in series to ensure simplicity and secrecy and to prevent fraud.

(C) The names of candidates shall be printed as they appear upon the declaration of candidacy filed with the clerk and in accordance with MSB 25.15.015. The names of candidates shall be arranged alphabetically. Provisions shall be made for voting for a write-in candidate for each seat. The clerk shall include the following statement on ballots containing candidates:

A candidate's designated affiliation does not imply that the candidate is nominated or endorsed by the political party or group or that the party or group approves of or associates with that candidate, but only that the candidate is registered as affiliated with the political party or political group.

(D) Propositions and questions shall be placed on the ballot in the manner prescribed by the clerk. Provisions shall be made for marking the propositions "Yes" or "No."

(Ord. 24-010, § 4, 2024; Ord. 16-064, § 9, 2016; Ord. 01-019, § 3, 2001; Ord. 99-081, § 12, 1999; Ord. 98-104, § 6, 1998)

### **25.20.050 BALLOTS; DISTRIBUTION.**

(A) The clerk shall have ballots printed for each election which shall be in the clerk's possession at least seven calendar days before each election. Early, absentee, and sample ballots shall be in the clerk's possession 16 calendar days before a regular or special election. At that time, the ballots may be inspected by any candidate or the candidate's authorized agent, and any mistake discovered shall be immediately corrected.

(B) Sufficient ballots and sample ballots shall be distributed to each election board prior to or on the date of the election before the opening of the polls. The ballots shall be distributed in containers marked with the number and type of ballots enclosed. A receipt for the ballots, including the number and type of ballots, shall be signed and dated by an election official. The clerk shall keep the receipt as part of the election record.

(C) No ballots shall be taken from the polling place before the closing of the polls, unless the clerk for good cause directs that the ballots be removed. A record shall be kept by the election officials of the ballots removed from a polling place.

(D) The clerk may select the vendor for the preparation, programming, and printing of the ballots without obtaining competitive bids.

(Ord. 19-045, § 9, 2019; Ord. 06-102(AM), § 3, 2006; Ord. 01-019, § 4, 2001; Ord. 99-081, § 13, 1999; Ord. 98-104, § 7, 1998; Ord. 97-079, § 4, 1997; Ord. 95-020, § 19, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.20.060 ELECTION MATERIALS.**

(A) The clerk shall equip each precinct polling place with sufficient materials and supplies needed for the election, including all necessary registration materials before the opening of the polls.

(B) The clerk shall provide instructions to voters on how to obtain ballots, how to mark them, and how to obtain new ballots to replace those destroyed or spoiled.

(C) The clerk shall have sample ballots available to voters which are identical in form to the ballots to be used in the election and which are printed on colored paper and marked



“sample.”

(D) The clerk shall provide booths at each polling place, with appropriate supplies and conveniences to enable each voter to mark the ballot screened from observation. At least three sides of each booth shall be enclosed.

(E) Ballot boxes shall be placed outside of the voting booths within plain view of the election officials, voters and other persons at the polling places.

(F) The clerk may make arrangements with the state of Alaska for the use of equipment and supplies relating to voting.

(G) In each polling place, the clerk shall require to be posted, in a location conspicuous to a person who will be voting, the following notice, written in bold:

A candidate’s designated affiliation does not imply that the candidate is nominated or endorsed by the political party or group or that the party or group approves of or associates with that candidate, but only that the candidate is registered as affiliated with the party or group.

(Ord. 24-010, § 5, 2024; Ord. 22-119, § 2, 2022; Ord. 99-081, § 14, 1999; Ord. 98-104, § 8, 1998; Ord. 94-040AM1, § 3 (part), 1994)

### **25.20.070 REPORTING VOTING INFORMATION TO THE STATE.**

Within 60 calendar days after each election held in the borough, the clerk shall certify and send to the Alaska State Division of Elections the official voter registers, questioned voter registers, early voter registers, and absentee voting lists containing the names, residence addresses, and voter identification of all persons who voted in that election.

(Ord. 01-019, § 5, 2001; Ord. 95-020, § 20, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.20.080 EXPENSES.**

The borough shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, and any wages due election officials; however, all expenses of making a recount shall be apportioned pursuant to MSB 25.45.060.

(Ord. 94-040AM1, § 3 (part), 1994)

## **25.20.090 DESIGNATION OF HAND-COUNT PRECINCTS.**

The clerk shall designate all precincts as hand-count.

(Ord. 22-119, § 3, 2022; Ord. 01-019, § 6, 2001; Ord. 98-104, § 9, 1998; Ord. 94-040AM1, § 3 (part), 1994)

## **CHAPTER 25.25: ABSENTEE VOTING**

Section

**25.25.010 Absentee/early voting; eligible persons; liberal construction**

**25.25.020 Absentee voting; by mail**

**25.25.030** Absentee voting; receiving the ballot; election official duties [Repealed]

**25.25.040** Absentee ballot envelopes; clerk duties [Repealed]

**25.25.050** Absentee/early voting; in-person voting [Repealed]

**25.25.051 Absentee voting; in-person**

**25.25.052** Early voting; in-person [Repealed]

**25.25.060** Absentee voting; by personal representative [Repealed]

**25.25.061 Special needs voting**

### **25.25.010 ABSENTEE/EARLY VOTING; ELIGIBLE PERSONS; LIBERAL CONSTRUCTION.**

(A) Any registered voter may vote an absentee or early ballot at any election for any reason, if provided by the clerk.

(B) The provisions of this chapter effectuating the constitutional guarantee to absentee voting shall be liberally construed.

(Ord. 02-067, § 11, 2002; Ord. 01-019, § 7, 2001; Ord. 99-081, § 15, 1999; Ord. 94-040AM1, § 3 (part), 1994)

### **25.25.020 ABSENTEE VOTING; BY MAIL.**

(A) A voter may apply to the clerk for an absentee ballot to be mailed to the voter not less than seven calendar days before an election. Requests must be made annually. A request may be made by facsimile.

