

MATANUSKA-SUSITNA BOROUGH OCTOBER 6, 2015, ELECTION

CANDIDATE FILING PACKET

BOROUGH ASSEMBLY



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

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

Return these items when filing for office:

Completed Declaration of Candidacy

\$25 cash only filing fee

**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



MATANUSKA-SUSITNA BOROUGH BOROUGH CLERK'S OFFICE

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

July 15, 2015

Dear Candidate for Assembly:

Thank you for your interest in running for office in the October 6, 2015, regular Borough election. The candidate filing period opens on **Monday, July 20, 2015, at 8 a.m.** and closes on **Friday, July 31, 2015, at 5 p.m.**

In order to qualify as a candidate for the Assembly, you must be a qualified voter of the Borough and meet State and Borough requirements for office. You must reside in the Assembly District for which you file and have resided in the Borough 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. 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.

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 an application to me showing proof of indigence.

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 digital format (jpeg or tiff file) on a thumb drive or CD. These items must be submitted at the time of filing for office.

During the candidate filing period, a candidate may amend their Declaration of Candidacy by submitting a signed written notice to me. A candidate may withdraw their Declaration of Candidacy by submitting a signed written notice to me during the candidate filing period or by August 7, 2015.

Candidate for Assembly

Page 2

July 15, 2015

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 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.

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,

A handwritten signature in cursive script, appearing to read "Lonnie R. McKechnie".

Lonnie R. McKechnie, CMC
Borough Clerk

Enclosures: Declaration of Candidacy; Candidate Profile and Position Statement; APOC Information; 2015 Election Calendar; MSB 2.12, Assembly; Membership, Organization, and Meetings; 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)

Assembly seat marked below in the October 6, 2015, regular Borough election and agree to serve, if elected, for the term.

Select the seat you are running for:

☐ **Assembly District 3**

A three-year term ending in
October 2018

☐ **Assembly District 6**

A three-year term ending in
October 2018

☐ **Assembly District 7**

A three-year term ending in
October 2018

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: _____

I request that my name appear on the ballot as follows:

(Last Name)

(First Name)

(MI)

(Substitute First Name)

A substitute first name shall be limited to a familiar form of the candidate's name or an initial. Nicknames, titles, and the like are not allowed (MSB 25.15.015(B)(1)). Example: Smith, William A. "Bill"

**MATANUSKA-SUSITNA BOROUGH
DECLARATION OF CANDIDACY**

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

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

1. Do you have any civil judgment 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: _____

Office Use Only:

Date and Time of Filing: _____ Staff Initials: _____

Residence Address = VREMS - Yes ☐ No ☐ Voter No. _____ Precinct _____

Residence on Map = AD - Yes ☐ No ☐ POFD Statement Attached - Yes ☐ No ☐

Cash only filing fee of \$25 collected - Yes ☐ No ☐ Receipt Attached - Yes ☐ No ☐

Clerk Review - Declaration Certified on _____ Date Letter Sent _____

Declaration Rejected on _____ Date Letter Sent _____

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.

Borough code limits a candidate statement to **100 words or less**. 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.

For image quality, the photograph of the candidate must be submitted in digital format (jpeg or tiff file) on a thumb drive or CD. The thumb drive or CD will be returned to the candidate upon request.

Name of Candidate: _____

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):

[illegible]



Alaska Public Offices Commission
FILING GUIDE for MUNICIPAL CANDIDATES

There are two distinct APOC filing requirements for municipal candidates:
The Public Official Financial Disclosure and Candidate Campaign Disclosure.

APOC requirements may vary by municipality, verify with your clerk if both requirements are relevant to you.

1. Public Official Financial Disclosure

- a. POFD Guide (basics about POFD requirements)
- b. POFD Electronic Filing Guide (first time how-to)
- c. POFD Electronic Copy Guide (easier filing for return users)

POFD FAQs

Q: Can I file a paper POFD?

A: Only if you are a municipal officer serving in a municipality with a population of less than 15,000. However, please consider that there are many more benefits to filing electronically.

Q: If I am a municipal officer serving in a municipality with a population of less than 15,000, where can I get a paper POFD?

A: Your municipal clerk.

Q: When do I have to file my POFD?

A: At the time of filing a declaration of candidacy or nominating petition. Also, check with your clerk about municipal filing requirements.

Q: Who do I contact if I have POFD-related questions?

A: Anchorage APOC Office: (907) 276-4176

2. Candidate Campaign Disclosure

- d. 2015 Municipal Elections (form and requirement guide for candidates)
- e. Table of Alaska Campaign Annual Contribution Limits – AS 15.13
- f. Calendar of Report Deadlines
- g. Municipal Exemption Form

Candidate FAQs

Q: What are my basic registration requirements?

A: All municipal candidates must file either a **Municipal Exemption Statement** or **Candidate Registration**.

Q: What's the difference between a Municipal Exemption Statement and Candidate Registration?

A: The **Municipal Exemption Statement** exempts candidates with less than \$5,000 in campaign activity from being required to file campaign disclosure reports. Exempt candidates are required to abide by all of Alaska's campaign disclosure laws and lose exemption status if over \$5,000 in financial activity occurs.

A **Candidate Registration** is required if an Exemption Statement is not filed, regardless of financial activity. All registered candidates are required to timely file campaign disclosure reports documenting their campaign's financial activity. Failure to timely file automatically results in civil penalties of \$50 to \$500 per day a report is late.

Q: Who do I contact if I have Campaign Disclosure-related questions?

A: Anchorage APOC Office: (907) 276-4176

POFD Guide—Basic requirements for a POFD

Who is required to file?

If you are a candidate or municipal officer in a municipality that requires a POFD you must file one. Candidates should file when they filing a nominating petition or declaration of candidacy. Municipal officers should file an initial POFD within 30 days of assuming their duties, then every year on or before March 15, and then within 90 days of leaving office.

How do I file?

You can file electronically using MyAlaska or, if you are in a municipality with a population of under 15,000, you may file using a paper form. Please see your municipal clerk for a paper form. Filing electronically will help you make future filings considerably easier.

If I file a candidate POFD do I still have to file an initial POFD even though they will contain the same information?

Yes, you must file two POFDs in this case, that is the statutory requirement. If you have filed electronically all you need to do is copy the information from your candidate POFD to an initial POFD and resubmit the form.

What are the basic requirements for the information needed on the report?

The best thing to do is to read the instructions on the form. Doing so will answer the vast majority of your questions.

The short answer is any income that totaled over \$1,000 during the previous calendar year, and the source of that income, should be reported whether you worked full or part time; income from dividends such as the PFD or any Native Corporation dividends should be reported; your ownership of any property; any stocks or retirement accounts you own, trust funds, and income from rental properties should also be reported. All the same information that applies to you the filer also applies to your spouse and any dependent children living with you.

Again, read the instructions of the form.

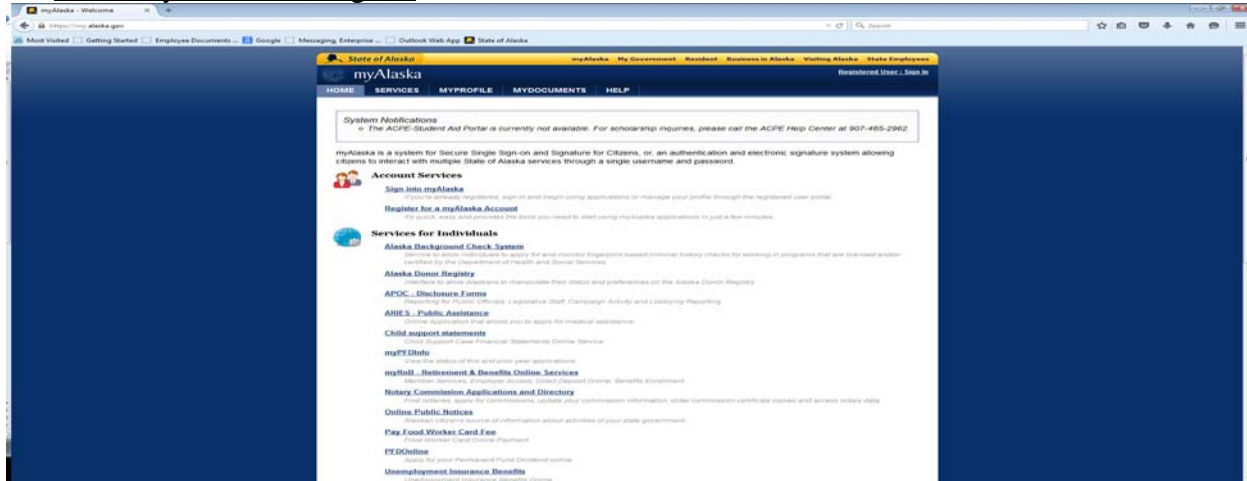
What if I want an exemption?

There are two regulations that are useful for you to read and are available on line. See 2 AAC 50.775 the regulation that explains what you may request an exemption for and how to do it. You should also see 2 AAC 50.821 regarding exemptions. Be aware that you must file the request for exemption before any report is due.

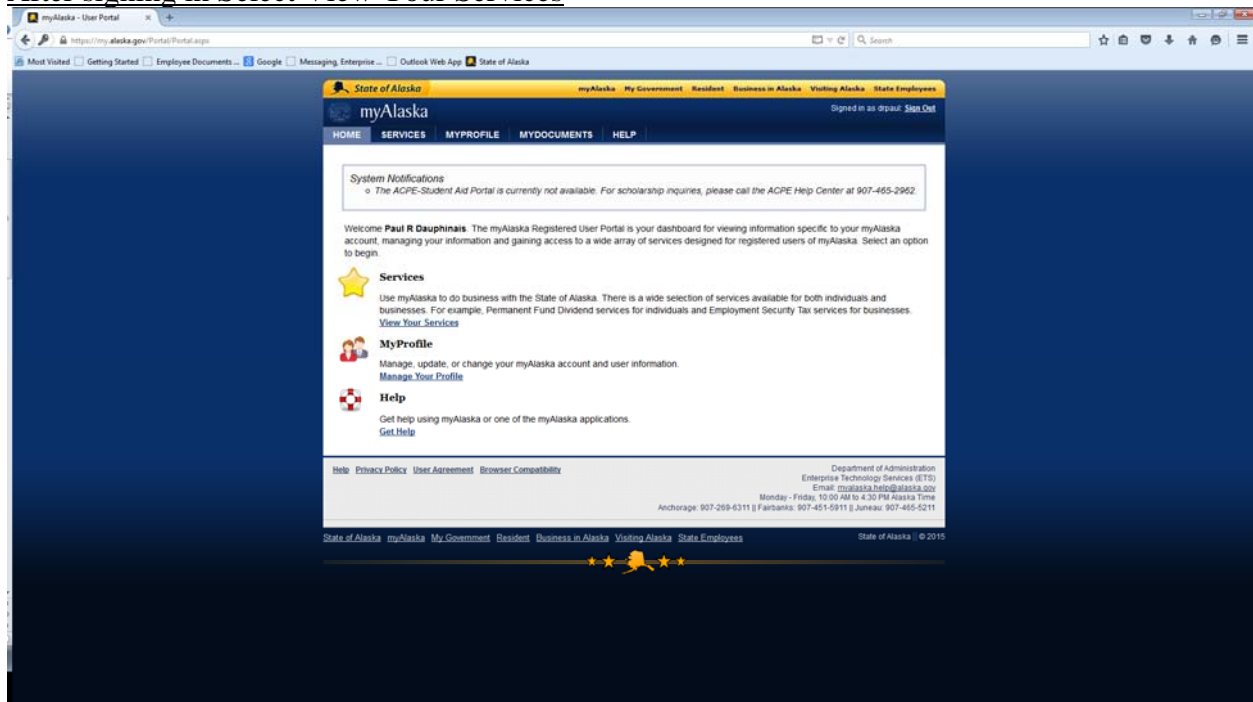
Creating an electronic POFD

It helps to have any financial documents you may need with you before starting the form. For instance, information regarding income, property, and other assets would be helpful.

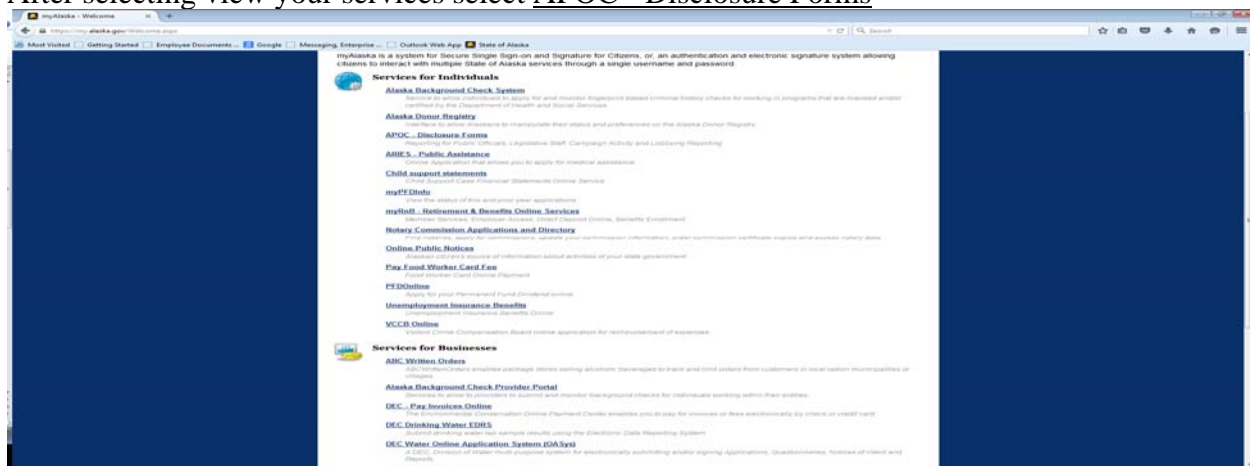
1. Go to MyAlaska and sign in



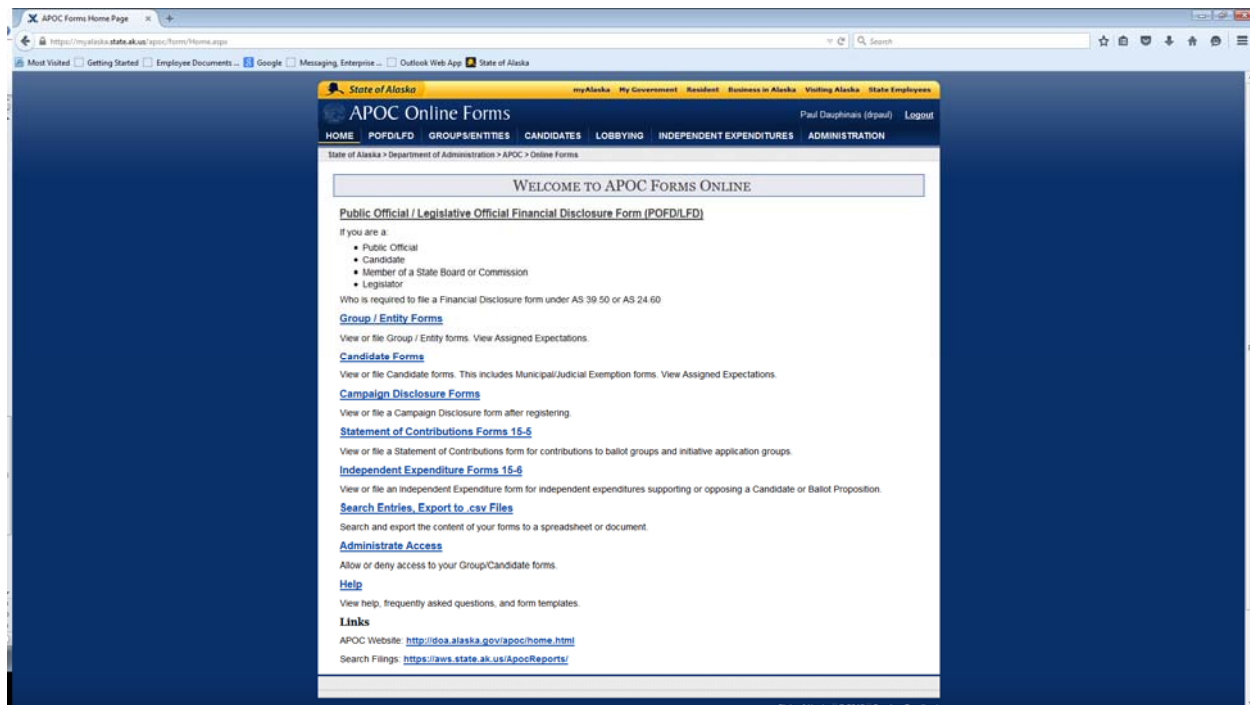
2. After signing in Select View Your Services



