



CODE REVIEW COMMITTEE MEETING-POSTPONED UNTIL AUGUST 25

Tuesday, August 25, 2026 at 5:30 PM

AGENDA

Our Vision. To have an infrastructure and city workforce that supports a sustainable, diversified and growing economy. We will partner with others to achieve economic development and other common goals that assure a high quality of living, and excellence in education.

MEETING INFORMATION

CODE REVIEW COMMITTEE MEETING

CITY HALL COUNCIL CHAMBERS

141 Main Street, Dillingham, AK 99576 (907) 842-5212

This meeting will also be available at the following online location: Zoom

Meeting ID: 920 483 0473; passcode: 99576

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

APPROVAL OF AGENDA

UNFINISHED BUSINESS

- [1.](#) Tribal Exemption

NEW BUSINESS

- [2.](#) Green Degree License Renewal
- [3.](#) Ordinance to Codify Deputy Manager
- [4.](#) Ordinance to Codify Deputy Clerk
- [5.](#) Ordinance to finish modernization of election code
- [6.](#) Reviser of Ordinances (recommended by our legal team)
7. Set the date for the next Regular Code Meeting

PUBLIC COMMENT/COMMITTEE COMMENTS

ADJOURNMENT

CODE ORDINANCE

Introduced: _____
 Public Hearing: _____
 Adopted: _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2026-XX

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DILLINGHAM MUNICIPAL
 CODE SECTION 4.15.030 BY ADDING SUBSECTION (J) ESTABLISHING A TRIBALLY OWNED
 PROPERTY TAX EXEMPTION**

WHEREAS, the Dillingham City Council, in the exercise of its legislative authority, finds that establishing a property tax exemption for qualifying real property owned by federally recognized Tribes, subject to the limitations set forth in this ordinance, serves a public purpose and is in the best interest of the City of Dillingham; and

WHEREAS, the Dillingham City Council recognizes that federally recognized Tribes own real property within the City of Dillingham and provide governmental, cultural, educational, health, and other public services that benefit the residents of the City; and

WHEREAS, the Dillingham City Council finds that exempting qualifying real property owned by federally recognized Tribes from municipal property taxation promotes the public interest by supporting Tribal governmental functions and services; and

WHEREAS, the Dillingham City Council further finds that improvements, or portions thereof, used primarily for commercial or profit-generating purposes should remain subject to municipal property taxation to ensure equitable treatment of commercial property owners; and

WHEREAS, the Dillingham City Council finds it is in the best interest of the City of Dillingham to amend Dillingham Municipal Code Section 4.15.030 by adding subsection (J) to establish a property tax exemption for qualifying real property owned by federally recognized Tribes, while preserving the taxation of improvements used primarily for commercial or profit-generating purposes;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DILLINGHAM, ALASKA:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of DMC 4.15.030 by adding subsection (J). Tribally Owned Property

Amendment to Section 4.15.030. Dillingham Municipal Code Section 4.15.030 is hereby amended to add a new subsection 4.15.030(J).

J. Tribally Owned Property

1. Real property owned by federally recognized Tribes shall be exempt from taxation, except as provided in subsection J(3).

2. For purposes of this section, a federally recognized Tribe is any Tribal entity recognized by and eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of its status as an Indian Tribe and listed in the Bureau of Indian Affairs' current list of federally recognized Tribes published in the Federal Register pursuant to Section 104 of the Federally Recognized Indian Tribe List Act of 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792), as amended.

3. Improvements on Tribal-owned real property, or any portion thereof, that are used primarily for commercial or profit-generating purposes are not exempt from taxation under this subsection, regardless of Tribal ownership. If a property is used for both exempt and non-exempt purposes, the exemption applies only to the portion used for qualifying exempt purposes.

Section 4. Editorial Authority.

In codifying this ordinance, the City Clerk is authorized to make non-substantive editorial revisions necessary to implement the amendments adopted by this ordinance, including corrections to grammar, punctuation, capitalization, numbering, cross-references, formatting, terminology, and internal references, provided such revisions do not alter the substantive meaning or legal effect of any provision.