(B) All applications for an absentee ballot by mail shall be in writing either on a form provided by the clerk's office or in a letter containing the following information:

- (1) the applicant's place of residence;
- (2) the address the applicant desires the absentee ballot to be mailed;
- (3) the applicant's signature; and
- (4) a voter identifier such as voter number, a Social Security number, or date of birth;
- (5) *[Repealed by Ord. 99-081, § 16, 1999]*

(C) Once ballots are in the clerk's possession and ready for distribution and upon timely receipt of an application for absentee ballot by mail, the clerk shall mail an official ballot and other absentee voting material to the applicant at the mailing address given on the application. A return envelope shall be included with the voting materials and addressed to the clerk.

(D) At any time on or before the day of the election, any voter receiving an absentee ballot by mail may vote the ballot. The voted ballot shall then be placed in the secrecy sleeve which is then placed in the return envelope and the voter shall sign the certification on the return envelope and have it witnessed in the presence of one of the following authorized officials:

- (1) a notary public; U.S. postmaster or authorized postal clerk; commissioned military officer; judge; justice; magistrate; clerk of the court; a duly appointed voter registrar, or election official as defined in MSB 25.05.010(A); or
- (2) one witness who is at least 18 years of age may witness the voter's signature if an authorized official is not reasonably accessible.

(E) After having the absentee ballot witnessed, the voter shall mail or otherwise deliver the ballot to the clerk. The voted absentee ballot shall be received by mail as defined in MSB 25.35.080(A) or returned to a precinct election official no later than 8 p.m. on election day. A precinct election official shall deliver the voted absentee ballots to the clerk. The clerk shall deliver the voted absentee ballots to the canvass board for canvassing.

(F) Prior to the election, the clerk shall give to the election board in each precinct a list of voters from the precinct who have been issued absentee ballots. If a voter who was issued an

absentee ballot by mail returns to the voter's precinct on election day, the voter may not vote a regular ballot at the polling place unless the voter first surrenders to the election board the absentee ballot, ballot envelope, and return envelope issued to the voter. If the absentee voter does not have the absentee ballot to surrender, the voter may vote a questioned ballot. Surrendered absentee ballots, ballot envelopes, and return envelopes collected by the election board shall be returned to the clerk.

(Ord. 12-053, § 13, 2012; Ord. 11-056, § 5, 2011; Ord. 03-074(AM), § 6, 2003; Ord. 02-067, § 12, 2002; Ord. 01-09, § 8, 2001; Ord. 99-081, § 16, 1999; Ord. 97-025, § 8, 1997; Ord. 96-014AM, § 8, 1996; Ord. 95-020, §§ 21 - 23, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.25.030 Absentee Voting; Receiving the Ballot; Election Official Duties. [Repealed by Ord. 97-025, § 9, 1997]**

### **25.25.040 Absentee Ballot Envelopes; Clerk Duties. [Repealed by Ord. 97-025, § 10, 1997]**

### **25.25.050 Absentee/Early Voting; In-Person Voting. [Repealed by Ord. 01-019, § 9, 2001]**

### **25.25.051 ABSENTEE VOTING; IN - PERSON.**

(A) Absentee voting in person before an election official, including the clerk, shall not begin prior to 15 calendar days before a regular or special election, up to and including the day of the election. The absentee voter shall appear before an election official, provide their name, residence address, and voter identifier such as a voter number, social security number, or date of birth. The voter shall complete the required information and sign the certification on the ballot oath and affidavit envelope and have it witnessed by an election official. The voter shall receive an official ballot, mark the ballot in private, and place the ballot in a secrecy sleeve. The secrecy sleeve shall then be placed in the completed ballot oath and affidavit envelope and the envelope will be sealed. An election official shall deliver the voted absentee ballots to the clerk. The clerk shall deliver the voted absentee ballots to the canvass board for canvassing.

(B) Prior to the election, the clerk shall give to the election board in each precinct a list of voters from the precinct who have voted absentee ballots. If a voter who voted an absentee ballot in-person returns to the voter's precinct on election day, the voter may not vote a regular ballot but may vote a questioned ballot.

**25.25.052 Early Voting; In-Person. [Repealed by Ord. 03-074(AM), § 8, 2003]**

**25.25.060 Absentee Voting; by Personal Representative. [Repealed by Ord. 03-028, § 2, 2003]**

**25.25.061 SPECIAL NEEDS VOTING.**

(A) A 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 through any person other than a candidate for office at that election, an immediate family member of the candidate for office at that election, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union.

(B) The request for a special needs ballot may be made:

- (1) to the borough clerk on or after the fifteenth calendar day before a regular election or special election, up to and including the day before the election;
- (2) from an absentee voting official at an absentee voting station designated by the clerk at a time when the absentee voting station is in operation; or
- (3) from a member of the precinct election board on election day.

(C) If the request for a special needs ballot is made through a representative, the representative shall sign the special needs voting envelope provided by an election official. The envelope must include the following information:

- (1) the representative's name;
- (2) the representative's residence and mailing address;
- (3) the representative's Social Security number, voter number, or date of birth;
- (4) the name of the voter on whose behalf the representative is requesting a ballot and voting materials;
- (5) an oath that the representative:
  - (a) is receiving a ballot and voting materials on behalf of the voter;

- (b) will not vote the ballot for the voter;
- (c) will not coerce the voter;
- (d) will not divulge the vote cast by the voter; and
- (e) has been notified that unlawful interference with voting is punishable under A.S. 15.56.030.

(6) the representative's signature.

(D) The representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in a secrecy sleeve, and place the secrecy sleeve in the envelope provided. The voter shall provide the information on the envelope that would be required for absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the presence of the representative. The representative shall sign as attesting official and date voter's signature.

(E) The representative shall deliver the ballot and voter certificate to an election official not later than 8 p.m. Alaska time on election day.

(F) If a qualified voter's disability precludes the voter from performing any of the requirements of subsection (D) of this section, the representative may perform those requirements, except making the voting decision, on the voter's behalf.