3. After selecting view your services select APOC - Disclosure Forms



4. Then select Public Official/Legislative Official Financial Disclosure Form (POFD/LFD)



5. Then click on the red Start New Form button

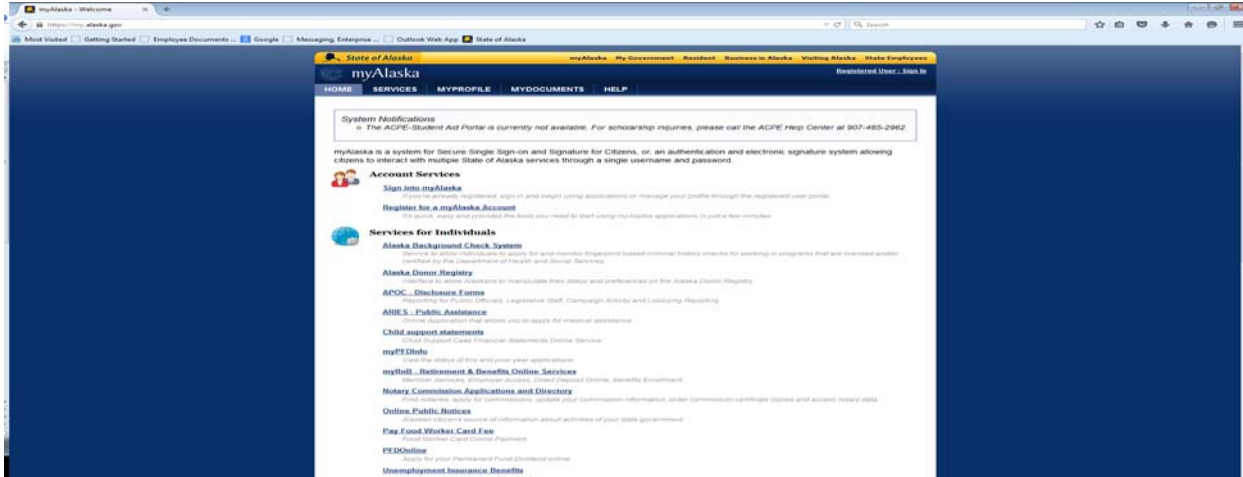
6. Please read the instructions and select **Start** in the bottom right corner.

Once you start you do not need to complete the form in one sitting; you may save it and resume your filing later.

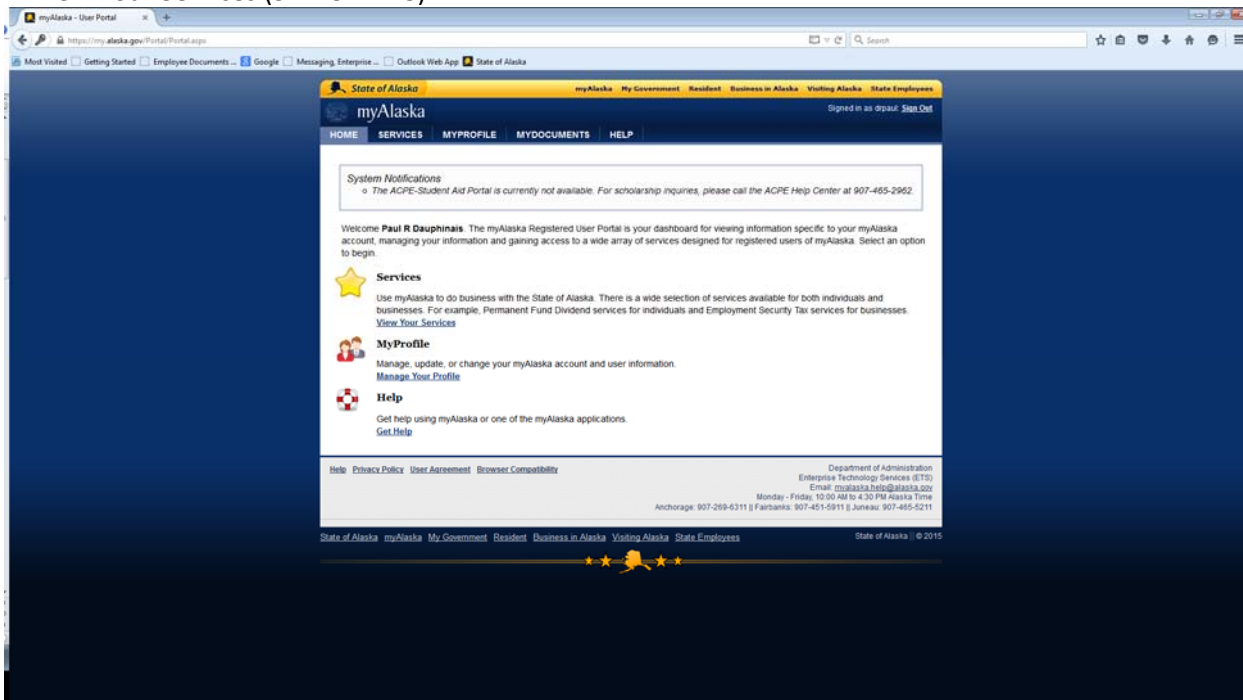
Contact APOC if you have questions about completing the form or filing requirements.
(907) 276-4176

INSTRUCTIONS FOR COPYING YOUR POFD in MyAlaska

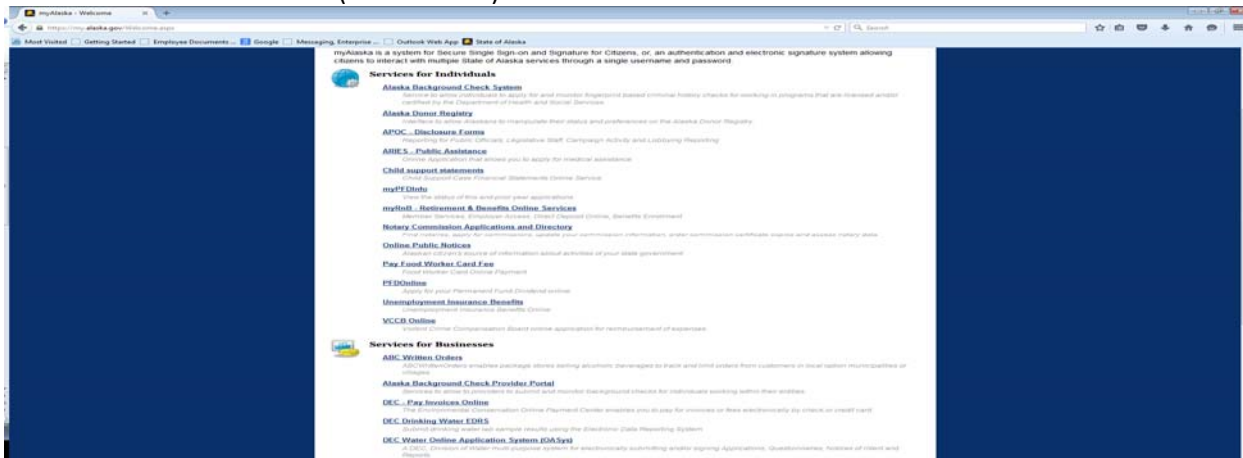
1. Go to My Alaska and sign in



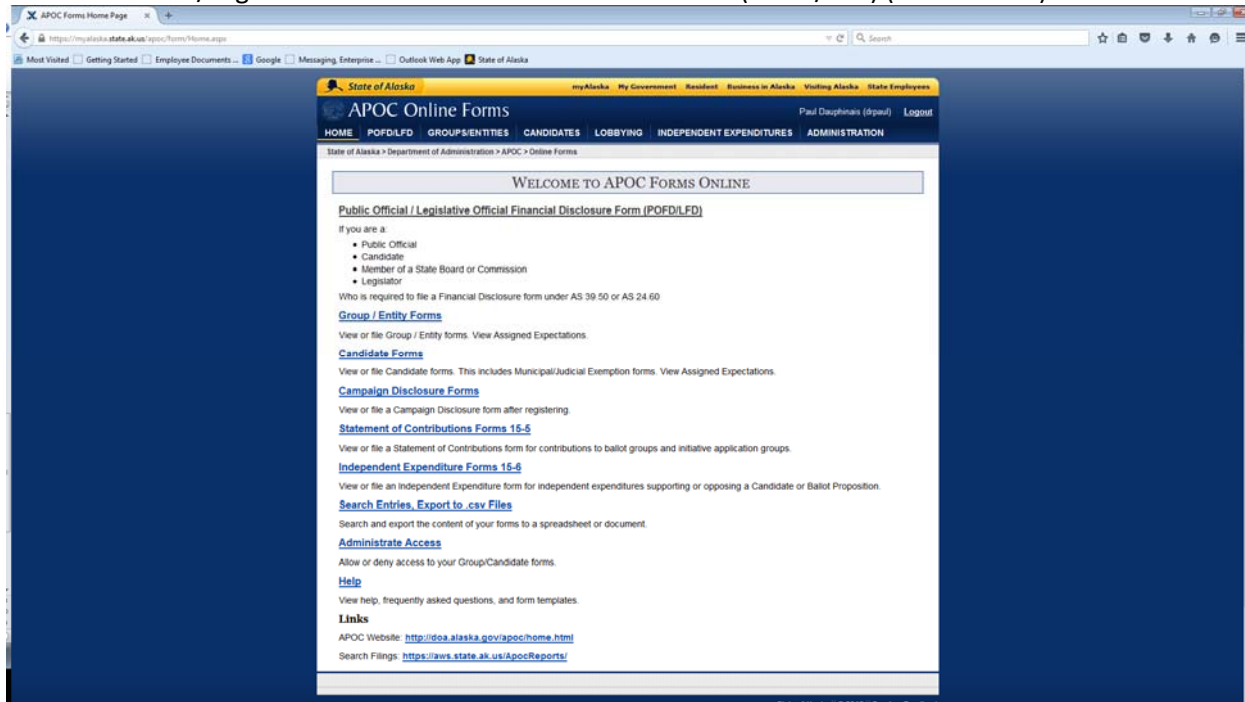
2. View Your Services (SELECT THIS)



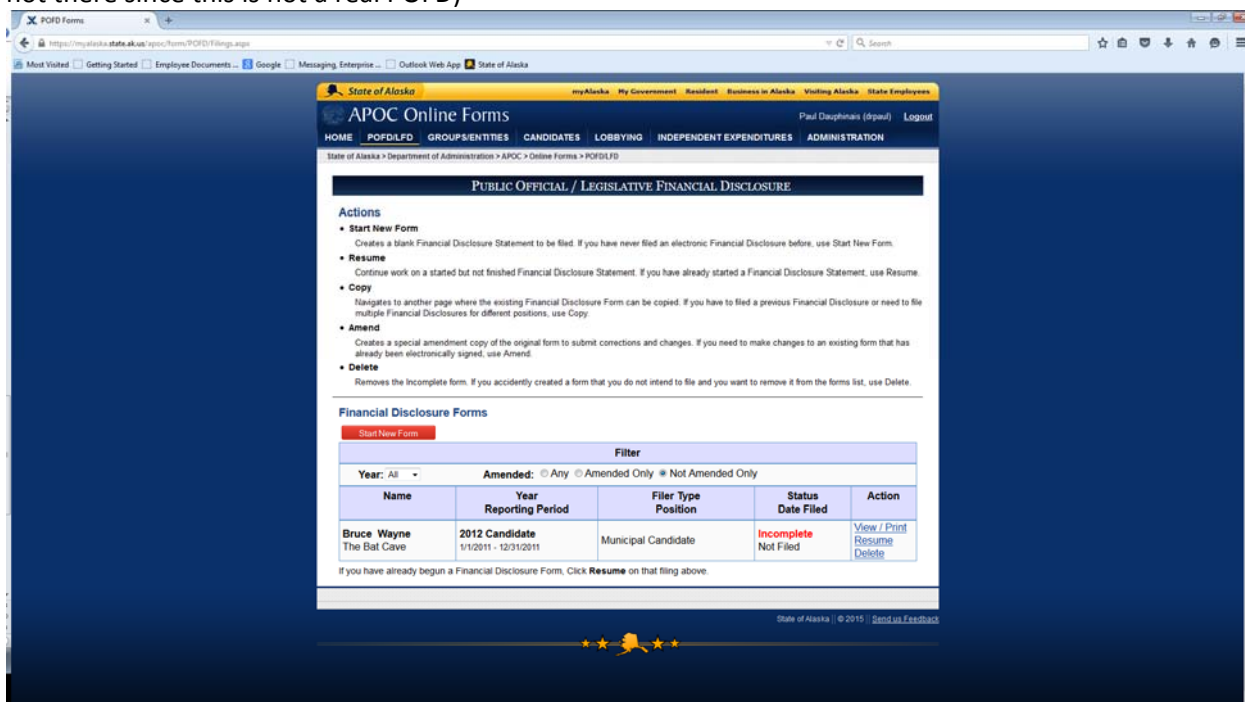
3. APOC – Disclosure Forms (SELECT THIS)



4. Public Official/Legislative Official Financial Disclosure Form (POFD/LFD) (SELECT THIS)



5. You should see your POFD(S). To the right under Action you should see Copy (SELECT THIS) (In this example "Copy" is not there since this is not a real POFD)



6. Make changes as necessary, ensure your POFD is accurate, and SUBMIT.

NOTE: Your REPORT YEAR is the year you are required to SUBMIT the document.



Alaska Public Offices Commission

2015 MUNICIPAL ELECTIONS

Please read this document carefully for important information about starting your campaign.

This information is presented only as an overview of your disclosure requirements. It is your responsibility to familiarize yourself and your campaign workers with the statutes and regulations to ensure you that you are in compliance with the law. Please visit the APOC homepage at www.doa.alaska.gov/apoc for further information, **training opportunities**, and to remain updated about your requirements and responsibilities as a candidate.