Section 5. Codification

The amendments adopted by this ordinance shall be codified in Chapter 4.15 of the Dillingham Municipal Code. The City Clerk is authorized to assign section numbers, revise internal references, and make other non-substantive editorial revisions necessary to incorporate the amendments into the Code, provided such revisions do not alter the substantive meaning of any provision.

Section 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance shall not be affected.

Section 4. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2026.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Abigail Flynn, City Clerk



City of Dillingham

LIQUOR/MARIJUANA LICENSE APPLICATION REVIEW FORM

Rece Section . Item 2.

08/04/2026

License Renewal	License Transfer	New License	Other
☒	☐	☐	☐
Doing Business As	License Type	Licensee	Physical Address
Green Degree	Beverage Dispensary	Kerby's Corporation	233 Airport Rd

This review covers the period FY2026 to FY2027.Route to FINANCE 8/04/2026 **Respond by:** 8/15/2026 Info. Available as of 08/12/2026
Date Date Date

ACTIVITY	STATUS
Sales Tax Reports Filed and Payments Submitted	Bal. Due <u>\$34.60</u> Date/Amt. of Last Payment <u>7/24/2026</u> No. late payments <u>2</u> <u>Comment:</u>
Real Property Tax Owns the property? YES ☐ NO ☒	Bal. Due <u>0.00</u> Date/Amt. of Last Payment <u>N/A</u> No. late payments _____ <u>Comment:</u>
Personal Property Tax (Inventory, Supplies, Office Equipment)	Bal. Due <u>0.00</u> Date/Amt. of Last Payment <u>N/A</u> No. late payments _____ <u>Comment:</u>
Utility Bill Responsible for utilities? YES ☐ NO ☒	Bal. Due <u>0.00</u> Date/Amt. of Last Payment <u>N/A</u> No. late payments _____ <u>Comment:</u>
Most Current DLG Business License	<u>2026</u> <u>12/30/2025</u> License Year Date Applied <u>Comment:</u>
Most Current AK State Bus. License	<u>2026</u> <u>07/10/2025</u> License Year Date Applied <u>Comment:</u>



City of Dillingham

LIQUOR/MARIJUANA LICENSE APPLICATION REVIEW FORM

Received

8/6/26

License Renewal	License Transfer	New License	Other
☒	☐	☐	☐
Doing Business As	License Type	Licensee	Physical Address
Green Degree	Marijuana dispensary	Kerby's Corporation	233 Airport Rd. Dillingham, AK 99576

This review covers the period June 2025 to June 2026.Route to Public Safety 8/4/26 **Respond by:** 8/6/26 Info. Available as of 8/6/26
Date Date DateHave there been any adverse reports filed in the past two years? YES ☐ NO ☒

If yes, explain in detail and include dates. Use a separate sheet of paper if necessary. :

- ☐ Serving to minors (under 21 years of age).
- ☐ Intoxicated person on licenses premises.
- ☐ Serving alcoholic beverages after hours.
- ☐ Pattern of disturbances or fights on the licenses premises.
- ☐ Open sale of prohibited drugs on the licenses premises.

Additional comments:



8/04/2026

License Renewal	License Transfer	New License	Other
☒	☐	☐	☐
Doing Business As	License Type	Licensee	Physical Address
Green Degree	Retail Marijuana Store	Kerby's Corporation	233 Airport Road

This review covers the period August 2026 to August 2027.

Route to PLANNING 8/04/2026 Respond by: 08/12/2026 Info. Available as of 08/12/2026
Date Date Date

1) Does the structure, or use of land or a structure, including parking requirements at the proposed license location conform to Title 18. Explain.

Yes, the structure conforms to Title 18 of the City of Dillingham municipal code.

2) License Transfer and New Licenses require a public hearing DMC 8.18.020, B. Provide a detail of the Public Notice Requirements.

B. New and transfer licenses will be scheduled for a public hearing before the city council. The planning office will be responsible for overseeing that the public is notified as follows:

1. The applicant shall post a public notice sign on the subject property describing the owner, applicant, request, and date of the public hearing. The sign shall be at least twenty-four inches in width by thirty-six inches in height, with lettering at least one inch in height. The sign shall be visible from the highest traveled public right-of-way adjacent to the property.
2. At least two weeks prior to the date of the scheduled public hearing, the city planner shall mail a public notice announcing the owner, applicant, request, location of the proposed use and date of the public hearing to all property owners within five hundred feet of the subject property boundary; and
3. At least two weeks prior to the date of the scheduled public hearing, the city planner shall publish notice of the time and place of the hearing in the manner required by Section 2.08.020.