(G) An election official shall deliver the voted special needs ballot to the clerk. The clerk shall deliver the voted special needs ballot to the canvass board for canvassing.

(Ord. 19-045, § 11, 2019; Ord. 03-028, § 3, 2003)

## **CHAPTER 25.26: EARLY VOTING**

Section

**25.26.010 Early voting; in person.**

### **25.26.010 EARLY VOTING; IN PERSON.**

(A) Early voting in person before an election official, including the clerk, shall not begin prior to 15 calendar days before a regular election or special election and can run up to and including the day before the election. The clerk shall determine the process for early voting to ensure the integrity of the election. The early voter shall appear before an election official and provide their name, residence address, and a voter identifier such as a voter number,

social security number, or date of birth. The election official shall verify that the voter's residence address appears on the official registration list and is qualified to vote per MSB 25.10.005 and then require the voter to sign the early voting register. The signing of the register shall constitute a declaration that the voter is qualified to vote. When the voter has qualified to vote, an election official shall give the voter an official ballot and the voter shall mark the ballot in private. After the voter has marked the ballot, the voter shall place the ballot in the secrecy sleeve until depositing the ballot in the ballot box. The tabulation of early voting ballots shall not begin before 8 p.m. on election day and shall be tabulated in accordance with MSB 25.35.081.

(B) Prior to the election, the clerk shall 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 the voter who voted an early ballot returns to the voter's precinct on election day, the voter may not vote a regular ballot but may vote a questioned ballot.

(Ord. 19-045, § 12, 2019; Ord. 16-064, § 10, 2016; Ord. 03-074(AM), § 9, 2003)

## **CHAPTER 25.27: ELECTIONS BY MAIL**

Section

**25.27.010 Voting by mail; special elections**

**25.27.020 Casting ballots**

**25.27.030 Notice of by-mail election; election date; public notice**

**25.27.040 Absentee voting; in-person**

### **25.27.010 VOTING BY MAIL; SPECIAL ELECTIONS.**

(A) The clerk may conduct a special election by mail with approval of the assembly.

(B) When the clerk conducts a special election by mail, the clerk shall send a ballot to each person whose name appears on the official voter registration list prepared under A.S. 15.07.125 for that election. The ballots shall be sent to the addresses stated on the official registration list unless a voter has notified the clerk in writing of a different address to which the ballot should be sent. The clerk shall send ballots by first class, nonforwardable mail once the ballots are in the clerk's possession and ready for distribution.

(C) The clerk shall review ballots voted under this section using procedures established for the review of absentee ballots.

(D) A secrecy sleeve and a return envelope shall be supplied to each by-mail voter. The return envelope shall have printed upon it a certification by which the voter shall declare his qualifications to vote, followed by provision for attestation by a person qualified to administer oaths or two attesting witnesses who are at least 18 years of age. Specific instructions for voting a by-mail ballot and a list of the absentee in-person voting locations and hours shall be mailed to each voter with the ballot.

(Ord. 03-074(AM), § 10 (part), 2003)

### **25.27.020 CASTING BALLOTS.**

(A) Upon receipt of a by-mail ballot, the voter shall cast the ballot in the manner specified in MSB 25.25.020 with the following exceptions:

- (1) Ballots must be postmarked by midnight on the day of election and received in the clerk's office no later than the Friday following the election.
- (2) A voter who does not receive a by-mail ballot may cast their ballot in person as specified in MSB 25.25.051.

(Ord. 03-074(AM), § 10 (part), 2003)

### **25.27.030 NOTICE OF BY-MAIL ELECTION; ELECTION DATE; PUBLIC NOTICE.**

(A) The notice of election calling for the election must state that the election is to be conducted by mail and that there will be no polling place open for regular in-person voting on the day of election, with the exception of designated absentee in-person polling locations.

(B) For each election conducted by mail, the election notice, the notice of voter registration, and the notice of bonded indebtedness shall include the information specified in MSB 25.20.020.

(Ord. 03-074(AM), § 10 (part), 2003)

### **25.27.040 ABSENTEE VOTING; IN-PERSON.**

(A) The procedure for absentee voting in-person during by-mail elections shall follow the procedures outlined in MSB 25.25.051.

(Ord. 03-074(AM), § 10 (part), 2003)



## CHAPTER 25.30: VOTING PROCEDURE

### Section

**25.30.010 Prohibition of political discussion by election official**

**25.30.020 Prohibition of political persuasion near polls**

**25.30.025 Poll watchers**

**25.30.030 Ballot box security**

**25.30.040 Keeping of register**

*25.30.050 Voting ballots [Repealed]*

**25.30.051 Providing ballot to voter**

*25.30.060 Voting paper ballots [Repealed]*

**25.30.070 Questioned ballots; issuance**

**25.30.080 Ballots damaged by voter**

**25.30.090 Assistance to voters**

**25.30.100 Closing of polls**

**25.30.110 Forms completion; unused ballots**

**25.30.120 Opening ballot box; counting**

**25.30.130 Ballot container delivery**

### **25.30.010 PROHIBITION OF POLITICAL DISCUSSION BY ELECTION OFFICIAL.**

During the hours that the polls are open, no election official may discuss any political party, candidate or issue while on duty.

(Ord. 94-040AM1, § 3 (part), 1994)

### **25.30.020 PROHIBITION OF POLITICAL PERSUASION NEAR POLLS.**

(A) During the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance of the polling place may attempt to persuade a person to vote for or against a candidate, proposition, or question. For the purposes of this section, the entrance to a polling place is any entrance to the building. The election board shall post warning notices in the form and manner prescribed by the clerk.

(B) Any literature that a candidate, group or person intends to distribute at a polling place or within 200 feet of any entrance of a polling place shall have the literature reviewed and approved for distribution by the clerk 30 calendar days prior to a regular or special election.