Unless they meet specific criteria found in [AS 15.13.040\(m\)\(1\)](#), **candidates must file all forms and reports electronically** through [myAlaska](#). Many Alaskans already have a myAlaska account to apply for their Permanent Fund Dividend. You may use this same account for APOC purposes. Candidates have the option to allow others to view their filings, but this access is specific to APOC services only.

FORMS TO GET STARTED

Letter of Intent: Must be filed with the APOC *before* any candidate engages in campaign activity. A Letter of Intent allows the candidate to begin accepting and spending contributions and may be filed 18 months prior to the date of the election. However, if a candidate files their Declaration of Candidacy first, they do not need to file a Letter of Intent.

The Declaration of Candidacy: Municipal candidates file their Declaration with their specific Municipal Clerk's Office. The Declaration of Candidacy is what gets a municipal candidate's name on the ballot. Check with your Municipal Clerk's Office to find out when your filing period opens and closes.

Public Official Financial Disclosure Statement: Must be filed with the Declaration of Candidacy at the Municipal Clerk's Office. Some municipalities have opted out of the requirement of filing a Public Official Financial Disclosure Statement. Check with your municipal clerk to be sure that you are complying with the requirements of your municipality.

Candidate Registration: Must be filed **within 7 days** after filing the Declaration of Candidacy with the Municipal Clerk's Office. The registration provides your campaign contact information, designates your campaign committee, and your campaign depository. Candidates may amend registrations as needed. **Until a candidate files their registration, designating a Treasurer or Deputy Treasurers, only the candidate may accept/expend campaign funds.**

Municipal Exemption Statement: May be filed by *municipal* candidates that do not intend to exceed \$5,000 in campaign activity, including any personal money that they may use. As long as they remain under the \$5,000 threshold, this is the only form they are required to file with APOC. Although exempt candidates do not file campaign disclosure reports, they are still subject to the laws that apply to candidates, including the requirement that ads, yard signs, and other campaign materials include "paid for by" identifiers as required under [AS 15.13.090](#) and [2 AAC 50.306](#) (see page 2).

Candidate Reimbursement Notification: If candidates loan personal funds to their campaign with the intent to repay themselves after the election, they **MUST** file a Candidate Reimbursement Form **within 5 days** of depositing personal funds into their campaign account. The maximum limit a municipal candidate can loan and recover is \$5,000. **HOWEVER**, if the candidate is able to reimburse their personal contributions from the campaign account **within 72 hours** they may do so, and they do NOT need to file the Reimbursement Form.

CAMPAIGN DISCLOSURE REPORTS

Candidates, who are not exempt, are required to disclose financial information about their campaigns. The purpose of a campaign disclosure report is to provide a snapshot of a candidate's activity during a specific reporting period. The **reporting period** is the time period covered by a campaign disclosure report. A **due date** is the date when a report is due, and comes three days after the end of a reporting period. The three days allows a treasurer time to complete the report.

The number of reports filed by municipal candidates will vary depending on when the campaign begins. If a candidate filed a Letter of Intent on or before February 1, 2015, they will begin with a **Year Start Report**, due February 15, 2015. Otherwise the cycle will begin with a **30 Day Report** (due 30 days before the election), **7 Day Report** (due 7 days before the election) and a **105 Day Report** (which should be a final report and is due 105 days after the election). In addition, during the 9 days before an election, candidates must report the contributor name and the amount of all monetary and non-monetary contributions, from a single source, over \$250 (i.e. \$250.01) within 24 hours of receipt. Candidates may need to report each day during that period, or not at all.

OTHER START UP CONSIDERATIONS

Only the candidate, a registered treasurer or a registered deputy treasurer may spend money on behalf of the campaign. Any action by a treasurer or registered deputy treasurer is considered an action of the candidate.

If a registered treasurer or deputy treasurer makes a purchase on behalf of the campaign using personal funds, it is a non-monetary contribution to the campaign (against their individual \$500 contribution limit) unless it is reimbursed. **Reimbursements to a treasurer/deputy treasurer must be made within the same reporting period that the contribution was made.**

PAID FOR BY IDENTIFIERS

Alaska Statute 15.13.090 and Regulation 2 AAC 50.306 require a paid for by identifier on all political communications. For candidate campaigns, print or video communications (i.e. newspaper ads, videos, Facebook pages, yard signs, etc.) must have the visible identifier:

“paid for by” followed by the name and address of the candidate

Audible communications (i.e. radio ads, videos with sound, robo calls, etc.) must have the audible identifier:

“This communication was paid for by (candidate’s name only)”

If the communication has both a print/video and audio component (i.e. commercials, YouTube videos, etc.) it must have both a visual and audible disclaimer. Fixing missing or incomplete paid for by disclaimers costs time and money for a campaign, and can result in civil penalties.

CIVIL PENALTIES

Civil penalties apply to candidates who violate campaign disclosure law. Violations include failure to file a campaign disclosure report on time or failure to file a complete and accurate campaign disclosure report. **Even if you are filing a report indicating that you have had no activity in that report period, you will be assessed a civil penalty if the report is late.** It is YOUR responsibility, as the filer, to familiarize yourself (and your campaign workers) with the campaign disclosure law requirements and reporting deadlines. Penalties range from \$50 to \$500 a day depending on the report.

Review the APOC website for further reporting requirements. This information is only meant to provide you with an initial overview of your requirements as you begin your campaign. Do not hesitate to call APOC staff if you have questions. Thank you!

CONTACT INFORMATION

Anchorage Office	Juneau Office
2221 East Northern Lights Blvd., #128 Anchorage, AK 99508 Phone: (907) 276-4176 Toll Free: (800) 478-4176 Fax: (907) 276-7018	P.O. Box 110222 240 Main Street, #500 Juneau, AK 99811-0222 Phone: (907) 465-4864 Toll Free: (866) 465-4864 Fax: (907) 465-4832

Website: www.doa.alaska.gov/apoc
Information Email: apoc@alaska.gov
File Forms and Reports at: <https://my.alaska.gov/>

Alaska Campaign Annual Contribution Limits – AS 15.13

FROM	TO CANDIDATE	TO GROUP & NON-GROUP ENTITY	TO POLITICAL PARTY	TO BALLOT GROUP
Authority	AS 15.13.070	AS 15.13.070	AS 15.13.070	AS 15.13.065(c)
Individual (AK resident)	\$500	\$500	\$5,000	Unlimited
Individual (non-resident)	\$500 if candidate has not exceeded aggregate limit below: Municipal/House \$3,000 Senate \$5,000 Gov./Lt. Gov. \$20,000	\$500 if group has not exceeded aggregate limit of 10% of its total contributions.	\$5,000 if party has not exceeded aggregate limit of 10% of its total contributions.	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; 90% of its contributions must be from Alaska residents, and must otherwise comply with AS 15.13. <i>See AS 15.13.072(f).</i>	\$1,000 Must first register with APOC; 90% of its contributions must be from Alaska residents, and must otherwise comply with AS 15.13. <i>See AS 15.13.072(f).</i>	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; 90% of its contributions must be from Alaska residents, and must otherwise comply with AS 15.13. <i>See AS 15.13.072(h).</i>	\$1,000 Must first register with APOC; 90% of its contributions must be from Alaska residents, and must otherwise comply with AS 15.13. <i>See AS 15.13.072(h).</i>	Unlimited
Political Party	Municipal \$5,000 House \$10,000 Senate \$15,000 Lt. Gov./Gov. \$100,000	\$1,000	Unlimited	Unlimited
Foreign Nationals	Prohibited 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.			

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.

Revised March 16, 2011

ALASKA PUBLIC OFFICES COMMISSION

REPORTING DATES 2015 STATEWIDE MUNICIPAL ELECTION CANDIDATES

Tuesday, October 6, 2015 Statewide Municipal Elections

Report:	Covers:	Due:
Year Start Report*	Start of campaign – February 1, 2015	Sunday, February 15, 2015*
30 Day Report*	February 2 – September 4	Monday, September 7, 2015*
7 Day Report	September 5 – September 26	Tuesday, September 29, 2015
24 Hour Reports**	September 27 – October 5	Daily As Needed**
105 Day Report	September 27 – January 4, 2016	Tuesday, January 19, 2016

* Due date falls on a holiday weekend. Reports will be considered timely, if filed on the next business day immediately following.

**During the 9 days before an election, you must report the contributor name and amount of all monetary and non-monetary contributions over \$250 to the APOC within 24 hours of the time you receive each contribution. You may need to report each day during that period, or not at all.

Other Relevant Dates for the 2015 Statewide Municipal Elections:

Friday, September 4, 2015, (Last day of 30 day reporting period for the October 6, 2015 Municipal Election)
The last day that a candidate may give or loan their campaign more than \$5000

Friday, November 20, 2015, (45 days after the date of the October 6, 2015 Municipal Election)
The last day a candidate may accept contributions

Monday, January 4, 2016, (90 days after the date of the October 6, 2015 Municipal Election)
The date by which candidates must disburse the amount held in their campaign account

Please visit the APOC website for updates, forms and more information.
You may also access information about the statutes, regulations, and reports filed by groups, lobbyists and candidates.

Contact Information

Website: doa.alaska.gov/apoc
Information Email: 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

Juneau APOC – PO Box 110222/ 240 Main Street, Room 500, Juneau, Alaska 99811-0222
General Information: (907) 465-4864 / (866) 465-4864 / FAX (907) 465-4832

Alaska Public Offices Commission

2221 East Northern Lights, Rm. 128

Anchorage, Alaska 99508

(907) 276-4176; Fax: (907) 276-7018

(800) 478-4176

www.doa.alaska.gov/apoc



MUNICIPAL EXEMPTION STATEMENT

Who should file an Exemption Statement?

If you are a candidate for municipal office and you believe that your campaign will not raise or spend more than **\$5,000 (including personal money)** during the entire municipal election, you should consider filing an Exemption Statement.

Why?

Municipal candidates who file an Exemption Statement with the Commission are not required to file campaign disclosure reports during the campaign (including the registration, the 30-day pre-election, 7-day pre-election and year-end report or 24-hour reports).

Do I have to comply with other campaign disclosure restrictions?

Yes. Although the Exemption Statement exempts you from filing reports, you are still subject to the campaign disclosure law. For example, you may not accept contributions from corporations or unions; contribution limits on amount and timing still apply; you must use campaign money for election-related purposes only.

What if I file an Exemption Statement then receive or spend more than \$5,000?

If your campaign unexpectedly exceeds \$5,000 during the campaign, you must immediately begin filing the required campaign disclosure reports starting with the first report due after the campaign exceeds \$5,000. The first report must include all contributions and expense activity for your entire campaign from the beginning through the end of the current reporting period. Failure to do so could result in civil and criminal penalties.

Borough/Municipality _____ Office/Seat _____

Name _____

Mailing Address _____

(home phone/fax) _____

(work phone/fax) _____

(email address) _____

Certification: I do not intend to receive or accept contributions totaling more than \$5,000 or to make expenditures totaling more than \$5,000 (including personal money) during my entire campaign for municipal office. I certify that this statement is true, correct and complete.

Candidate

Signature _____ Date _____

ALL filings submitted to the Alaska Public Offices Commission are public records and available to the public as submitted. Do **NOT** include any of the following personal information: social security numbers, account numbers, credit card numbers, copies of checks, financial records with account numbers or access codes, or any document with personal identification numbers.

03/2010

ELECTION CALENDAR
OCTOBER 6, 2015, REGULAR ELECTION

Date	Action	Authority
January 1	Absentee By-Mail Ballot Applications are available from the Borough Clerk's Office	MSB 25.25.020
June 16	Last regularly scheduled Assembly meeting to introduce legislation placing propositions and questions on the ballot	
July 10	Notice of Vacancies in Office must be published by this day	MSB 25.15.040
July 15	Candidate Filing Packets will be available for public distribution	
July 20	Candidate filing period opens at 8 a.m.	MSB 25.15.030
July 31	Candidate filing period closes at 5 p.m.	MSB 25.15.030
August 4	Last regularly scheduled Assembly meeting to adopt legislation placing propositions and questions on the ballot	
August 7	Last day to withdraw from candidacy	MSB 25.15.055
August 7	Notice of Voter Registration must be published by this day	MSB 25.20.020
August 14	Last day to adopt legislation placing propositions and questions on the ballot	MSB 25.05.067
September 6	Last day to register to vote in the 2015 regular election	MSB 25.15.010
September 6	Notice of Election must be published by this day	MSB 25.20.020
September 16	Notice of Bonded Indebtedness must be published by this day, if applicable.	MSB 25.20.020

Date	Action	Authority
September 21	Absentee In-Person/Early voting begins	MSB 25.25.051
September 21	Election Brochure must be mailed by this day	MSB 25.05.120
September 29	Last day to request an Absentee By-Mail ballot	MSB 25.25.020
October 1	Last day to declare candidacy as a write-in	MSB 25.15.015
October 5	Absentee In-Person voting ends at all locations, <u>except</u> at the Borough Administration Building (Dorothy Swanda Jones Building) in Palmer	MSB 25.25.020
October 6	Absentee In-Person voting ends at 5 p.m. at all locations	MSB 25.25.051
October 6	Election Day – The polls are open from 7 a.m. to 8 p.m.	MSB 25.05.030
October 7	Canvass Board convenes to review absentee and questioned ballots cast in the election	
October 9	Last day to receive Absentee By-Mail ballots for counting	MSB 25.35.080
October 20	Election Certification	MSB 25.35.100
<i>Note, if no candidate for the office of mayor receives more than 40 percent of the votes cast in the regular election, a runoff election shall be held in accordance with MSB 25.05.045. Information concerning the <u>potential</u> runoff election will be available in the coming months.</i>		

CHAPTER 2.12: ASSEMBLY; MEMBERSHIP, ORGANIZATION AND MEETINGS

Section

2.12.005	Powers and functions of assembly
2.12.010	Election
2.12.015	Reapportionment of assembly districts
2.12.020	Term of office
2.12.030	Qualifications
2.12.040	Vacancy on the assembly
2.12.050	Organization
2.12.055	Assembly appointees
2.12.060	Compensation and reimbursement
2.12.070	Meetings
2.12.071	Public meetings
2.12.075	Joint meetings established
2.12.077	Planning commission review
2.12.080	Parliamentary rules [Repealed]
2.12.081	Persons to be heard
2.12.082	Agency reports
2.12.090	Agenda; notice of meeting; order of business
2.12.100	Quorum
2.12.110	Voting [Repealed]
2.12.111	Assembly voting
2.12.112	Conduct of debate and discussion
2.12.113	Smoking in meeting room prohibited
2.12.120	Suspension of rules
2.12.130	Assembly committees

Statutory reference:

For provisions regarding assembly powers, composition and procedures, see A.S. 29.20.050 through 29.20.180

2.12.005 POWERS AND FUNCTIONS OF ASSEMBLY.

The legislative power of the borough is vested in the assembly. The assembly formally establishes borough policy by ordinance or resolution.