City of Dillingham

LIQUOR/MARIJUANA LICENSE APPLICATION REVIEW FORM

Section . Item 2.

8/04/2026

License Renewal	License Transfer	New License	Other
☒	☐	☐	☐
Doing Business As	License Type	Licensee	Physical Address
Green Degree	Retail Marijuana Store	Kerby's Corporation	233 Airport Road Dillingham, AK 99576

Reviewed by: Code Review Committee 8/13/2026

Date

Recommendation:

No Action ☐

Deny ☐

Explain the reason(s) for a denial of the application:

OTHER:

During the two year period that the license is in effect, state statute allows the local governing body to protest the continued operation of a license during the second year of the biennial license period. This may be done by sending both the Alcohol Marijuana and Control Board and the licensee a protest and the reason for the protest by January 31 of the second year of the license.

OTHER Comment:

License Number: 16915

License Status: Active-Operating

License Type: Retail Marijuana Store

Doing Business As: GREEN DEGREE

Business License Number: 1033365

Designated Licensee: Kerby Coman

Email Address: kerby@greendegree.net

Local Government: Dillingham

Local Government 2:

Community Council:

Latitude, Longitude: 59.040488, -158.524143

Physical Address: 233 Airport Road
Dillingham, AK 99576
UNITED STATES

Licensee #1	Entity Official #1
Type: Entity	Type: Individual
Alaska Entity Number: 10036431	Name: Kerby Coman
Alaska Entity Name: Kerby's Corporation	
Phone Number: 907-884-3153	
Email Address: kerby@greendegree.net	Phone Number: 907-884-3153
Mailing Address: 6570 W Trevett Cir Wasilla, AK 99623 UNITED STATES	Email Address: kerby@greendegree.net
	Mailing Address: 6570 W Trevett Cir Wasilla, AK 99623 UNITED STATES

Note: No affiliates entered for this license.



Alaska Marijuana Control Board

Form MJ-20: 2026-2027 Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Kerby's Corporation	License Number:	16915		
License Type:	Retail Marijuana Store				
Doing Business As:	Green Degree				
Premises Address:	233 Airport Road				
City:	Dillingham	State:	AK	ZIP:	99576

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Kerby Coman
Title:	President

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

RECEIVED

KC

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

MAY 21 2026

KC

I certify that a notice of violation has **not** been issued for this license between July 1, 2025 to June 30, 2026.

Dept. of Commerce
AMCO

KC

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

**Form MJ-20: Renewal Application Certifications****Section 4 – Certifications**

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

KC

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

KC

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

KC

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

KC

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

KC

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

KC

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

KC

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

Notary Public in and for the State of Alaska

Kerby Coman

Printed name of licensee

My commission expires:

April 11, 2029

Subscribed and sworn to before me this

6th day of May, 2026

RECEIVED

MAY 21 2026

Dept. of Commerce
AMCO

TAMARA DUNLAP
Notary Public
State of Alaska
My Commission Expires Apr 11, 2029



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

August 4, 2026

Licensee: Kerby's Corporation
DBA: Green Degree
VIA email: kerby@greendegree.net
Local Government: Dillingham
Via Email: cityclerk@dillinghamak.us
Community Council: N/A
Via Email: N/A

BCC: amco.admin@alaska.gov

Re: Retail Marijuana Store License Combined Renewal Notice

License Number:	#16915
License Type:	Retail Marijuana Store
Licensee:	Kerby's Corporation
Doing Business As:	Green Degree
Physical Address:	233 Airport Road Dillingham, AK 99576 UNITED STATES
Designated Licensee:	Kerby Coman
Phone Number:	907-884-3153
Email Address:	kerby@greendegree.net

☒ License Renewal Application

☐ Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application

independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2026/2027 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,



Kevin Richard, Director
907-269-0350

§ 8.18.010. Definitions.

When used in this chapter, the following words and phrases shall have the meanings set forth in this section:

"Control office" means the State of Alaska Alcohol and Marijuana Control Office.