(C) No partisan or nonpartisan political activity, or any other activity which, in the judgment of the clerk, may directly or indirectly interfere with the orderly conduct of the election, shall be permitted in, on, or within 200 feet of any entrance to the building used as a polling or vote counting place. "Political activity" in this section includes without limitation, any activity intended to persuade a person to vote for or against any candidate or measure or to desist from voting.

(Ord. 23-072, § 3, 2023; Ord. 07-032, § 6, 2007; Ord. 98-049, § 2, 1998; Ord. 95-020, § 25, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.30.025 POLL WATCHERS.**

(A) Each candidate, or organized group that sponsors or opposes an issue, may designate one person at a time to be a poll watcher in each precinct and early vote count location.

(B) A person wishing to serve as a poll watcher shall request authorization from the clerk. The authorization must include:

- (1) the name of the person to act as a poll watcher;
- (2) the name 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. Without the proper authorization, the election official is empowered to ask a poll watcher to leave the polling place.

(D) Persons observing may:

- (1) observe the conduct of the election;
- (2) check the polling booths after each voter to make sure campaign materials have not been left in the booth; and
- (3) observe the hand count of ballots and clearly see and hear all ballot counting activities.

(E) Persons observing may not:

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

(Ord. 22-119, § 4, 2022; Ord. 97-025, § 15, 1997)

### **25.30.030 BALLOT BOX SECURITY.**

Before receiving any ballots, the election board shall, 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 shall be sealed with a security device. The box shall not be opened again, and shall not be removed from the polling place, nor from the presence of persons assembled at the polling place, until after the polls have finally closed.

(Ord. 94-040AM1, § 3 (part), 1994)

### **25.30.040 KEEPING OF REGISTER.**

The election board shall keep a register in which each voter's signature, residence and mailing address shall be entered before the voter receives a ballot. A record shall be kept in the register 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 shall constitute a declaration that the voter is qualified to vote.

(Ord. 99-081, § 19, 1999; Ord. 94-040AM1, § 3 (part), 1994)

### **25.30.050 Voting Ballots. [Repealed by Ord. 99-081, § 20, 1999]**

### **25.30.051 PROVIDING BALLOT TO VOTER.**

When the voter has qualified to vote, an election official shall give the voter an official ballot. The voter shall retire to a booth or private place to mark the ballot.

(Ord. 99-081, § 21, 1999)

### **25.30.060 Voting Paper Ballots. [Repealed by Ord. 99-081, § 22, 1999]**

### **25.30.070 QUESTIONED BALLOTS; ISSUANCE.**

(A) If a voter's qualification to vote is in question, the voter may vote a questioned ballot after complying with subsection (C).

(B) Every election official and any other person qualified to vote 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 qualification to vote shall be made in writing, setting out the reason that the person has been questioned. The questioned ballots and statements shall remain in the election official's custody and shall be delivered to the clerk. The clerk shall deliver the questioned ballots and statement to the canvass board for canvassing.

(C) The questioned person, before voting, shall execute a certification on a form provided by the election official attesting to the fact the person is at least 18 years of age, is a United States citizen, is a resident of Alaska, is not registered to vote in a different state or has taken the necessary steps to cancel that registration, is or has been a registered voter in Alaska at some time in the last 4 years or is newly registering, is not disqualified, and has not voted at the same election. After the questioned person has executed the certification, the person may vote.

(D) After voting, the questioned voter shall deliver the ballot to the election official.

(Ord. 02-067, § 15, 2002; Ord. 99-081, § 2, 1999; Ord. 98-104, § 13, 1998; Ord. 95-020, § 26, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.30.080 BALLOTS DAMAGED BY VOTER.**

(A) If a voter mutilates, improperly marks, spoils or otherwise damages the voter's ballot, the voter may request and the election official shall provide another ballot upon the voter returning the damaged ballot to the election officials, with a maximum of three ballots of each type. The election official shall, without examining the spoiled ballot, give it back to the

voter who shall destroy and discard it immediately in the presence of an election official. The election official shall then issue another ballot to the voter. The election official shall record on the ballot accountability form that there was a spoiled ballot.

(Ord. 12-053, § 14, 2012; Ord. 04-075, § 3, 2004; Ord. 94-040AM1, § 3 (part), 1994)

### **25.30.090 ASSISTANCE TO VOTERS.**

Non-English speaking voters, voters who are blind, physically impaired, or otherwise incapable of marking a ballot, may bring a person, or if necessary two persons, of their choice with them to the poll, or before an election official, to assist them in casting their ballots. The persons assisting the voter may not be a candidate for office in that election, a family member of the candidate for office for that election, the voter's employer, agent of the employer, or officer or agent of the voter's union. If an election official is requested, an election official shall assist the voter. If a person, other than an election official, is to provide assistance, the person must take an oath before an election official not to divulge how the voter cast the ballot.

(Ord. 01-019, § 12, 2001; Ord. 99-081, § 24, 1999; Ord. 94-040AM1, § 3 (part), 1994)

### **25.30.100 CLOSING OF POLLS.**

Fifteen minutes before and at the time of closing of the polls, an election official shall announce the time and the time of closing the polls. Every qualified voter present and in line at the time prescribed for closing the polls may vote. The voter shall proceed to mark the ballot in secret and prepare the ballot by following the instruction given by the election official.

(Ord. 99-081, § 25, 1999; Ord. 94-040AM1, § 3 (part), 1994)

### **25.30.110 FORMS COMPLETION; UNUSED BALLOTS.**

(A) The serial numbers of the ballots not voted, the total number of the ballots not voted, and all ballots mutilated or spoiled by voters shall be recorded by the election official. The top portions of all unvoted ballots, including one-half of the ballot, shall be returned to the clerk. The record of ballots not voted, and the ballots mutilated or spoiled by voters, shall be delivered by the election official to the clerk.

(B) All supplies, completed forms, and other papers shall be delivered to the clerk.

### **25.30.120 OPENING BALLOT BOX; COUNTING.**

(A) The election officials shall, in full view of all persons assembled at the polling place, open the secured ballot boxes and shall segregate the questioned ballots, the absentee ballots, and the personal representative ballots from the regular ballots voted at the election.