(Ord. 94-001AM, § 3 (part), 1994 - Ord. 87-36, § 2, 1987)

2.12.010 ELECTION.

(A) The borough assembly shall consist of seven members elected from districts as follows:

ASSEMBLY DISTRICT 1

Beginning at Brushkana Creek and Denali Highway located in Section 11, Township 19 South, Range 3 West, Fairbanks Meridian, Alaska and running with the boundary of Assembly District No. 7; thence southwesterly along Brushkana Creek to the intersection with the section line between Section 33, Township 19 South, Range 3 West, Fairbanks Meridian, Alaska and Section 4, Township 20 South, Range 3 West, Fairbanks Meridian, Alaska; thence easterly along the township line to the township corner common to Section 36, Township 19 South, Range 2 West, Section 31, Township 19 South, Range 1 West, Section 1, Township 20 South, Range 2 West and Section 6, Township 20 South, Range 1 West, all in the Fairbanks Meridian, Alaska; thence southerly along the township line to the township corner common to Section 36, Township 20 South, Range 2 West, Section 31, Township 20 South, Range 1 West, Section 1, Township 21 South, Range 2 West and Section 6, Township 21 South, Range 1 West, all in the Fairbanks Meridian, Alaska; thence easterly along the township line to the township corner common to Section 36, Township 20 South, Range 1 West, Section 31, Township 20 South, Range 1 East, Section 1, Township 21 South, Range 1 West and Section 6, Township 21 South, Range 1 East, all in the Fairbanks Meridian, Alaska; thence southerly along the township line to the section corner common to Section 36, Township 22 South, Range 1

West, and Section 31, Township 22 South, Range 1 East, Section 1, Township 20 South, Range 2 West, both in the Fairbanks Meridian, also being the intersection of the Fairbanks Meridian and the Seward Meridian; thence easterly along the line between the Fairbanks Meridian and the Seward Meridian to the section corner common to Section 13, Township 33 North, Range 11 East, and Section 18, Township 33 North, Range 12 East, both in the Seward Meridian, Alaska; thence southerly along the township line to the section corner common to Section 36, Township 33 North, Range 11 East and Section 31, Township 33 North, Range 12 East, both in the Seward Meridian, Alaska; thence westerly along the standard parallel to the township corner common to Section 1, Township 32 North, Range 11 East and Section 6, Township 32 North, Range 12 East, both in the Seward Meridian, Alaska; thence southerly along the township line to the section corner common to Section 36, Township 29 North, Range 11 East and Section 31, Township 29 North, Range 12 East, both in the Seward Meridian, Alaska; thence westerly along the standard parallel to the township corner common to Section 1, Township 28 North, Range 11 East and Section 6, Township 28 North, Range 12 East, both in the Seward Meridian, Alaska; thence southerly along the township line to the section corner common to Section 36, Township 25 North, Range 11 East and Section 31, Township 25 North, Range 12 East, both in the Seward Meridian, Alaska; thence westerly along the standard parallel to the township corner common to Section 1, Township 24 North, Range 9 East and Section 6, Township 24 North, Range 10 East, both in the Seward Meridian, Alaska; thence southerly along the township line to its intersection with Billy Creek, located on the line between Section 13, Township 22 North, Range 9 East and Section 18, Township 22 North, Range 10 East, both in the Seward Meridian, Alaska; thence southwesterly downstream along Billy Creek to the confluence of Caribou Creek, located in Section 26, Township 22 North, Range 9 East, Seward Meridian, Alaska; thence northwesterly upstream along Caribou Creek to the confluence of Chitina Creek, located in Section 27, Township 22 North, Range 9 East, Seward Meridian, Alaska; thence northerly upstream along Caribou Creek to its intersection with the Boulder Creek Trail, located in Section 27, Township 22 North, Range 9 East, Seward Meridian, Alaska; thence westerly and southwesterly on Boulder Creek Trail to its junction with Chickaloon Trail and Ninety-Eight Trail, located in Section 7, Township 20 North, Range 7 East, Seward Meridian, Alaska; thence westerly and northwesterly along Ninety-Eight Trail to its junction with Chickaloon River, located in Section 32, Township 21 North, Range 6 East, Seward Meridian, Alaska; thence southwesterly downstream along Chickaloon River to the confluence of Doone Creek located in Section 5, Township 20 North, Range 6 East, Seward Meridian, Alaska; thence upstream along Doone Creek to its headwater located within Section 35, Township 21 North, Range 5 East, Seward Meridian, as shown on the aforesaid map; thence southwesterly on a point to point line from the headwater of Doone Creek and the headwater of an unnamed stream located near the southern line of Section 34, Township 21 North, Range 5 East, Seward Meridian; thence southwesterly along the unnamed stream to the confluence with Kings River; thence southerly downstream along Kings River to the confluence of an unnamed stream located within the northern half of Section 17, Township 20 North, Range 5 East, Seward Meridian; thence westerly and northerly upstream along the unnamed stream to its headwater located within Section 35, Township 21 North, Range 4 East, Seward Meridian; thence northwesterly on a point to point line from the headwater of the unnamed stream to the eastern end and headwater of an unnamed stream located within Section 34, Township 21 North, Range 4 East, Seward Meridian; thence northwesterly downstream along the unnamed stream to the confluence of Granite Creek located within Section 24, Township 21 North, Range 4 East, Seward Meridian; thence northwesterly upstream along Granite Creek to its headwater within Section 8, Township 21 North, Range 4 East, Seward Meridian; thence southwesterly on a point to point line to the summit of Montana Peak located in Section 24, Township 21 North, Range 2 East, Seward Meridian, Alaska; thence westerly to the headwaters of Peters Creek, located in Section 4, Township 20 North, Range 1 East, Seward Meridian, Alaska; thence southeasterly to the headwaters of Archangel Creek, located in Section 15, Township 20 North, Range 1 East, Seward Meridian, Alaska; thence southeasterly downstream along Archangel Creek to the confluence of the Little Susitna River, located in Section 36, Township 21 North, Range 1 East, Seward Meridian, Alaska; thence southwesterly downstream along Little Susitna River to Delia Creek located in Section 36, Township 20 North, Range 1 East, Seward Meridian, Alaska, being also the junction of Assembly District No. 1 and Assembly District No. 6 along the boundary of Assembly District No. 7; thence running with the boundary of Assembly District No. 6 southeasterly upstream along Delia Creek to its headwater located within Section 7, Township 19 North, Range 2 East, Seward Meridian; thence southeasterly on a point to point line from the headwater of Delia Creek to the headwater of an unnamed perennial stream located within Section 7, Township 19 North, Range 2 East, Seward Meridian; thence southerly along the unnamed stream to its confluence with Wasilla Creek, located within Section 31 of Township 19 North, Range 2 East, Seward Meridian; thence southwesterly along Wasilla Creek to East Crabb Circle, thence westerly and southerly along East Crabb Circle to its terminus, thence southerly to Wasilla Creek, thence southwesterly along Wasilla Creek to North Weltin Way; thence northerly and westerly along North Weltin Way to East Falk Rd.; thence westerly on East Falk Road to North Palmer Fishhook Rd.; thence continuing westerly along the northern boundary

of Alpine View to the section corner common to section 10, section 11, section 14 and section 15 of Township 18 North Range 1 East, Seward Meridian, Alaska; thence southerly along the section line between Section 14 and Section 15, Township 18 North, Range 1 East, Seward Meridian, Alaska to East Aspen Ridge Road; thence southeasterly along East Aspen Ridge Road to North Engstrom Road; thence southerly along North Engstrom Road to a bend in the road leading easterly; continuing southerly along the line between Section 21 and Section 22, Township 18 North, Range 1 East, Seward Meridian, Alaska to East Twin Lakes Road, being also the junction of Assembly District No. 1 and Assembly District No. 3 along the boundary of Assembly District No. 6; thence running with the boundary of Assembly District No. 3 easterly along East Twin Lakes Drive; thence southerly, southeasterly and southerly along East Twin Lakes Road to the intersection of East Bogard Road; thence easterly on East Bogard Road; thence continuing southerly to the 1/4 corner common to Section 27 and Section 34, Township 18 North, Range 1 East, Seward Meridian, Alaska; thence continuing southerly along the westerly boundary of Finger Lake Heights Subdivision to the center 1/4 corner of Section 34, Township 18 North, Range 1 East, Seward Meridian, Alaska; thence continuing southerly along the westerly boundary of Finger Lake South Subdivision to the 1/4 corner common to Section 34, Township 18 North, Range 1 East, Seward Meridian, Alaska and Section 3, Township 17 North, Range 1 East, Seward Meridian, Alaska located in East Palmer-Wasilla Highway being also the junction of Assembly District No. 1 and Assembly District No. 3 along the boundary of Assembly District No. 2; thence running with the boundary of Assembly District No. 2 easterly along East Palmer-Wasilla Highway to the section corner common to section 36, Township 18 North, Range 1 East, Seward Meridian, Alaska, section 31, Township 18 North, Range 2 East, Seward Meridian, Alaska, section 1, Township 17 North, Range 1 East, Seward Meridian, Alaska and section 6, Township 17 North, Range 2 East, Seward Meridian, Alaska; thence northerly along the boundary between Equestrian Acres Subdivision and Harvest Acres Subdivision to the section corner common to section 25 and section 36, Township 18 North, Range 1 East, Seward Meridian, Alaska and section 30 and section 31, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence easterly along the boundary of Equestrian Acres Subdivision to the center 1/4 corner of section 31, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence easterly, southerly and easterly along East Scott Road to the Northwest 1/16 of Section 32, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence along East Scott Road to the Center Center North 1/16 corner of Section 32, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence along East Scott Road to the Northeast 1/16 Section Corner of Section 32, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence along East Scott Road to North Glenn Highway; thence northerly along North Glenn Highway to West Caribou Avenue; thence northerly along North Glenn Highway to East Marsh Rd.; thence westerly along East Marsh Road to the Center-South 1/16 corner of section 29, T18N, Range 2 East, Seward Meridian, thence northerly to the Center-North 1/16 corner of said Section 29, Township 18 North, Range 2 East, Seward Meridian, thence easterly to the North Glenn Highway; thence northerly along the North Glenn Highway to North Palmer Fishhook Road; thence easterly along an easterly extension of North Palmer Fishhook Road to the right bank of the Matanuska River as you face downstream; thence downstream with the right bank of the Matanuska River southerly and easterly to North Old Glenn Highway; thence along the North Old Glenn Highway crossing the Matanuska River to the left bank as you face downstream; thence downstream along the left bank of the Matanuska River southeasterly, southerly and southwesterly to the confluence of the Knik River, located in Section 5, Township 16 North, Range 2 East, Seward Meridian, Alaska; thence westerly along the confluence of the Matanuska River and the Knik River to the right bank and confluence of the Matanuska River and the Knik River, located in Section 2, Township 16 North, Range 2 East, Seward Meridian, Alaska; thence downstream with the right bank of the Knik River to its intersection with the Alaska Railroad in Section 3, Township 16 North, Range 1 East, Seward Meridian, Alaska, also the junction of Assembly District No. 2 and Assembly District No. 3 along the boundary of Assembly District No. 1; thence continuing downstream along the right bank of the Matanuska River with Assembly District No. 3 to its intersection with South Glenn Highway; thence southerly on South Glenn Highway to the Matanuska-Susitna Borough boundary, located at the intersection of Section 10 and Section 15, Township 16 North, Range 1 East, Seward Meridian, Alaska, also the junction of Assembly District No. 1 and Assembly District No. 3; thence easterly on the Matanuska-Susitna Borough boundary and continuing on the boundary in a southerly, easterly, southerly, easterly, northerly, easterly, northerly, westerly, northerly, westerly, northerly, easterly, northerly, westerly, northerly, westerly, northerly, westerly, northerly, westerly, southerly and westerly direction to the Denali Highway, located at the intersection of Section 23 and Section 26, Township 18 North, Range 4 West, Fairbanks Meridian, Alaska, also the junction of Assembly District No. 1 and Assembly District No. 7; thence running with the boundary of Assembly District No. 7 southeasterly on the Denali Highway to Brushkana Creek, and the point of beginning of this description.

ASSEMBLY DISTRICT 2

Beginning at the 1/4 section corner common to Section 34, T 18N, R1E, Seward Meridian, Alaska and Section 3, T 17N, R1E, Seward Meridian, Alaska located in E. Palmer-Wasilla Highway being also the junction of Assembly District No. 1 and Assembly District No. 3; thence along the boundary of Assembly District No. 3 southwesterly along East Palmer-Wasilla Highway to its intersection with North Hyer Rd.; thence southerly along North Hyer Road to its intersection with East Parks Highway; thence southeasterly on the East Parks Highway to its intersection with the South Glenn Highway; thence southwesterly on the South Glenn Highway to Spring Creek; thence southeasterly along Spring Creek to its intersection with the Alaska Railroad; thence southerly on the Alaska Railroad to its intersection with the Knik River in Section 3, Township 16 North, Range 1 East, Seward Meridian, Alaska, also the junction of Assembly District No. 2 and Assembly District No. 3 along the boundary of Assembly District No. 1; thence continuing with Assembly District No. 1 upstream with the left bank of the Knik River as you face upstream to the confluence of the Matanuska River, located in Section 2, Township 16 North, Range 2 East, Seward Meridian, Alaska; thence easterly along the confluence of the Matanuska River and the Knik River to the confluence of the Matanuska River and the Knik River on the right bank of the Matanuska River as you face upstream, located in Section 5, Township 16 North, Range 2 East, Seward Meridian, Alaska; thence continuing upstream along the right bank of the Matanuska River northeasterly, northerly and northwesterly to North Old Glenn Highway; thence along the North Old Glenn Highway crossing the Matanuska River to the left bank as you face upstream; thence continuing upstream along the left bank of the Matanuska River to the intersection of the left bank of the Matanuska River and an easterly extension of the Palmer Fishhook Road; thence westerly along the easterly extension of the Palmer Fishhook Road to North Glenn Highway; thence southerly along North Glenn Highway to a point; thence westerly to the Center-North 1/16 corner of Section 29, Township 18 North, Range 2 East, Seward Meridian; thence southerly to East Marsh Road; thence easterly along East Marsh Road to North Glenn Highway; thence southerly along North Glenn Highway to East Scott Road; thence westerly, southerly and westerly along East Scott Road to the center 1/4 section corner of section 31, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence westerly along the boundary of Equestrian Acres Subdivision to the section corner common to section 25 and section 36, Township 18 North, Range 1 East, Seward Meridian, Alaska and section 30 and section 31, Township 18 North, Range 2 East, Seward Meridian, Alaska; thence southerly along the boundary between Equestrian Acres Subdivision and Harvest Acres Subdivision to East Palmer-Wasilla Highway and the section corner common to section 36, Township 18 North, Range 1 East, Seward Meridian, Alaska, section 31, Township 18 North, Range 2 East, Seward Meridian, Alaska, section 1, Township 17 North, Range 1 East, Seward Meridian, Alaska and section 6, Township 17 North, Range 2 East, Seward Meridian, Alaska; thence along East Palmer-Wasilla Highway to the 1/4 section corner common to Section 34, Township 18 North, Range 1 East, Seward Meridian, Alaska and Section 3, Township 17 North, Range 1 East, Seward Meridian, Alaska, and the point of beginning of this description.