"License" means both liquor license and marijuana license unless otherwise specified or required by context.

"License location" means the lot or parcel, and structure, where a licensed premises (as defined in AS 04.21.080 and 3 AAC 306.990) would be located pursuant to a license application that is subject to review under this chapter.

"Liquor license" means any of the licenses or permits described in AS 04.11.080.

"Marijuana license" means any license or permit authorized or governed by AS Chapter 17.38.

(Ord. 21-04 § 2, 2021; Ord. 17-02 § 2 (part), 2017)

§ 8.18.020. Review of license applications.

- A. Upon receiving notice from the control office of an application for the issuance, renewal, transfer of location or transfer to another person of a liquor license or marijuana license for a license location in the city, including without limitation an application to transfer a license to a license location in the city under AS 04.11.400(m) or 3 AAC 306.060, the city shall refer the application for review to the planning office, finance office and police department within three working days. Comments will be documented on the city's license application review form.
1. Planning office shall determine whether any structure, or use of land or a structure, including parking requirements, at the license location or proposed in the application conforms to Title 18;
 2. Finance office shall determine whether the business operated under the license is, or persons named on the application are, delinquent in the payment of any of the following:
 - a. Sales tax or penalty and interest on sales tax arising from the operation of the business conducted under the license;
 - b. Property taxes; penalties or interest on real or personal property applied to the business operated under the license;
 - c. Charges for a utility service provided for the benefit of the business conducted under the license;
 - d. Both state and city business license are current; and
 3. Police department shall determine whether, in the opinion of the chief of police, there has been an excessive number of convictions or arrests for unlawful activity at the license location, police reports of unlawful activity at

§ 8.18.020

§ 8.18.040

the license location, or police dispatches to the license location.

B. New and transfer licenses will be scheduled for a public hearing before the city council. The planning office will be responsible for overseeing that the public is notified as follows:

1. The applicant shall post a public notice sign on or at the license location describing the license location owner, applicant, request, and date of the public hearing. The sign shall be at least twenty-four inches in width by thirty-six inches in height, with lettering at least one inch in height. The sign shall be visible from the highest traveled public right-of-way adjacent to the license location.
2. At least two weeks prior to the date of the scheduled public hearing, the city planner shall mail a public notice announcing the license location owner, applicant, request, location of the proposed use and date of the public hearing to all property owners within five hundred feet of the license location boundary; and
3. At least two weeks prior to the date of the scheduled public hearing, the city planner shall publish notice of the time and place of the hearing in the manner required by Section 2.08.020.

C. The license application review form will be reviewed by the code review committee meeting for a recommendation to the city council.

(Ord. 21-04 § 2, 2021; Ord. 17-02 § 2 (part), 2017)

§ 8.18.030. Consideration by council.¹

If the council decides to protest the issuance, renewal or transfer of a license it shall state the basis of the protest and shall deliver the protest to the control office with a copy of the application review form. The protest must be received by the control office within sixty days of the city having received notice of the application.

(Ord. 21-04 § 2, 2021; Ord. 17-02 § 2 (part), 2017)

§ 8.18.040. Local regulatory authority.

The city council is designated as the "local regulatory authority" as that term is used in AS Chapter 17.38 and any implementing legislation or rule-making.

(Ord. 21-04 § 2, 2021)

1. Code reviser's note: Ord. 17-02 adds these provisions as Section 8.18.040. The section has been editorially renumbered at the request of the city.

CODE ORDINANCE

Introduced: _____
 Public Hearing: _____
 Adopted: _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2026-1X

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 2.21 OF THE DILLINGHAM MUNICIPAL CODE BY ADOPTING CHAPTER 2.21.075 TO ESTABLISH THE POSITION OF DEPUTY CITY MANAGER AND REVISE THE PROCEDURES FOR APPOINTMENT OF AN ACTING CITY MANAGER.