(B) Each segregated group of ballots shall be compared with the register or form appropriate to that group to ensure that the correct number of ballots is in each group.

(C) The election officials shall, in full view of any poll watchers at the polling place, proceed to hand count regular ballots voted at the election and record the results.

(D) Each segregated group of ballots shall be placed in a ballot container and sealed. The seal shall bear the date of the election and the election officials' signatures.

(Ord. 22-119, § 5, 2022; Ord. 03-074(AM), § 11, 2003; Ord. 99-081, § 27, 1999; Ord. 94-040AM1, § 3 (part), 1994)

### **25.30.130 BALLOT CONTAINER DELIVERY.**

The precinct election board shall, within 24 hours of closing the polls, deliver the ballot containers to the clerk.

(Ord. 22-119, § 6, 2022; Ord. 99-081, § 28, 1999; Ord. 96-014AM, § 9, 1996; Ord. 94-040AM1, § 3 (part), 1994)

## **CHAPTER 25.35: BALLOT COUNTING**

### Section

*25.35.010 Counting ballots; general [Repealed]*

**25.35.012 Counting ballots; general**

**25.35.015 Write-in votes**

*25.35.020 Ballot boards and teams [Repealed]*

**25.35.025 Ballot boards and teams**

*25.35.030 Ballot counting; use of computers [Repealed]*

25.35.040 *Ballot counting; tests and security [Repealed]*

25.35.050 *Ballot counting [Repealed]*

**25.35.060 Preserving and destroying of ballots and materials**

**25.35.070 Certificate of election**

**25.35.080 Counting absentee ballots**

**25.35.081 Counting early ballots**

**25.35.090 Counting questioned ballots**

**25.35.100 Counting and canvass of returns**

**25.35.105 Challenge of absentee or question voter**

**25.35.107 Vote counting; observation**

**25.35.110 Determination of tie votes**

**25.35.010 Counting Ballots; General [Repealed by Ord. 99-081, § 29, 1999 and recodified at MSB 25.35.012]**

**25.35.012 COUNTING BALLOTS; GENERAL.**

(A) The ballots shall be counted by hand in a manner determined by the clerk.

(B) At no time during the tallying of votes may anyone but the election officials handle the ballots. The ballots shall not be marked in any way by anyone during the tallying.

(C) *Hand-counted ballots.* Hand-counted ballots shall be tabulated according to the following rules:

(1) A voter may mark a 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 oval opposite the name of the candidate or proposition the voter desires to designate.

(2) 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 that office shall not be counted.

(5) *[Repealed by Ord. 03-074(AM), § 12(part), 2003]*

(6) An erasure or correction invalidates only that section of the ballot in which it appears, unless the intent of the voter is clear.

(7) The mark specified in subsection (C)(1) of this section shall be counted only if it is substantially inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval to be designated.

(8) Improper marks on the ballot may not be counted and do not invalidate marks for candidates properly made.

(D) *Write-in votes counting.* Write-in votes shall be counted according to the following rules:

(1) Writing in the name of a candidate whose name is printed on the ballot does not invalidate a write-in vote unless the canvass board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.

(2) In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and fill in the oval opposite the candidate's name in accordance with subsection (C)(1) of this section.

(3) A vote for a write-in candidate shall be counted if the oval is filled in for that candidate and if the name of the candidate, as it appears on the write-in declaration of candidacy, or the last name of the candidate is written in the space provided.

(4) In counting votes for a write-in candidate, the canvass board shall disregard any abbreviation, misspelling, or other minor variation in the form of the name of a candidate if the intention of the voter can be ascertained.

(5) Affixing stickers on a ballot in an election to vote for a write-in candidate is prohibited and that section of the ballot shall not be counted.

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

(F) The rules set out in this section are mandatory and there are no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.



(Ord. 22-119, § 7, 2022; Ord. 12-053, § 15, 2012; Ord. 03-074(AM), § 12, 2003; Ord. 99-081, § 30, 1999)

### **25.35.015 WRITE-IN VOTES.**

(A) 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, fill in the oval opposite the candidate's name in accordance with this chapter. Stickers may not be used on ballots.

(B) Write-in votes shall be tallied only if 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. No votes for a write-in candidate may be counted unless that candidate has filed a declaration of candidacy with the clerk in accordance with MSB 25.15.020.

(Ord. 19-045, § 13, 2019; Ord. 12-053, § 16, 2012; Ord. 07-032, § 7, 2007; Ord. 03-074(AM), § 13, 2003; Ord. 99-081, § 31, 1999; Ord. 98-104, § 15, 1998; Ord. 97-025, § 16, 1997)

### **25.35.020 Ballot Boards and Teams. [Repealed by Ord. 00-024, § 8, 2000 and recodified at MSB 25.35.025]**

### **25.35.025 BALLOT BOARDS AND TEAMS.**

(A) *Receiving team.* The clerk shall appoint as many receiving teams as needed, chosen from the list of eligible election officials. Receiving teams shall ensure all precinct ballot containers are delivered in a secure manner, according to procedures set by the clerk. The ballot containers shall be delivered to the clerk for review by the canvass board.

(B) *Hand counting teams.* The clerk shall appoint counting teams as deemed necessary.

(C) *Review board.* The clerk shall appoint a review board, as chosen from the list of eligible election officials. The review board shall ensure that all ballots are completely and accurately counted.

(D) *Canvass board.* The clerk shall appoint a canvass board. The canvass board shall certify the validity of the absentee, questioned, and poll votes cast.

(E) *Oath.* The clerk shall administer an oath to all election officials serving in the election.

(F) *Vacancy.* A vacancy on a board or team shall be filled by the clerk.