ASSEMBLY DISTRICT 3

Beginning at the 1/4 section corner common to Section 34, Township 18 North, Range 1 East, Seward Meridian, Alaska and Section 3, Township 17 North, Range 1 East, Seward Meridian, Alaska located in East Palmer-Wasilla Highway being also the junction of Assembly District No. 1 and Assembly District No. 3; thence northerly with the boundary of Assembly District No. 1 along the westerly boundary of Finger Lake South Subdivision to the center 1/4 corner of Section 34, Township 18 North, Range 1 East, Seward Meridian, Alaska; thence continuing northerly along the westerly boundary of Finger Lake Heights Subdivision to the 1/4 corner common to Section 27 and Section 34, Township 18 North, Range 1 East, Seward Meridian, Alaska at East Bogard Road; thence westerly on East Bogard Road to the intersection of North Engstrom Road; thence northerly, northwesterly and northerly along North Engstrom Road to the intersection with East Twin Lakes Road; thence westerly on East Twin Lakes Road to its terminus at the line between Section 21 and Section 22, Township 18 North, Range 1 East, Seward Meridian, Alaska, being also the junction of Assembly District No. 1 and Assembly District No. 6 along the boundary of Assembly District No. 3; thence running with the boundary of Assembly District No. 6 southerly along the line between Section 21 and Section 22, Township 18 North, Range 1 East, Seward Meridian, Alaska to the northerly shore of Neklasen Lake; thence continuing in a westerly direction to the northerly shore of Neklasen Lake; thence southwesterly along the northerly shore of Neklasen Lake to East Homebuilt Circle; thence westerly along the northerly shore and southeasterly and westerly shore of Lower Neklasen Lake to an unnamed creek; thence southwesterly and westerly along the aforementioned unnamed creek to North Caribou Street; thence southerly along North Caribou Street to North Charley Drive; thence northwesterly along North Charley Drive to East Shaw's

Drive; thence southwesterly along East Shaw's Drive to North Delta Street; thence southwesterly along North Delta Street to its terminus; thence southwesterly to the north shore of Anderson Lake; thence southeasterly along the shore of Anderson Lake to the boundary line between Lot 7 and Lot 8A, Shaw's Tri-Lake Subdivision; thence southeasterly along the boundary between Lot 7 and Lot 8A, Shaw's Tri-Lake Subdivision to its intersection with North Travelair Drive; thence southerly and westerly along North Travelair Drive to East Grumman Circle; thence southerly along East Grumman Circle to its intersection with East Bogard Road and East Seldon Road; thence westerly along East Seldon Road to its intersection with North Seward Meridian Parkway and East Lakeview Road; thence south along North Seward Meridian Parkway to its intersection with East Bogard Road, also the junction of Assembly District No. 4 and Assembly District No. 6 along the boundary of Assembly District No. 3; thence continuing with Assembly District No. 4 southerly along North Seward Meridian Road to its terminus at the intersection of East Old Matanuska Road; thence continuing southerly to the 1/4 section corner common to Section 13, Township 17 North, Range 1 West and Section 18, Township 17 North, Range 1 East, both in the Seward Meridian, Alaska; thence westerly to the 1/4 section corner common to Section 14 and Section 15, Township 17 North, Range 1 West, Seward Meridian, Alaska; thence southerly to South Togiak Avenue; thence southerly along South Togiak Avenue to the 1/16 section corner common to Section 14 and Section 15, Township 17 North, Range 1 West, Seward Meridian, Alaska; thence westerly to South Fern Street; thence northerly with South Fern Street to its intersection with Cottonwood Creek; thence westerly downstream along Cottonwood Creek to the boundary line between Fern Estates and Catherine Subdivision; thence northwesterly along the boundary line between Fern Estates and Catherine Subdivision to South Knik-Goose Bay Road; thence westerly and southwesterly along South Knik-Goose Bay Rd. to its intersection with South Foothills Boulevard, also the junction of Assembly District No. 4 and Assembly District No. 5 along the boundary of Assembly District No. 3; thence continuing along South Knik-Goose Bay Road southwesterly with Assembly District No. 5 to the intersection of South Pinnacle Peak Drive; thence southerly and southwesterly along South Pinnacle Peak Dr. to its intersection with South Cardiff Lane; thence southeasterly, southerly, southwesterly and southerly along South Cardiff Lane to its intersection with West Lupine Lane; thence northeasterly, southeasterly and northeasterly along West Lupine Lane to its intersection with South Hayfield Road; thence southerly with South Hayfield Road to its intersection with West Demaree Circle; thence southeasterly and southerly with West Demaree Circle to its intersection with Cottonwood Creek; thence downstream and southwesterly along Cottonwood Creek to its mouth on Knik Arm; thence southeasterly to the Matanuska-Susitna Borough boundary; thence northeasterly and easterly along the Matanuska-Susitna Borough boundary to S. Glenn Highway, also the junction of Assembly District No. 1 and Assembly District No. 3; thence running with the boundary of Assembly District No. 3 northerly along South Glenn Highway to the right bank of the Knik River as you face upstream; thence northeasterly upstream along the right bank of the Matanuska River to the Alaska Railroad, also the junction of Assembly District No. 1, Assembly District No. 2 and Assembly District No. 3; thence running with the boundary of Assembly District No. 2 northerly on the Alaska Railroad northerly to its intersection with Spring Creek; thence northwesterly along Spring Creek to its intersection with the South Glenn Highway; thence northeasterly along South Glenn Highway to its intersection with East Parks Highway; thence along East Parks northwesterly to its intersection with N. Hyer Rd.; thence northerly along North Hyer Road and its intersection with East Palmer-Wasilla Highway; thence along East Palmer-Wasilla Highway northeasterly and easterly to the 1/4 section corner common to Section 34, Township 18 North, Range 1 East, Seward Meridian, Alaska and Section 3, Township 17 North, Range 1 East, Seward Meridian, Alaska, and the point of beginning of this description.

ASSEMBLY DISTRICT 4

Beginning at the intersection of North Seward Meridian Parkway and East Bogard Road, also the junction of Assembly District No. 3 and Assembly District No. 6 along the boundary of Assembly District No. 4; thence continuing with Assembly District No. 3 southerly along North Seward Meridian Road to its terminus at the intersection of East Old Matanuska Road; thence continuing southerly to the 1/4 section corner common to Section 13, Township 17 North, Range 1 West and Section 18, Township 17 North, Range 1 East, both in the Seward Meridian, Alaska; thence westerly to the 1/4 section corner common to Section 14 and Section 15, Township 17 North, Range 1 West, Seward Meridian, Alaska; thence southerly to South Togiak Avenue; thence southerly along South Togiak Avenue to the 1/16 section corner common to Section 14 and Section 15, Township 17 North, Range 1 West, Seward Meridian, Alaska; thence westerly to South Fern Street; thence northerly with South Fern Street to its intersection with Cottonwood Creek; thence westerly downstream along Cottonwood Creek to the boundary line between Fern Estates and Catherine Subdivision; thence northwesterly along the boundary line between Fern Estates and Catherine Subdivision to South Knik-Goose Bay Road; thence westerly and southwesterly along South

Knik-Goose Bay Road to its intersection with South Foothills Boulevard, also the junction of Assembly District No. 3 and Assembly District No. 5 along the boundary of Assembly District No. 4; thence continuing with Assembly District No. 5 northerly along South Foothills Boulevard to Lucille Creek; thence westerly along the thread of Lucille Creek to South Vine Road, also the junction of Assembly District No. 5 and Assembly District No. 7 along the boundary of Assembly District No. 4; thence continuing with Assembly District No. 7 northerly along South Vine Road to West Parks Highway; thence easterly along West Parks Highway to an unnamed creek, located in Section 11, Township 17 North, Range 2 West, Seward Meridian, Alaska; thence northerly, easterly, northerly, easterly and northeasterly along the thread of said unnamed creek to North Church Road; thence northerly along North Church Road to the 1/4 section corner common to section 31 and section 32 of Township 18 North, Range 1 West, Seward Meridian, Alaska and the junction of Assembly District No. 6 and Assembly District No. 7 along the boundary of Assembly District No. 4; thence continuing with Assembly District No. 6 easterly along the boundary between Church Ridge Estates and Silver Leaf Estates to the Center 1/4 section corner of section 32 of Township 18 North, Range 1 West, Seward Meridian, Alaska, thence southerly along the easterly boundary of Silver Leaf Estates and Golden Leaf to the boundary corner common to Lot 1 Golden Leaf and Tract B Silver Leaf Estates Phase II; thence westerly along the boundary between Lot 1 Golden Leaf and Tract B Silver Leaf Estates Phase II to the corner common to Lot 1 Golden Leaf, Tract B, Silver Leaf Estates Phase II and Lot 1, Silver Leaf Estates 2006 Addition; thence southerly along the boundary between Tract B Silver Leaf Estates Phase II and Lot 1, Lot 2 and Lot 3, Silver Leaf Estates 2006 Addition to West Spruce Avenue; thence easterly along West Spruce Avenue to North Lucille Street; thence easterly along East Spruce Avenue to North Douglas Drive; thence northerly along North Douglas Drive to East Chickaloon Way; thence easterly along East Chickaloon Way to East Susitna Drive; thence easterly along East Susitna Drive to North Wasilla Fishhook Road; thence southwesterly along North Wasilla Fishhook Road to the south line of Section 34, Township 18 North, Range 1 West, Seward Meridian; thence easterly, following the south line of Sections 34, 35 and 36, Township 18 North, Range 1 West, Seward Meridian, to Santa Cruz Court; thence southeasterly along Santa Cruz Court to the East Bogard Road; thence northeasterly along East Bogard Road to its intersection with North Seward Meridian Parkway and the point of beginning.

ASSEMBLY DISTRICT 5

Beginning at the intersection of South Knik-Goose Bay Road and South Foothills Boulevard, also the junction of Assembly District No. 4 and Assembly District No. 3 along the boundary with Assembly District No. 5; thence continuing with Assembly District No. 5 northerly along South Foothills Boulevard to Lucille Creek; thence westerly along the thread of Lucille Creek to South Vine Road, also the junction of Assembly District No. 4, Assembly District No. 7 and Assembly District No. 5; thence continuing along the boundary with Assembly District No. 7 westerly along the thread of Lucille Creek to its intersection with the section line between section 19 and section 20, Township 17 North, Range 2 West, Seward Meridian, Alaska; thence northerly to the 1/4 section corner between section 19 and section 20, Township 17 North, Range 2 West, Seward Meridian, Alaska; thence westerly along the northern boundary of Dawn Lake Estates to the Center East 1/16 section corner of Section 19, Township 17 North, Range 2 West, Seward Meridian, Alaska; thence northerly to the southern boundary of Cherry Hill Subdivision to the Northeast 1/16 section corner of Section 19, Township 17 North, Range 2 West, Seward Meridian, Alaska; thence easterly to the lot corner between Lot 6, Block 4 and Tract C of Cherry Hill Subdivision; thence northwesterly along the boundary line between Tract C and Lots 6, 5, 4, 3, 2 and 1, Block 4, Cherry Hill Subdivision to South Old Trail Drive; thence northeasterly along South Old Trail Drive to West Schultz Dr.; thence northwesterly along West Schultz Drive to South Johnson Road; thence south on South Johnson Road to Lucille Creek; thence westerly along the thread of Lucille Creek to West Big Lake Road; thence northeasterly along West Big Lake Road to its intersection with the line that runs from the Center 1/4 section corner of Section 14, Township 17 North, Range 3 West, Seward Meridian, Alaska to the 1/4 section corner common to Section 11 and Section 14, Township 17 North, Range 3 West, Seward Meridian, Alaska; thence northerly to the 1/4 section corner common to Section 11 and Section 14, Township 17 North, Range 3 West, Seward Meridian, Alaska; thence westerly to the section corner common to Section 3, Section 4, Section 9 and Section 10, Township 17 North, Range 3 West, Seward Meridian, Alaska; thence northerly to the section corner common to Section 3 and Section 4, Township 17 North, Range 3 West and Section 33 and Section 34, Township 18 North, Range 3 West, Seward Meridian, Alaska; thence westerly to the section corner common to Section 4 and Section 5, Township 17 North, Range 3 West and Section 32 and Section 33, Township 18 North, Range 3 West, Seward Meridian, Alaska; thence northerly to the 1/4 section corner common to Section 28 and Section 19, Township 18 North, Range 3 West, Seward Meridian, Alaska; thence westerly along the northerly boundary of Miller's Reach Subdivision to its intersection with the Little Susitna River; thence southwesterly and southerly downstream along the right bank of the Little Susitna River as you face

downstream to the Iditarod Trail in Section 27, Township 16 North, Range 5 West, Seward Meridian, Alaska; thence westerly along the Iditarod Trail to Fish Creek located in Section 20, Township 16 North, Range 6 West, Seward Meridian, Alaska; thence southwesterly along Fish Creek and the southern shoreline of Flat Horn Lake to the continuation of Fish Creek at the southern end of Flat Horn Lake; thence southwesterly along Fish Creek to the bank of the Susitna River located in Section 23, Township 15 North, Range 7 West, Seward Meridian, Alaska; thence southerly on the right bank of the Susitna River as you face downstream to Magot Point within Section 21, Township 14 North, Range 7 West, Seward Meridian; thence southwesterly across Cook Inlet to the Matanuska-Susitna Borough boundary and the junction of Assembly District No. 5 and Assembly District No. 7; thence easterly with the Matanuska-Susitna Boundary along Cook Inlet to Knik Arm; thence northeasterly along Knik Arm to a point on the Matanuska-Susitna Borough boundary southeasterly of the mouth of Cottonwood Creek, also the junction of Assembly District No. 3 and Assembly District No. 5; thence northwesterly with Assembly District No. 3 to the mouth of Cottonwood Creek where it meets Knik Arm; thence upstream and northwesterly along Cottonwood Creek to its intersection with West Demaree Circle; thence northwesterly along West Demaree Circle to its intersection with South Hayfield Road; thence northerly on South Hayfield Road to its intersection with West Lupine Lane; thence southwesterly, northwesterly and southwesterly on West Lupine Lane to its intersection with South Cardiff Lane; thence northerly, northeasterly and northwesterly on South Cardiff Lane to its intersection with South Pinnacle Peak Drive; thence northeasterly and northwesterly on South Pinnacle Peak Drive to its intersection with South Knik-Goose Bay Road; thence northeasterly along South Knik-Goose Bay Road to its intersection with South Foothills Boulevard and the point of beginning.

ASSEMBLY DISTRICT 6

Beginning at the intersection of North Seward Meridian Parkway and East Bogard Road, also the junction of Assembly District No. 3 and Assembly District No. 4 along the boundary of Assembly District No. 6; thence continuing with Assembly District No. 4 northwesterly along East Bogard Road to its intersection with Santa Cruz Court; thence northwesterly along Santa Cruz Court to the south line of Section 36, Township 18 North, Range 1 West, Seward Meridian; thence westerly along the south line of Sections 36, 35 and 34, Township 18 North, Range 1 West, Seward Meridian, to North Wasilla Fishhook Road; thence northeasterly along North Wasilla Fishhook Road to East Susitna Drive; thence westerly along East Susitna Drive to East Chickaloon Way; thence westerly along East Chickaloon Way to North Douglas Drive; thence southerly along North Douglas Drive to East Spruce Avenue; thence westerly along East Spruce Avenue to North Lucille Street; thence westerly along West Spruce Avenue to a point adjacent to Tract B, Silver Leaf Estates Phase II and Lot 1, Silver Leaf Estates 2006 Addition; thence northerly along the boundary of Tract B, Silver Leaf Estates Phase II, and Lot 3, Lot 2 and Lot 1, Silver Leaf Estates 2006 Addition to the corner common to Tract B, Silver Leaf Estates Phase II, Lot 1, Silver Leaf Estates 2006 Addition and Lot 1, Golden Leaf; thence easterly on the boundary between Tract B, Silver Leaf Estates Phase II and Lot 1, Golden Leaf to the corner common to Tract B, Silver Leaf Estates Phase II and Lot 1, Golden Leaf; thence northerly along the eastern boundary of Golden Leaf and Silver Leaf Estates Phase II to the Center 1/4 section corner of section 32 of Township 18 North, Range 1 West, Seward Meridian, Alaska; thence westerly along the boundary between Church Ridge Estates and Silverleaf Estates to North Church Road and the 1/4 section corner common to section 31 and section 32 of Township 18 North, Range 1 West, Seward Meridian, Alaska, also the junction of Assembly District No. 4, Assembly District No. 7 along Assembly District No. 6; thence continuing with Assembly District No. 7 northerly along North Church Road to its intersection with West Schrock Road; thence northeasterly on West Schrock Road to its intersection with North Infinite Road; thence northerly along the section line between section 16 and section 17, Township 18 North, Range 1 West, Seward Meridian, Alaska to its intersection with an unnamed creek; thence upstream along said unnamed creek to its headwaters; thence on a northerly line to its intersection with Bald Mountain Ridge; thence northeasterly, southeasterly and northeasterly, continuing along Bald Mountain Ridge to Willow Fishhook Road within Section 5, Township 19 North, Range 1 East, Seward Meridian; thence northeasterly along Willow Fishhook Road to the point where it intersects Fishhook Creek within Section 33, Township 20 North, Range 1 East, Seward Meridian; thence southeasterly and downstream along Fishhook Creek to the Little Susitna River; thence northerly and upstream along the Little Susitna River to the confluence of Delia Creek, being also the junction of Assembly District No. 1 and Assembly District No. 7 along the boundary of Assembly District No. 6; thence running with the boundary of Assembly District No. 1 southeasterly upstream along Delia Creek to its headwater located within Section 7, Township 19 North, Range 2 East, Seward Meridian; thence southeasterly on a point to point line from the headwater of Delia Creek to the headwater of an unnamed perennial stream located within Section 7, Township 19 North, Range 2 East, Seward Meridian; thence southerly along the unnamed stream to its confluence with Wasilla Creek, located within Section 31 of Township 19

North, Range 2 East, Seward Meridian; thence southwesterly along Wasilla Creek to East Crabb Circle, thence westerly and southerly along East Crabb Circle to its terminus, thence southerly to Wasilla Creek, thence southwesterly along Wasilla Creek to North Weltin Way; thence northerly and westerly along North Weltin Way to East Falk Road; thence westerly on East Falk Road to North Palmer Fishhook Road; thence continuing westerly along the northern boundary of Alpine View to the section corner common to section 10, section 11, section 14 and section 15 of Township 18 North, Range 1 East, Seward Meridian, Alaska; thence southerly along the section line between Section 14 and Section 15, Township 18 North, Range 1 East, Seward Meridian, Alaska to East Aspen Ridge Road; thence southeasterly along East Aspen Ridge Road to North Engstrom Road; thence southerly along North Engstrom Road to a bend in the road leading easterly; continuing southerly along the line between Section 21 and Section 22, Township 18 North, Range 1 East, Seward Meridian, Alaska to East Twin Lakes Road, being also the junction of Assembly District No. 1 and Assembly District No. 3 along the boundary of Assembly District No. 6 and the point of beginning.

ASSEMBLY DISTRICT 7

Beginning at Brushkana Creek and Denali Highway located in Section 11, Township 19 South, Range 3 West, Fairbanks Meridian, Alaska and running with the boundary of Assembly District No. 1; thence southwesterly along Brushkana Creek to the intersection with the section line between Section 33, Township 19 South, Range 3 West, Fairbanks Meridian, Alaska and Section 4, Township 20 South, Range 3 West, Fairbanks Meridian, Alaska; thence easterly along the township line to the township corner common to Section 36, Township 19 South, Range 2 West, Section 31, Township 19 South, Range 1 West, Section 1, Township 20 South, Range 2 West and Section 6, Township 20 South, Range 1 West, all in the Fairbanks Meridian, Alaska; thence southerly along the township line to the township corner common to Section 36, Township 20 South, Range 2 West, Section 31, Township 20 South, Range 1 West, Section 1, Township 21 South, Range 2 West and Section 6, Township 21 South, Range 1 West, all in the Fairbanks Meridian, Alaska; thence easterly along the township line to the township corner common to Section 36, Township 20 South, Range 1 West, Section 31, Township 20 South, Range 1 East, Section 1, Township 21 South, Range 1 West and Section 6, Township 21 South, Range 1 East, all in the Fairbanks Meridian, Alaska; thence southerly along the township line to the section corner common to Section 36, Township 22 South, Range 1 West, and Section 31, Township 22 South, Range 1 East, Section 1, Township 20 South, Range 2 West, both in the Fairbanks Meridian, also being the intersection of the Fairbanks Meridian and the Seward Meridian; thence easterly along the line between the Fairbanks Meridian and the Seward Meridian to the section corner common to Section 13, Township 33 North, Range 11 East, and Section 18, Township 33 North, Range 12 East, both in the Seward Meridian, Alaska; thence southerly along the township line to the section corner common to Section 36, Township 33 North, Range 11 East and Section 31, Township 33 North, Range 12 East, both in the Seward Meridian, Alaska; thence westerly along the standard parallel to the township corner common to Section 1, Township 32 North, Range 11 East and Section 6, Township 32 North, Range 12 East, both in the Seward Meridian, Alaska; thence southerly along the township line to the section corner common to Section 36, Township 29 North, Range 11 East and Section 31, Township 29 North, Range 12 East, both in the Seward Meridian, Alaska; thence westerly along the standard parallel to the township corner common to Section 1, Township 28 North, Range 11 East and Section 6, Township 28 North, Range 12 East, both in the Seward Meridian, Alaska; thence southerly along the township line to the section corner common to Section 36, Township 25 North, Range 11 East and Section 31, Township 25 North, Range 12 East, both in the Seward Meridian, Alaska; thence westerly along the standard parallel to the township corner common to Section 1, Township 24 North, Range 9 East and Section 6, Township 24 North, Range 10 East, both in the Seward Meridian, Alaska; thence southerly along the township line to its intersection with Billy Creek, located on the line between Section 13, Township 22 North, Range 9 East and Section 18, Township 22 North, Range 10 East, both in the Seward Meridian, Alaska; thence southwesterly downstream along Billy Creek to the confluence of Caribou Creek, located in Section 26, Township 22 North, Range 9 East, Seward Meridian, Alaska; thence northwesterly upstream along Caribou Creek to the confluence of Chitina Creek, located in Section 27, Township 22 North, Range 9 East, Seward Meridian, Alaska; thence northerly upstream along Caribou Creek to its intersection with the Boulder Creek Trail, located in Section 27, Township 22 North, Range 9 East, Seward Meridian, Alaska; thence westerly and southwesterly on Boulder Creek Trail to its junction with Chickaloon Trail and Ninety-Eight Trail, located in Section 7, Township 20 North, Range 7 East, Seward Meridian, Alaska; thence westerly and northwesterly along Ninety-Eight Trail to its junction with Chickaloon River, located in Section 32, Township 21 North, Range 6 East, Seward Meridian, Alaska; thence southwesterly downstream along Chickaloon River to the confluence of Doone Creek located in Section 5, Township 20 North, Range 6 East, Seward Meridian, Alaska; thence upstream along Doone Creek to its headwater located within Section 35, Township 21 North, Range

5 East, Seward Meridian, as shown on the aforesaid map; thence southwesterly on a point to point line from the headwater of Doone Creek and the headwater of an unnamed stream located near the southern line of Section 34, Township 21 North, Range 5 East, Seward Meridian; thence southwesterly along the unnamed stream to the confluence with Kings River; thence southerly downstream along Kings River to the confluence of an unnamed stream located within the northern half of Section 17, Township 20 North, Range 5 East, Seward Meridian; thence westerly and northerly upstream along the unnamed stream to its headwater located within Section 35, Township 21 North, Range 4 East, Seward Meridian; thence northwesterly on a point to point line from the headwater of the unnamed stream to the eastern end and headwater of an unnamed stream located within Section 34, Township 21 North, Range 4 East, Seward Meridian; thence northwesterly downstream along the unnamed stream to the confluence of Granite Creek located within Section 24, Township 21 North, Range 4 East, Seward Meridian; thence northwesterly upstream along Granite Creek to its headwater within Section 8, Township 21 North, Range 4 East, Seward Meridian; thence southwesterly on a point to point line to the summit of Montana Peak located in Section 24, Township 21 North, Range 2 East, Seward Meridian, Alaska; thence westerly to the headwaters of Peters Creek, located in Section 4, Township 20 North, Range 1 East, Seward Meridian, Alaska; thence southeasterly to the headwaters of Archangel Creek, located in Section 15, Township 20 North, Range 1 East, Seward Meridian, Alaska; thence southeasterly downstream along Archangel Creek to the confluence of the Little Susitna River, located in Section 36, Township 20 North, Range 1 East, Seward Meridian, Alaska; thence southwesterly downstream along Little Susitna River to Delia Creek located in Section 36, Township 20 North, Range 1 East, Seward Meridian, Alaska, being also the junction of Assembly District No. 1 and Assembly District No. 6 along the boundary of Assembly District No. 7; thence continuing with Assembly District No. 6 southerly downstream along the Little Susitna River to the confluence of Fishhook Creek in the southwest 1/4 of Section 11, Township 19 North, Range 1 East, Seward Meridian; thence northwesterly along Fishhook Creek to a point where it intersects Willow Fishhook Road within Section 33, Township 20 North, Range 1 East, Seward Meridian; thence southwesterly along Willow Fishhook Rd. to Bald Mountain Ridge within Section 5, Township 19 North, Range 1 East, Seward Meridian, as shown on the last-mentioned map; thence along Bald Mountain Ridge to its intersection with the line extending northerly from the headwaters of an unnamed creek; thence southerly to the headwaters of the unnamed creek previously mentioned; thence downstream along the unnamed creek to its intersection with the section line between section 16 and section 17, Township 18 North, Range 1 West, Seward Meridian, Alaska; thence southerly on the section line between section 16 and section 17, Township 18 North, Range 1 West, Seward Meridian, Alaska to its intersection with the Little Susitna River; thence downstream along the Little Susitna River to its intersection with the section line between section 16 and section 17, Township 18 North, Range 1 West, Seward Meridian, Alaska; thence southerly along the section line between section 16 and section 17, Township 18 North, Range 1 West, Seward Meridian, Alaska to its intersection with West Schrock Road and North Infinite Road; thence southeasterly on West Schrock Road to its intersection with North Church Road; thence southerly along North Church Road to the 1/4 section corner common to section 31 and section 32 of Township 18 North, Range 1 West, Seward Meridian, Alaska, also the junction of Assembly District No. 4, Assembly District No. 6 and Assembly District No. 7; thence continuing with Assembly District No. 4 southerly on North Church Road to an unnamed creek within Section 31, Township 18 North, Range 1 West, Seward Meridian; thence westerly and southwesterly along said unnamed creek to its intersection with West Parks Highway; thence westerly along West Parks Highway to South Vine Road; thence southerly along South Vine Road to Lucille Creek also the junction of Assembly District No. 4, Assembly District No. 5 along Assembly District No. 7; thence continuing along the boundary with Assembly District No. 7 westerly along the thread of Lucille Creek to its intersection with the section line between section 19 and section 20, Township 17 North, Range 2 West, Seward Meridian, Alaska; thence northerly to the 1/4 section corner between section 19 and section 20, Township 17 North, Range 2 West, Seward Meridian, Alaska; thence westerly along the northern boundary of Dawn Lake Estates to the Center East 1/16 section corner of Section 19, Township 17 North, Range 2 West, Seward Meridian, Alaska; thence northerly to the southern boundary of Cherry Hill Subdivision to the Northeast 1/16 section corner of Section 19, Township 17 North, Range 2 West, Seward Meridian, Alaska; thence easterly to the lot corner between Lot 6, Block 4 and Tract C of Cherry Hill Subdivision; thence northwesterly along the boundary line between Tract C and Lots 6, 5, 4, 3, 2 and 1, Block 4, Cherry Hill Subdivision to South Old Trail Drive; thence northeasterly along South Old Trail Drive to West Schultz Drive; thence northwesterly along West Schultz Drive to South Johnson Road; thence south on South Johnson Road to Lucille Creek; thence westerly along the thread of Lucille Creek to West Big Lake Road; thence northeasterly along West Big Lake Road to its intersection with the line that runs from the Center 1/4 section corner of Section 14, Township 17 North, Range 3 West, Seward Meridian, Alaska to the 1/4 section corner common to Section 11 and Section 14, Township 17 North, Range 3 West, Seward Meridian, Alaska; thence northerly to the 1/4 section corner common to Section 11 and Section 14, Township 17 North, Range 3 West, Seward Meridian, Alaska; thence westerly to the

section corner common to Section 3, Section 4, Section 9 and Section 10, Township 17 North, Range 3 West, Seward Meridian, Alaska; thence northerly to the section corner common to Section 3 and Section 4, Township 17 North, Range 3 West and Section 33 and Section 34, Township 18 North, Range 3 West, Seward Meridian, Alaska; thence westerly to the section corner common to Section 4 and Section 5, Township 17 North, Range 3 West, and Section 32 and Section 33, Township 18 North, Range 3 West, Seward Meridian, Alaska; thence northerly to the 1/4 section corner common to Section 28 and Section 19, Township 18 North, Range 3 West, Seward Meridian, Alaska; thence westerly along the northerly boundary of Miller's Reach Subdivision to its intersection with the Little Susitna River; thence southwesterly and southerly downstream along the right bank of the Little Susitna River as you face downstream to the Iditarod Trail in Section 27, Township 16 North, Range 5 West, Seward Meridian, Alaska; thence westerly along the Iditarod Trail to Fish Creek located in Section 20, Township 16 North, Range 6 West, Seward Meridian, Alaska; thence southwesterly along Fish Creek and the southern shoreline of Flat Horn Lake to the continuation of Fish Creek at the southern end of Flat Horn Lake; thence southwesterly along Fish Creek to the bank of the Susitna River located in Section 23, Township 15 North, Range 7 West, Seward Meridian, Alaska; thence southerly on the right bank of the Susitna River as you face downstream to Magot Point within Section 21, Township 14 North, Range 7 West, Seward Meridian; thence southwesterly across Cook Inlet to the Matanuska-Susitna Borough boundary and the junction of Assembly District No. 5 and Assembly District No. 7; thence southwesterly, northwesterly, northerly, westerly, northerly, westerly, northerly, easterly, northerly, northeasterly and easterly along the Matanuska-Susitna Borough boundary to the Denali Highway, located at the intersection of Section 23 and Section 26, Township 18 South, Range 4 West, Fairbanks Meridian, Alaska, also the junction of Assembly District No. 1 and Assembly District No. 7; thence running with the boundary of Assembly District No. 1 southeasterly on the Denali Highway to Brushkana Creek, and the point of beginning of this description.

(Ord. 11-083, § 4, 2011)

2.12.015 REAPPORTIONMENT OF ASSEMBLY DISTRICTS.

(A) Not later than two months after adoption of the state redistricting plan, under Article VI, Section 10 of the Constitution of the State of Alaska, the assembly shall determine and declare by resolution whether or not it is malapportioned.

(1) The assembly shall wait to determine whether the districts are malapportioned until after the final state redistricting plan is adopted.

(B) The assembly may provide, by ordinance, for a change in an existing apportionment of the assembly whenever a final state redistricting plan is changed as a result of federal court action.