(Ord. 16-064, § 11, 2016; Ord. 03-074(AM), § 14, 2003; Ord. 00-024, § 9, 2000)

**25.35.030 Ballot Counting; Use of Computers. [Repealed by Ord. 22-119, § 8, 2022]**

**25.35.040 Ballot Counting; Tests and Security. [Repealed by Ord. 22-119, § 9, 2022]**

**25.35.050 Ballot Counting. [Repealed by Ord. 99-081, § 34, 1999]**

**25.35.060 PRESERVING AND DESTROYING OF BALLOTS AND MATERIALS.**

(A) The clerk shall preserve all official ballots in a secure manner, unopened and unaltered, for not less than 30 calendar days from the date of the election certification or in cases where the election is contested, until 30 days after the final resolution of the contest. Upon expiration of the 30-day period, the clerk shall burn, shred, recycle, or otherwise completely destroy the ballots upon direction of the assembly, and make and keep a written certification that the ballots have been destroyed. The clerk shall preserve election materials in accordance with the retention schedule.

(B) The clerk may only permit the inspection of the ballots (used or not) and materials:

(1) upon call of the assembly; or

(2) upon call of a court of competent jurisdiction; or

(3) by the canvass board pursuant to a recount if the board deems it necessary to inspect the ballots and materials; or

(4) by the clerk and attorney during an inquiry to an election contest if the clerk and attorney deem it necessary to inspect the ballots and materials.

(Ord. 16-064, § 16, 2016; Ord. 03-074(AM), § 15, 2003; Ord. 02-067, § 16, 2002; Ord. 01-019, § 13, 2001; Ord. 99-081, § 35, 1999; Ord. 94-040AM1, § 3 (part), 1994)

**25.35.070 CERTIFICATE OF ELECTION.**

(A) Hand count of ballots shall be performed at all precincts. When all the votes have been counted, the election officials shall prepare a certificate of election, stating the number of

votes each candidate received for each office. Each election official shall sign the certificate which shall be delivered to the clerk.

(Ord. 22-119, § 10, 2022; Ord. 99-081, § 36, 1999; Ord. 94-040AM1, § 3 (part), 1994)

### **25.35.080 COUNTING ABSENTEE BALLOTS.**

(A) To be counted in the election, an absentee ballot shall be postmarked on or before election day and be received by the clerk no later than the third calendar day following the election. If no postmark or readable postmark is contained on an absentee by-mail ballot envelope, the date of the voter's signature, as attested to by the official witness or other witnesses, will be used in determining if the ballot was voted on or before election day. The clerk shall give the canvass board a list of voters who have been issued absentee ballots. Absentee ballot envelopes received after the canvass board has completed absentee ballot counting shall not be opened, but shall be marked "invalid" with the date of receipt noted on the ballot envelope. The envelopes shall be retained with the other election records and destroyed as set out in MSB 25.35.060.

(B) Absentee ballot envelopes shall be examined by the canvass board who shall determine whether the absentee voter is qualified to vote at the election and whether the ballot has been properly cast. An absentee ballot shall not be counted if an official or the witnesses authorized by law to attest the voter's certificate fails to execute the certificate, except that an absentee ballot cast in person and accepted by an absentee voting official may be counted despite failure of the absentee voting official to properly sign and date the voter's certificate as attesting official. If the voter is qualified and the ballot has been properly cast, the return envelope shall be opened and the ballot envelope shall be mixed with the other ballot envelopes. The mixed ballot envelopes shall be counted according to the rules for determining properly marked ballots.

(C) If the voter is not qualified or the ballot has not been properly cast, the clerk shall notify the absentee voter, in writing, of the reason the ballot was not counted. The rejected ballot shall be placed in a container which shall be labeled "rejected ballots" and shall be preserved with other voted ballots.

(D) An absentee in-person ballot shall be counted despite a voter's failure to sign the absentee oath and affidavit envelope, provided the voter has signed the absentee voter register and the canvass board has determined the voter is qualified and the ballot has been properly cast.

(1) The oath and affidavit the absentee voter signs on the register shall include the information required by AS 15.20.030.

(E) An absentee ballot shall be counted despite the subsequent death of a voter after voting an absentee ballot, if the canvass board has determined that the voter was qualified and the ballot was properly cast.

(Ord. 22-070, § 2, 2022; Ord. 16-064, § 17, 2016; Ord. 04-075, § 4, 2004; Ord. 02-067, § 17, 2002; Ord. 99-081, § 37, 1999; Ord. 96-014AM, § 10, 1996; Ord. 95-020, § 27, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.35.081 COUNTING EARLY BALLOTS.**

(A) The early ballots shall be delivered to the election officials assigned by the clerk for hand counting in accordance with the provisions of this chapter. Counting of early ballots will begin promptly after 8 p.m. on election day.

(Ord. 23-072, § 4, 2023; Ord. 22-119, § 11, 2022; Ord. 16-064, § 18, 2016; Ord. 01-019, § 14, 2001)

### **25.35.090 COUNTING QUESTIONED BALLOTS.**

(A) A canvass board by majority vote may refuse to accept the question and count the ballot of a person properly questioned.

(B) If the question is refused and the ballot is accepted, the large envelope shall be opened and the ballot envelope shall be mixed with other ballot envelopes for counting. A questioned ballot shall be counted despite failure of the questioned voting official to properly sign and date the voter's certificate as attesting official. The mixed ballot envelopes shall be counted according to the rules for determining properly marked ballots.

(C) If the question is accepted and the ballot is refused, the clerk shall notify the questioned voter, in writing, of the reason the ballot was not counted. The rejected ballots shall be placed in a container which shall be labeled "rejected ballots" and shall be preserved as set out in MSB 25.35.060.

(D) A questioned ballot shall be counted despite a voter's failure to sign the questioned oath and affidavit envelope, provided the voter has signed the questioned voter register and the canvass board has determined the voter is qualified and the ballot has been properly cast.

(1) The oath and affidavit the questioned voter signs on the register shall include the information required by AS 15.20.030.