(C) The assembly shall be reapportioned whenever the assembly determines the districts are malapportioned.

(Ord. 13-116, § 2, 2013)

2.12.020 TERM OF OFFICE.

The assembly members' term shall be three 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. No person shall serve on the assembly for more than two consecutive, full terms.

(Ord. 11-056, § 3, 2011; Ord. 94-001AM, § 3 (part), 1994; Ord. 81-82, § 4, 1981; Ord. 73-13, § 3 (part), 1973)

2.12.030 QUALIFICATIONS.

(A) A person is eligible to be an assembly member if the person is a qualified borough voter and has been a borough resident for one year immediately prior to the election.

(B) If an elected member ceases to reside within the district from which the member was elected, the member may serve only until the next regular election.

(Ord. 94-044AM, § 3, 1994; Ord. 94-001AM, § 3 (part), 1994; Ord. 73-13, § 3 (part), 1973)

2.12.040 VACANCY ON THE ASSEMBLY.

(A) If a vacancy occurs on the assembly, the remaining members shall, within 30 calendar days, appoint a qualified person to fill the vacancy. If less than 30 calendar days remain in the term for the vacated seat, the vacancy may not be filled.

(B) If the membership is reduced to less than the number required to constitute a quorum, the remaining members shall, within five days, appoint a number of qualified persons to constitute a quorum.

(C) The person appointed to fill the vacated seat serves until the next regular election, when a successor shall be elected to serve the balance of the term.

(D) An assembly seat is declared vacant under the following conditions and upon a declaration of vacancy by the assembly. The assembly shall declare an elective office other than the office of mayor or school board member vacant whenever the person elected:

- (1) fails to qualify or fails to take office within 30 calendar days after certification of election;
- (2) unless excused by the assembly, is physically absent for 90 consecutive calendar days;
- (3) resigns and the assembly accepts the resignation;
- (4) is physically or mentally unable to perform the duties of the office;
- (5) is removed from office;
- (6) misses three or more consecutive regular meetings, unless excused by the assembly; or
- (7) is convicted of a felony or of an offense involving a violation of the oath of office.

(Ord. 97-040, § 3, 1997; Ord. 94-001AM, § 3 (part), 1994; Ord. 79-44, § 3 (part), 1979)

2.12.050 ORGANIZATION.

(A) *[Repealed by Ord. 94-001AM, § 3 (part), 1994]*

(B) *[Repealed by Ord. 94-001AM, § 3 (part), 1994 and recodified as MSB 2.12.055]*

(C) *[Repealed by Ord. 94-001AM, § 3 (part), 1994 and recodified as MSB 2.27.010]*

(D) The assembly shall recommend the deputy mayor or other positions filled by assembly members appointed by the mayor, and shall appoint members of the standing committees subject to confirmation at the next regular meeting.

(Ord. 94-001AM, § 3 (part), 1994; Ord. 90-152(AM)(sub), § 3, 1991; Ord. 73-13, § 3 (part), 1973)

2.12.055 ASSEMBLY APPOINTEES.

The assembly shall appoint the manager, clerk, attorney and treasurer. The appointees shall serve at the pleasure of the assembly. In the absence of the manager, the assembly shall designate, by resolution, an acting manager to act as manager during the manager's absence or disability.

(Ord. 94-001AM, § 3 (part), 1994)

2.12.060 COMPENSATION AND REIMBURSEMENT.

(A) Assembly members shall receive \$13,300 per year. Reimbursement shall be provided for mileage and expenses which are reasonable and necessary in connection with assembly meetings and regular assembly functions. Assembly members shall be included in the borough employee health insurance plan, life insurance plan, and, unless a waiver executed by the assembly member is in effect, in the borough retirement plan.

(B) *[Repealed by Ord. 09-057, § 3, 2009]*

(C) *[Repealed by Ord. 93-068, § 3, 1993]*

(D) Assembly members shall be entitled to a one-seventh share of the assembly's out-of-borough expense fund set annually by the budget. The assembly members may use these funds as they deem appropriate for borough travel and reimbursement in furtherance of borough business. Mileage, expense reimbursement, and travel tickets exceeding the prorated share or any request to pay for travel from any other source shall require prior approval by the assembly.

(E) *[Repealed by Ord. 97-095, § 2 (part), 1997]*

(Ord. 09-057, § 3, 2009; Ord. 07-092, § 3, 2007; Ord. 03-115(AM), § 2, 2003; Ord. 02-012, § 3, 2002; Ord. 97-095, § 2 (part), 1997; Ord. 93-068, § 3, 1993; Ord. 92-139AM, § 6, 1992; Ord. 92-097, § 2, 1992; Ord. 92-066AM, § 2, 1992; Ord. 92-059, § 3, 1992; Ord. 91-114AM, § 2 and 3, 1991; Ord. 91-016AM, § 2, 1991; Ord. 88-230, § 2, 1988; Ord. 87-51, § 2, 1987; Ord. 83-69, § 2 (part), 1983; Ord. 81-19, § 3, 1981; Ord. 79-84, § 2, 1979)

2.12.070 MEETINGS.

(A) The assembly shall annually, at the first regular or special meeting following seating of new members elected at the regular election, meet for the purpose of organizing itself.

(B) Regular meetings of the assembly shall be held on the first and third Tuesday of each month beginning at 6 p.m. in the assembly chambers located at 350 East Dahlia Avenue, Palmer, Alaska, unless otherwise designated by the assembly. A regular meeting of the assembly may be canceled by the assembly; however, if no quorum exists or there is an emergency, it may be canceled by the mayor. No regular meeting shall be held on any holiday recognized by the borough, the first week of October (regular election day), the week of December 24th through January 1st (Christmas-New Year's), or the first week of July. All meetings and work sessions except for executive sessions shall be public meetings and shall be electronically recorded by the clerk, unless the meeting is hosted by another municipality.

(C) If a majority of the assembly members are given at least 24 hours' written or oral notice and reasonable efforts are made to notify all assembly members, a special meeting of the assembly may be held at the call of the mayor or at least three of the assembly members. A special meeting may be conducted with less than 24 hours' notice if all assembly members are present or if absent assembly members have waived, in writing, the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

(D) Emergency meetings may be held and business may be legally transacted if all assembly members are present; or, if there is a quorum of the assembly. The clerk shall make reasonable attempts to notify all assembly members of the emergency meeting.

(E) Teleconferencing may be used for all lawful activities of the borough and, if all voting individuals have an opportunity to evaluate all testimony and evidence, to vote on actions.

(F) No special notice to assembly members as required in subsection (C) of this section shall be necessary in the case of a special meeting called by agreement of the majority of the assembly, reached at any regular or special meeting of the assembly.

(G) Cancellation of a special meeting shall be by the authority of the person who called the meeting and shall be by written notice to each assembly member communicated not less than two hours before the special meeting.

(H) No business shall be transacted at any special meeting of the assembly except that specifically stated in the notice of the meeting.

(I) A majority of the assembly members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absent members.

(J) The assembly shall adjourn not later than 10 p.m. and may not reconvene any earlier than 9 a.m. the next day. However, by two-thirds consent of the assembly the meeting may be extended for up to one hour, at which time adjournment is mandatory.

(Ord. 15-012, § 2, 2015; Ord. 07-091, § 2, 2007; Ord. 95-144, § 2, 1995; Ord. 95-143AM, § 2, 1995; Ord. 94-087AM, § 2, 1994; Ord. 94-001AM, § 3 (part), 1994; Ord. 92-139AM, § 8, 1992; Ord. 87-84, § 2, 1987; Ord. 87-10, § 2, 1987; Ord. 84-34, § 6, 1984; Ord. 83-90, § 2, 1983; Ord. 83-69, § 2 (part), 1983; Ord. 83-1, § 2, 1983; Ord. 81-70, § 2, 1981; Ord. 81-19, § 4, 1981; Ord. 81-8, § 2, 1981; Ord. 80-13, § 2, 1980; Ord. 80-6, § 2, 1980; Ord. 77-12, § 3, 1977; Ord. 74-43, § 3, 1974; Ord. 73-13, § 3 (part), 1973)

2.12.071 PUBLIC MEETINGS.

(A) All assembly meetings are open to the public except as provided by this section.

(B) Reasonable public notice, setting out the date, time, and place and agenda shall be given for all assembly meetings, using a combination of print and broadcast media.

(C) If subjects excepted from public meetings are to be discussed, the meeting shall first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in subsection (D) of this section shall be determined by a majority vote of the assembly. Subjects may not be considered while in an executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

(D) Upon adoption of a motion stating the purpose for an executive session, the assembly in closed session may discuss:

(1) *[Repealed by Ord. 01-187 § 2, 2001]*

(2) matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the borough;

(3) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(4) matters which by law, municipal charter, or ordinance are required to be confidential;

(5) *[Repealed by Ord. 01-187 § 2, 2001]*

(6) *[Repealed by Ord. 01-187 § 2, 2001]*

(7) *[Repealed by Ord. 01-187 § 2, 2001]*

(8) *[Repealed by Ord. 01-187 § 2, 2001]*

(9) *[Repealed by Ord. 01-187 § 2, 2001]*

(10) *[Repealed by Ord. 01-187 § 2, 2001]*

(11) matters involving consideration of government records that by law are not subject to public disclosure.

(E) This section does not apply to quasi-judicial boards when holding a meeting solely to make a decision in an adjudicatory proceeding.

(Ord. 01-187, § 2, 2001; Ord. 96-172, § 2, 1996; Ord. 94-001AM, § 3 (part), 1994)

2.12.075 JOINT MEETINGS ESTABLISHED.

(A) The assembly and school board shall meet jointly on the second Tuesday of the following months for the purposes indicated and for other purposes as they deem appropriate. However, a meeting may be changed to a different day or may be canceled by the mayor and the chairman of the school board. However, a meeting day may be changed and the assembly and school board may otherwise meet as they see fit:

Month	Purpose
March	Annual budget and bonding for schools
September	Building construction progress and review capital construction plan
December	Annual budget, preliminary discussion; state legislative action needed

(B) The assembly and planning commission shall meet jointly on the fourth Tuesday of March and October for purposes as they deem appropriate. However, a meeting may be changed to a different day or may be canceled by the mayor and the chairman of the planning commission. The assembly and planning commission may otherwise meet as they see fit.

(Ord. 12-011, § 2, 2011; Ord. 11-054, § 2, 2011; Ord. 96-165, § 2, 1996; Ord. 94-001AM, § 3 (part), 1994; Ord. 92-035AM, § 2 (part), 1992; Ord. 76-55, § 3, 1976)

2.12.077 PLANNING COMMISSION REVIEW.

(A) Ordinances covered by MSB 15.04.015(A) (7) shall be referred to the planning commission for review prior to setting a date for assembly action. The planning commission will have 90 days, or other date specified by the assembly during referral, to review and recommend to the assembly action or amendments.

(1) After an ordinance has been reviewed by the planning commission, the clerk shall place the ordinance on the next available assembly agenda with introductions and, if approved by the assembly, advanced to a date certain for a public hearing and assembly action.

(2) If recommendations are not provided within the time limit specified, the clerk shall place the ordinance on the next available assembly agenda with introductions and, if approved by the assembly, advanced to a date certain for a public hearing and assembly action.

(B) This section does not apply to ordinances initiated by the planning commission or to MSB 15.39, Board of Adjustment and Appeals.

(Ord. 15-012, § 3, 2015; Ord. 09-025(AM), § 2, 2009)

2.12.080 Parliamentary Rules. [Repealed by Ord. 94-001AM, § 3 (part), 1994]

2.12.081 PERSONS TO BE HEARD.

(A) A person wishing to speak before the assembly under the agenda item “persons to be heard” shall file an appearance request with the clerk specifying the topic on which the person intends to speak.

(B) If the appearance request has administrative channels of resolution, the clerk shall forward the request to the administration for research. The person wishing to address the assembly should exercise due diligence to resolve this matter with the borough administration.

(C) If there are no administrative channels through which the applicant can pursue the item of concern, the clerk shall place the appearance request on the agenda for assembly consideration.

(D) In any event, an appearance request shall be placed before the assembly on the next regular meeting agenda.

(E) Appearance requests shall be heard by the assembly when placed on the agenda.

(F) The clerk shall not accept appearance requests involving:

- (1) items that have other clearly defined channels of resolution, such as board of adjustment or assembly appeal matters, personnel grievances, discrimination complaints, board and commission appeals, or similar matters;
- (2) items that are being scheduled for a public hearing on an upcoming meeting agenda;
- (3) subjects currently under labor negotiations;
- (4) items upon which litigation involving the applicant or the applicant's representative is currently pending;
- (5) items which will be before the assembly in the future and the person will have the opportunity to testify;
or
- (6) the requestor has appeared before the assembly under persons to be heard previously and wishes to speak to the same topic.

(G) In lieu of appearance requests, the assembly shall accept brief written communications on any subject. These shall be reproduced and distributed to the assembly by the clerk when they are received.

(H) Persons who do not wish to speak before the assembly under persons to be heard and who do not wish to submit written communications may be heard under "audience participation," which is scheduled for each regular meeting.

(Ord. 10-022(AM), § 2, 2010; Ord. 97-002, § 2, 1997; Ord. 95-043, § 2, 1995; Ord. 94-001AM, § 3 (part), 1994; Ord. 92-139AM, § 9, 1992)

2.12.082 AGENCY REPORTS.

(A) A person wishing to speak before the assembly under the agenda item "agency reports" shall file an appearance request with the clerk specifying the topic on which the person intends to speak and shall limit their presentation to seven minutes.

- (1) To qualify to appear on the agenda under "agency reports" the requestor must be a governmental agency, a party in which the borough has provided a grant, a borough board or commission, or a community council recognized by the borough.
- (2) The governmental entity such as the school district or the city does not have to file an appearance request.
- (3) The maximum number of boards, commissions, or community councils that may appear before the assembly at each regular assembly meeting is two. The clerk shall place the requests on the agenda in the order in which they are received. Each board, commission, or community council shall only appear under agency reports once every six months.

(Ord. 10-021, § 2, 2010; Ord. 10-007, § 2, 2010)

2.12.090 AGENDA; NOTICE OF MEETING; ORDER OF BUSINESS.

(A) The agenda for each meeting shall be prepared by the manager and the clerk after consultation with the mayor or deputy mayor. Items not on the agenda may not be discussed at the meeting if two or more assembly members object.

(B) The clerk shall attempt to notify each assembly member at least 48 hours prior to a regular meeting. Notification shall be by means of a packet including information on the time and place of meeting and the agenda. Whenever practicable, minutes of the previous meeting, financial statements, and other background material pertinent to the agenda shall be included in the packet.

(C) *[Repealed by Ord. 10-102, § 2, 2010]*

(D) At every regular meeting, the order of business shall be as follows:

- (1) call to order
- (2) roll call
- (3) approval of agenda
- (4) pledge of allegiance
- (5) minutes of preceding meeting or meetings
- (6) reports/correspondence
 - (a) agency reports
 - (b) committee reports
 - (c) manager comments
 - (d) attorney comments
 - (e) clerk comments
 - (f) citizen and other correspondence
 - (g) informational memorandums
- (7) special orders
 - (a) persons to be heard
 - (b) public hearings
 - (c) audience participation
 - (d) consent agenda
 - (i) resolutions
 - (ii) action memorandums
- (8) unfinished business
- (9) veto
- (10) new business
 - (a) introductions
 - (b) vacancy report (mayoral nominations and appointments)
 - (c) other new business
 - (d) referrals
- (11) reconsideration
- (12) mayor and assembly comments
- (13) executive session

(14) adjournment.

(Ord. 15-012, § 4, 2015; Ord. 12-047, § 2, 2012; Ord. 11-131, § 2, 2011; Ord. 10-102, § 2, 2010; Ord. 09-025(AM), § 3, 2009; Ord. 05-117, § 2, 2005; Ord. 98-138, § 2, 1998; Ord. 96-019SUB, § 2, 1996; Ord. 95-042, § 2, 1995; Ord. 95-008, § 2, 1995; Ord. 94-001AM, § 3 (part), 1994; Ord. 92-139AM, § 10, 1992; Ord. 89-253, § 2, 1989; Ord. 89-98, § 2, 1989; Ord. 87-87, § 2, 1987; Ord. 87-10, § 3, 1987; Ord. 86-22, § 2, 1986; Ord. 84-34, § 7, 1984; Ord. 82-65, § 2, 1982; Ord. 81-70, § 3, 1981; Ord. 80-13, § 3, 1980; Ord. 73-13, § 3 (part), 1973)

2.12.100 QUORUM.

A majority of the total members of the assembly shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the assembly.

(Ord. 73-13, § 3 (part), 1973)

2.12.110 Voting. [Repealed by Ord. 92-139AM, § 11, 1992]

2.12.111 ASSEMBLY VOTING.

(A) All assembly members, unless lawfully excused, shall vote on each question before the assembly.

(B) All assembly votes on ordinances or resolutions shall be by roll call, electronic device or other public method as defined by assembly rule. The votes of all assembly members shall be recorded.

(C) On completion of the roll call, the mayor or the clerk on the mayor's behalf shall announce whether the proposition has carried or has failed. If the motion carried, the announcement shall include the names of the members who voted "no" and if the motion failed, the announcement shall include the names of the members who voted "yes."

(D) A majority of votes shall be required to carry any measure before the assembly unless a greater number is required by ordinance or charter. Any lesser number, even though it constitutes a majority of the members present, shall not carry and the measure shall be defeated.

(E) Whenever these rules refer to a vote of a majority or other designated portion of the assembly, the vote required shall be the designated portion of the seven members authorized to serve on the assembly.

(F) Matters requiring assembly action may be placed on a consent agenda for approval upon a single motion. On the request of any member of the assembly, an item placed on the consent agenda shall be removed from the consent agenda and shall be considered separately.

(Ord. 15-012, § 5, 2015; Ord. 94-001AM, § 3 (part), 1994; Ord. 92-139AM, § 12, 1992)

2.12.112 CONDUCT OF DEBATE AND DISCUSSION.

(A) Any assembly member, wishing to speak at an assembly meeting, shall address the chair, and shall refrain from speaking until recognized.

(B) When two or more members request recognition simultaneously, the mayor shall determine which one shall speak first.

(C) The mayor shall be charged with the responsibility of maintaining order and decorum at all times. The mayor shall make rulings as the mayor deems necessary concerning points of order or concerning spectators. The mayor shall instruct the members of the public to be as brief as possible and, when speaking as an individual, to contain their remarks to three minutes, and if representing a group, to contain their remarks to five minutes.

(D) Any assembly member may challenge a ruling of the mayor and the mayor's ruling shall stand unless disapproved by a majority vote of the assembly.

(E) All assembly motions are subject to unanimous consent. Motions do not require a second and carry if no objection is raised.

(F) A motion to reconsider a vote may be made only by a member who voted with the prevailing side. The motion shall be made during the meeting at which the action is taken and/or upon written notice to the clerk by 5 p.m. the next business day; an assembly member can file by telephone; provided, that the notice of intent to reconsider is followed up in writing before the motion is considered. The written notice of reconsideration shall include the reason for the reconsideration.

(1) Any member of the assembly may call up a motion to reconsider at any time during the meeting at which the motion was made, and/or at the next regular meeting of the assembly, as long as the intent to reconsider has been filed in a timely manner. A motion to reconsider and enter on minutes may be called up only at the next regular meeting of the assembly.

(2) A proper motion to reconsider suspends implementation and effect of the decision for which reconsideration is moved, until the next regular meeting or until the assembly takes action of that motion, whichever occurs first. Actions that cannot be reconsidered are defined in the current edition of Robert's Rules of Order Newly Revised, with the exception of an award of a contract, which the assembly may reconsider.

(3) Only two motions to reconsider shall be entertained on any ordinance, resolution or other action, only one of which may be made at the meeting in which the original motion was made. The assembly may reconsider an action at the meeting in which the original motion was made and/or upon written notice by 5 p.m. the next business day. A motion to reconsider is out of order if the motion is not moved during the meeting at which action is taken or if the clerk is not notified of the intent to reconsider by 5 p.m. the next business day.

(G) A motion to rescind something previously adopted may be moved by any member. Action adopting an ordinance may not be rescinded after the effective date of the ordinance. Other actions that cannot be rescinded are defined in the current edition of Robert's Rules of Order Newly Revised.

(1) A motion to rescind requires a two-thirds vote unless notice of the motion was given at the regular meeting immediately preceding the meeting when the motion is to be considered. If this notice was given only a majority of the assembly is required for approval. Upon failure of a motion to rescind for which previous notice has been given, no further motions or notices of intent to rescind the same action are in order.

(2) There is no time limit on making the motion to rescind, but the motion and notice of intent do not suspend action as in a motion to reconsider.

(H) In all matters not covered by these rules, the current edition of Robert's Rules of Order Newly Revised, or other rules the assembly may adopt, shall govern.

(I) Any member of the assembly may move to amend something previously adopted as long as the intent to amend has been filed in a timely manner.

(1) The motion to amend something previously adopted must be filed with the clerk within 30 calendar days following the vote to be amended. An assembly member may file by telephone to the clerk's office.

(2) The motion to amend something previously adopted cannot be moved if the motion to reconsider is still in order. Other previously adopted actions that cannot be amended with this motion are defined in the current edition of Robert's Rules of Order Newly Revised.

(3) With or without previous notice, the motion to amend something previously adopted requires four votes to carry.

(Ord. 15-012, § 6, 2015; Ord. 11-124, § 2, 2011; Ord. 10-006, § 2, 2010; Ord. 97-038, § 2, 1997; Ord. 95-044, § 2, 1995; Ord. 94-029AM, § 2, 1994; Ord. 94-001AM, § 3 (part), 1994; Ord. 92-139AM, § 13, 1992)

2.12.113 SMOKING IN MEETING ROOM PROHIBITED.

(A) Smoking is prohibited in the assembly meeting room during meetings of the assembly, planning commission, platting board, board of ethics, or any other committees, commission or boards established by the assembly or established pursuant to state law.

(B) Every person violating this section shall be punishable by a fine not to exceed \$100.

(Ord. 94-001AM, § 3 (part), 1994; Ord. 92-139AM, § 14, 1992; Ord. 84-34, § 2 (part), 1984)

2.12.120 SUSPENSION OF RULES.

(A) To allow the assembly to act on business prohibited by these rules, but not in conflict with state statutes, these rules may be suspended by a two-thirds vote. A motion to suspend the rules may be made at any time when no business is pending, or a question is pending, provided the motion to suspend the rules is for a purpose connected with the question. The reason for asking for the suspension shall be stated.

(B) *[Repealed by Ord. 15-012, § 7, 2015]*

(Ord. 15-012, § 7, 2015; Ord. 94-001AM, § 3 (part), 1994; Ord. 73-13, § 3 (part), 1973)

2.12.130 ASSEMBLY COMMITTEES.

(A) Temporary committees may be established to consider issues in connection with borough business. A temporary committee established under this section remains in effect for the period established by the assembly.

(1) Assembly committees shall abide by the relevant rules set forth in the current edition of Robert's Rules of Order Newly Revised, and are not subject to MSB 4.05.

(Ord. 97-038, § 3, 1997; Ord. 95-081, § 2, 1995; Ord. 94-001AM, § 3 (part), 1994; Ord. 90-152(AM) (sub), § 2, 1991)

Editor's Note:

Subsection (A) of this section was repealed by Ord. 95-081, § 2, 1995 and subsections (B) and (C) of this section were changed to subsection (A)(1) of this section by Ord. 95-081, § 2, 1995.

CHAPTER 2.71: CODE OF ETHICS

Section

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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 15 persons designated by seats numbered one through 15. 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, a panel consisting of five members next in numerical order shall 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 of a panel 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 of a panel called for a hearing or advisory opinion vote on the final opinion only.

(F) A quorum shall be three voting members of the panel 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 as a panel member and the next member shall be called for the panel.

(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. 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.

(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) 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.

(C) 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.

(D) A municipal 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. 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
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CHAPTER 25.05: GENERAL PROVISIONS

Section

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25.05.045	Runoff elections
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25.05.060	Initiative, referendum, and recall
25.05.065	Bonded indebtedness
25.05.067	Propositions and questions
25.05.070	Nonpartisan requirement
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25.05.110	Severability
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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.
- “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 of October annually as required, unless a different date or interval of years is provided by ordinance.
- “Runoff” means any election held if no candidate receives more than 40 percent of the votes cast for the office of mayor.
- “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. 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 of October.

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

(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.

(A) Runoff elections shall be held on the fourth Tuesday following the election or within three weeks after the date of certification. A runoff election shall not be considered a special election within the meaning of AS 29.71.800(21). During state election years, runoff elections may be held on the seventh Tuesday following the election, or within six weeks after the date of certification in the interest of securing the state’s voting equipment for borough election use.

(Ord. 06-102(AM), § 2, 2006; Ord. 97-079, § 7, 1997)

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.

An ordinance placing propositions and questions before the voters must be adopted not later than 53 calendar days before a regular election, or 60 calendar days before a special election.

(Ord. 96-014AM, § 11, 1996)

25.05.070 NONPARTISAN REQUIREMENT.

All borough elections shall be nonpartisan.

(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; PROHIBITION ON RUNOFF ELECTIONS.

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

(B) A runoff election shall be held if no candidate receives more than 40 percent of the votes cast for the office of mayor. The runoff election shall be between the two candidates receiving the greatest number of votes for the office.

(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 15 calendar days prior to each regular or 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.

(Ord. 11-056, § 4, 2011; Ord. 03-074(AM), § 2, 2003)

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	<i>Declaration of candidacy; mayor, assembly, school board, write-in [Repealed]</i>
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) Any borough resident is eligible to run for a seat on the school board.
- (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.

(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 he/she wishes his/her first 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. Nicknames, titles, and the like are not allowed;
- (2) the full residence and mailing addresses of the candidate;
- (3) the day and evening telephone number and other contact information of the candidate;
- (4) the office for which the candidate declares and the date of the election at which the candidate seeks election;
- (5) a statement that the candidate is qualified for the office as provided by law and shall serve if elected;
- (6) the date and notarized statement of the candidate;
- (7) 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.

(Ord. 12-053, § 9, 2012)

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 or computer-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 that is not a runoff 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, 20 calendar days before a special election, and ten calendar days before a runoff election. Each notice of election shall include:

- (1) the type of election, regular, special, or runoff;
- (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. 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, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of the proper name. The names of candidates shall be arranged alphabetically. Provisions shall be made for voting for a write-in candidate for each seat.

(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. 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 and nine calendar days before a runoff 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. 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 voting machines and other equipment and supplies relating to voting.

(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 OR COMPUTER-COUNT PRECINCTS.

The clerk shall designate precincts as hand-count or computer count based on the equipment available.

(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 or eight calendar days before a runoff 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 a 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.

(Ord. 03-074(AM), § 7, 2003; Ord. 02-067, § 13, 2002; Ord. 01-019, § 10, 2001)

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, or on or after the eighth calendar day before a runoff election, up to and including the day before the election; or
- (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. 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 or eight calendar days before a runoff election, 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 25.10.010 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 give to the election board in each precinct a list of voters from the precinct who have voted early ballots. If the voter who voted 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. 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
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, nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. 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.

(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.

(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) above 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; and
- (2) check the polling booths after each voter to make sure campaign materials have not been left in the booth.

(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. 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.

(Ord. 99-081, § 26, 1999; Ord. 94-040AM1, § 3 (part), 1994)

25.30.120 OPENING BALLOT BOX.

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

25.30.130 BALLOT CONTAINER DELIVERY.

If the precinct is a computer-count precinct, two election officials from the precinct shall act as a delivery team and shall deliver the sealed ballot containers to the receiving team at the clerk's office unless otherwise directed by the clerk. If the precinct is a hand-count precinct, the precinct election board shall tally the votes, pursuant to MSB 25.35.010, shall seal the ballots in ballot containers, and shall, within 24 hours of closing the polls, deliver the ballot containers to the clerk.

(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
- 25.35.040 Ballot counting; tests and security
- 25.35.050 Ballot counting [Repealed]
- 25.35.060 Preserving and destroying ballots
- 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
- 25.35.110 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 the vote tabulation system selected 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. 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.

(C) A provision for write-in candidates shall not be provided during a runoff election.

(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, consisting of at least three members per team 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) *Counting teams.* The clerk shall appoint counting teams as deemed necessary. Each counting team shall consist of at least four members per team.

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

(D) *Canvass board.* The clerk shall appoint a canvass board, consisting of a minimum of three election officials from different election precincts within the borough, to the extent possible. 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. 03-074(AM), § 14, 2003; Ord. 00-024, § 9, 2000)

25.35.030 BALLOT COUNTING; USE OF COMPUTERS.

The clerk shall designate the computers to be used in counting the ballots and may negotiate and contract with the state or a private computer service for the needed computer services.

(Ord. 98-104, § 17, 1998; Ord. 94-040AM1, § 3 (part), 1994)

25.35.040 BALLOT COUNTING; TESTS AND SECURITY.

No later than one week before the election, the vote tabulation system shall be tested in the presence of, and to the satisfaction of, the review board. Upon completion of the testing, a security seal shall be placed on the tabulation system for delivery to the precincts.

(Ord. 99-081, § 33, 1999; Ord. 98-104, § 18, 1998; Ord. 94-040AM1, § 3 (part), 1994)

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

25.35.060 PRESERVING AND DESTROYING BALLOTS.

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 certificate that the ballots have been destroyed. The clerk may permit the inspection of the ballots upon call of a court of competent jurisdiction.

(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 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. The certificate and tally sheets shall be placed in envelopes by the election officials which shall be delivered to the clerk.

(B) *Voting tabulation system.* Upon closing the polls, the election officials shall print results tapes, sign the tapes, and return tapes and memory card to the clerk as set out in the election procedures. The results tapes serve as precinct certificates of election.

(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.

(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.

The early ballots shall be delivered to the canvass board for counting. The canvass board shall print results tapes, sign the tapes, and return the tapes and memory card to the clerk. The results tapes shall serve as the early voting precinct certificates of election.

(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.

(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)

25.35.110 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 GROUND 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 5 p.m. on the day of the certification of the election or to the assembly at its meeting to certify the election returns. 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:

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.

(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 10 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 5 p.m. on the day of the certification of the election results or by delivering the application for recount to the assembly at its meeting to certify the election returns. 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. 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, by certified check or by bond with a surety approved by the clerk. The amount of the deposit shall be \$100 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. 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 hand-marked ballots shall be followed in the recount.

(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. 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)