(Ord. 16-064, § 19, 2016; Ord. 02-067, § 18, 2002; Ord. 99-081, § 38, 1999; Ord. 94-040AM1, § 3 (part), 1994)

### **25.35.100 COUNTING AND CANVASS OF RETURNS.**

(A) Not later than the second Tuesday following each election, a canvass board shall:

- (1) in full view of those present, judge the validity of absentee, early, and questioned ballots;
- (2) review the precincts' certificates of results for accuracy;
- (3) correct all obvious errors;
- (4) recommend a recount of the results of the precinct for that portion of the returns where a mistake has been made and cannot be corrected under subsection (A)(3) of this section; and
- (5) report any irregularities in the election or discrepancies in the count of the ballots in its report to the assembly; and
- (6) certify the validity of the absentee, early, questioned, and poll votes cast and counted.

(B) After receiving the canvass board report and as soon as possible after the counting of the ballots, but not later than the second Tuesday after the election, the assembly shall meet in public session and examine all election returns. The examination may be postponed for cause from day to day, but there shall be no more than three postponements.

(C) If the canvass board reports irregularities in the election, the assembly shall determine whether the irregularities are so serious as to deny a meaningful vote of the citizens of the borough. If the canvass board reports a discrepancy in the count of the ballots, the assembly may order a recount of the votes in the affected precincts. The assembly may order an investigation of any irregularities or discrepancies. The assembly may exclude votes cast or declare the entire election invalid if necessary to assure a fair election. If the assembly concludes that the election is not valid, it shall order another election. The election shall be conducted promptly as a special election and according to procedures established by the assembly.

(D) Unless the assembly orders an investigation or unless a contest has been previously filed pursuant to MSB 25.40.020, the assembly shall declare the election valid and certify the election results. The assembly shall certify results not in question immediately and shall complete investigation or contest procedures as soon as possible to assure prompt certification.

(E) To certify the election results the assembly shall enter the determination in the minutes along with the following information:

- (1) the total number of poll, absentee, early, questioned, and special needs ballots cast in the election;
- (2) the offices, names, and number of votes counted for each candidate at the election;
- (3) the propositions voted upon at the election; and
- (4) the number of votes counted for each proposition voted upon.

(F) Upon certification of the election by the assembly, the clerk shall deliver to each person elected a copy of the assembly's certificate of election.

(Ord. 06-102(AM), § 4, 2006; Ord. 04-075, § 5, 2004; Ord. 02-067, § 19, 2002; Ord. 01-019, § 15, 2001; Ord. 00-024, § 10, 2000; Ord. 99-081, § 39, 1999; Ord. 97-025, § 13, 1997; Ord. 94-040AM1, § 3 (part), 1994)

### **25.35.105 CHALLENGE OF ABSENTEE OR QUESTION VOTER.**

(A) Only the following may be present and challenge an absentee or question voter during canvassing:

- (1) a candidate or written designee previously approved to observe the canvass board; or
- (2) the primary contact person of an initiative or referendum or written designee previously approved to observe the canvass board; or
- (3) a person who authored a statement which was published in the election brochure as per MSB 25.05.120 or written designee previously approved to observe the canvass board.

(B) A challenge to the absentee or question voter may be presented on the day that voter's name is read from the voter's certificate on the envelope if the person challenging has good reason to suspect that the voter is not qualified to vote, is disqualified, or has voted at the same election. The person challenging must specify the basis of the challenge in writing on a form prepared by the clerk.

(Ord. 16-064, § 20, 2016)

### **25.35.107 VOTE COUNTING; OBSERVATION.**

(A) Upon conclusion of canvassing, election officials shall hand count all valid ballots in accordance with the provisions of this chapter.

(B) An observer meeting the qualifications of MSB 25.35.105 may observe the counting and clearly see and hear all ballot counting activities.

(Ord. 23-072, § 5, 2023; Ord. 22-119, § 12, 2022)

### **25.35.110 DETERMINATION OF TIE VOTES.**

(A) If two or more candidates tie in having the highest number of votes for the same office for which there is to be elected only one candidate, the clerk shall notify the candidates who are tied. The clerk shall immediately proceed with the recount of votes in the manner provided by MSB 25.45.

(B) If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the clerk shall notify the candidates who are tied. The clerk shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by coin toss if two are tied, and by lot if more than two are tied. After the determination has been made by coin toss or lot, the clerk shall certify the election winner.

(Ord. 94-040AM1, § 3 (part), 1994)

## **CHAPTER 25.40: CONTEST OF ELECTION**

Section

**25.40.010 Grounds for election contest**

**25.40.020 Contest procedure**

**25.40.030 Appeal or judicial review**

### **25.40.010 GROUNDS FOR ELECTION CONTEST.**

(A) A candidate or ten qualified voters may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

- (1) malconduct, fraud or corruption by an election official sufficient to change the result of the election;
- (2) the person elected is not qualified under law or ordinance; or

(3) existence of a corrupt election practice as defined by the laws of the state of Alaska sufficient to change the result of the election.

(Ord. 94-040AM1, § 3 (part), 1994)

## **25.40.020 CONTEST PROCEDURE.**

(A) Notice of contest of an election shall be submitted in writing to the clerk before 3 p.m. on the day of the certification of the election. A notice of contest shall include a \$1,000 payment by cash or check. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

### NOTICE OF ELECTION CONTEST

The undersigned contest the regular (or special) election of the Matanuska-Susitna Borough held on the \_\_\_\_ day of \_\_\_\_\_.

The grounds for the contest are as follows:

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Signature/date

(Notarization)

(B) Upon receiving a notice of contest, the assembly shall order an investigation be conducted by the clerk and borough attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.

(C) If the contest involves the eligibility of voters, the assembly shall direct the clerk to recheck the voter qualifications pursuant to MSB 25.10.010. After considering the report provided by the clerk and any other proof, the assembly shall determine whether any illegally



cast votes could have affected the election results. If they could not have, the assembly may declare the election valid and certify the results.

(D) If the contest involves other prohibited election practices which are shown to have taken place, the assembly shall exclude the vote of the precincts where the practices occurred. If it is determined that the exclusion could not affect the election results, the assembly shall declare the election valid and certify the results.

(E) The contestants shall pay all costs and expenses incurred in a recount of an election as provided by MSB 25.45.060.

(F) Should the contestant prevail with the election contest the applicant shall be refunded \$1,000.

(Ord. 16-064, §§ 21, 22, 2016; Ord. 99-081, § 40, 1999; Ord. 97-025, § 14, 1997; Ord. 94-040AM1, § 3 (part), 1994)

### **25.40.030 APPEAL OR JUDICIAL REVIEW.**

A person qualified to file an election contest pursuant to MSB 25.40.010 may not appeal or seek judicial review of an election for any cause unless the person is qualified to vote in the borough, exhausted the administrative remedies before the assembly, and has commenced an action in the superior court within ten calendar days after the assembly has finally certified the election results. If an action under this section is not commenced within the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

(Ord. 99-081, § 41, 1999; Ord. 95-020, § 28, 1995; Ord. 94-040AM1, § 3 (part), 1994)

## **CHAPTER 25.45: ELECTION RECOUNT**

Section

**25.45.010 Recount application**

**25.45.020 Form of application**

**25.45.030 Date of recount; notice**

**25.45.040 Procedure for recount**

**25.45.050 Certification of recount result**

## **25.45.060 Return of deposit and apportionment of expenses upon recount**

## **25.45.070 Appeal**

### **25.45.010 RECOUNT APPLICATION.**

(A) A defeated candidate or ten qualified voters may file an application with the clerk for a recount of the votes from any particular precinct, or for any particular office, proposition or question by filing the application with the clerk before 3 p.m. on the day of the certification of the election results. The date on which the clerk receives an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under this subsection.

(B) If two or more candidates tie in having the highest number of votes for the same office, to which only one candidate is to be elected, the clerk shall initiate a recount.

(Ord. 16-064, § 24 (part), 2016; Ord. 94-040AM1, § 3 (part), 1994)

### **25.45.020 FORM OF APPLICATION.**

(A) A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular precinct, office, proposition or question for which the recount is to be held, and shall state that the person making the application is a candidate or that the 10 persons making the application are qualified voters. The candidate or persons making the application shall designate by full name and mailing address two persons who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by 10 qualified voters shall also include the designation of one of the number as contact person. The candidate or person making the application shall sign the application and shall print or type the candidate's full name and mailing address.

(B) The application shall include a deposit in cash or certified check. The amount of the deposit shall be \$150 for each precinct. If less than all precincts are requested for recount, absentee and questioned ballots shall be considered one combined precinct for the purposes of the recount. If all precincts are included in the request, there shall be no charge for the recount of absentee and questioned ballots.

(Ord. 16-064, § 24 (part), 2016; Ord. 04-075, § 6, 2004; Ord. 94-040AM1, § 3 (part), 1994)

### **25.45.030 DATE OF RECOUNT; NOTICE.**

(A) If the clerk determines that the application is substantially in the required form, the clerk shall fix the date of the recount to be held within seven calendar days after the receipt of an application requesting a recount of the votes in a borough election.

(B) The clerk shall give the recount applicant and other directly interested parties notice of the time and place of the recount by certified mail, by telegraph, facsimile, or by telephone.

(Ord. 99-081, § 42, 1999; Ord. 95-020, § 29, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.45.040 PROCEDURE FOR RECOUNT.**

(A) If a recount of ballots is demanded, the clerk may appoint a canvass board.

(B) In conducting the recount, the canvass board shall review all ballots to determine which ballots, or parts of ballots, were properly marked, which ballots are to be counted in the recount, and shall check the accuracy of the original count and all documentation provided by the election officials. The canvass board shall check the number of ballots and questioned ballots cast in a precinct against the registers and shall check early and absentee ballots voted against early and absentee ballots distributed. The rules in MSB 25.35 governing the counting of ballots shall be followed in the recount, except for:

(1) If there are write-in votes for a candidate whose name appears on the ballot or for an official write-in candidate, these write-in votes shall be tabulated.

(C) The ballots and other election materials shall remain in the custody of the clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within 10 calendar days. The clerk may employ additional personnel necessary to assist in the recount.

(Ord. 21-066, § 2, 2021; Ord. 01-019, § 16, 2001; Ord. 99-081, § 43, 1999; Ord. 95-020, §§ 30 and 31, 1995; Ord. 94-040AM1, § 3 (part), 1994)

### **25.45.050 CERTIFICATION OF RECOUNT RESULT.**

Upon completing the recount, the canvass board shall provide a report of the results of the recount for submission to the assembly. The assembly shall issue a certificate of election.

(Ord. 99-081, § 44, 1999; Ord. 94-040AM1, § 3 (part), 1994)

### **25.45.060 RETURN OF DEPOSIT AND APPORTIONMENT OF EXPENSES UPON RECOUNT.**

(A) If, upon recount, a different candidate or position on a proposition or question is certified, or if the vote on recount is two percent or more in excess of the vote originally certified for the candidate or position on a proposition or question supported by the recount applicant, the entire deposit shall be refunded to the recount applicant.

(B) If none of the requirements of subsection (A) are met, the clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If the bond posted is insufficient to cover the costs, the borough may recover the excess costs from the contestant. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of the expenses.

(Ord. 94-040AM1, § 3 (part), 1994)

## **25.45.070 APPEAL.**

A person qualified to request a recount who is aggrieved by the result of a recount or decision not to grant a recount may appeal the recount to the superior court. The appeal shall be filed within 10 calendar days of the assembly action certifying the election. Upon order of the court, the clerk shall furnish the record of the recount, including all ballots, registers, and other election material and papers pertaining to the recount. The appeal shall be heard by the court sitting without a jury. The issues on appeal shall include whether the clerk has properly determined what ballots, parts of ballots, or marks for candidates on ballots, are valid, and to which candidate or division on the question or proposition the vote should be attributed. If an action under this section is not commenced within the 10 day period, the election and the election result shall be conclusive, final and valid in all respects.

(Ord. 95-020, § 32, 1995; Ord. 94-040AM1, § 3 (part), 1994)