WHEREAS, the City Council finds that continuity of executive leadership is essential to the efficient administration of municipal government; and

WHEREAS, establishing the position of Deputy City Manager will provide continuity in the administration of municipal government during the temporary absence or inability of the City Manager to perform the duties of the office; and

WHEREAS, the Council finds that routine, temporary absences of the City Manager should be administered through delegation by the City Manager, while prolonged absences, suspension, disability, or a vacancy in the office warrant oversight by the City Council through the appointment of an Acting City Manager; and

WHEREAS, the Council desires to clarify the duties and authority of the Deputy City Manager, the City Manager, and the City Council with respect to temporary and prolonged absences from the office of the City Manager.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DILLINGHAM, ALASKA:

Section 1. Classification. This is a code ordinance.

Section 2. Addition of DMC § 2.21.075.

Dillingham Municipal Code Section 2.21.075 is added to read as follows: **[new language underlined and emboldened]**:

§ 2.21.075 Deputy City Manager.

- A. **The position of Deputy City Manager is established to assist the City Manager in the administration of the affairs of the City and to ensure continuity of executive leadership during the City Manager's temporary absence or inability to preform the duties of the position.**
- B. **The City Manager shall appoint the Deputy City Manager. The Deputy City Manager shall serve at the pleasure of the City Manager.**
- C. **The Deputy City Manager shall perform such duties and exercise such authority as assigned by the City Manager.**

- D. This section shall be administered and applied in a manner consistent with applicable federal law, State of Alaska law, and the City's personnel policies. To the extent of any conflict, applicable law shall control.

Section 3. Repeal and Reenactment of DMC § 2.21.080.

Dillingham Municipal Code Section 2.21.080 is hereby repealed and reenacted to read as follows: [new language underlined and emboldened] and ~~deleted text displayed in strike out font~~:

§ 2.21.080 Acting City Manager.

~~If the manager is absent from the municipality or is unable to perform his or her duties, if the council suspends the manager, or if there is a vacancy in the office of the manager, the council may appoint an acting manager to serve until the manager returns, or until his or her disability or suspension ceases, or until another manager is appointed. The council shall replace the acting manager with a permanent manager within a reasonable time, and in no case may anyone serve as acting manager for more than one year. A council member may serve as acting manager but first must resign from council.~~

- A. During any temporary absence of the City Manager, the Deputy City Manager acts on behalf of the City Manager and is empowered to exercise all powers and duties of the City Manager, including executing documents requiring the signature of the city manager, unless otherwise directed by the City Manager. The Deputy City Manager shall continue to act on behalf of the City Manager until the City Manager returns or the Council appoints an Acting City Manager pursuant to subsection C, if applicable.
- B. If the Deputy City Manager is unavailable to act on behalf of the City Manager during a temporary absence of the City Manager, the City Manager may designate another employee to serve as Acting City Manager.
- C. If the City Manager is unable to perform the duties of the office, for example, due to an extended absence, suspension, vacancy, or other circumstance, the Council may appoint an Acting City Manager. The Acting City Manager shall serve until the City Manager resumes the duties of the office or a permanent City Manager is appointed. The appointment of an Acting City Manager does not affect the employment status or rights of the City Manager unless expressly stated in a resolution adopted by the Council.
- D. The Council shall replace the Acting City Manager with a permanent City Manager within a reasonable time, and no person should serve as Acting City Manager for more than one year (unless action is taken by the council to extend the term). A Council member may serve as Acting City Manager but first must resign from the Council.
- E. This section shall be administered and applied in a manner consistent with applicable federal law, State of Alaska law, and the City's personnel policies. To the extent of any conflict, applicable law shall control.

Section 4. Editorial Authority.

In codifying this ordinance, the City Clerk is authorized to make non-substantive editorial revisions necessary to implement the amendments adopted by this ordinance, including corrections to grammar, punctuation, capitalization, numbering, cross-references, formatting, terminology, and internal references, provided such revisions do not alter the substantive meaning or legal effect of any provision.

Section 5. Codification

The amendments adopted by this ordinance shall be codified in Chapter 2.21 of the Dillingham Municipal Code. The City Clerk is authorized to assign section numbers, revise internal references, and make other non-substantive editorial revisions necessary to incorporate the amendments into the Code, provided such revisions do not alter the substantive meaning of any provision.

Section 6. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2026.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Abigail Flynn, City Clerk

CODE ORDINANCE

Introduced: _____
 Public Hearing: _____
 Adopted: _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2026-1X

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 2.27 OF THE DILLINGHAM MUNICIPAL CODE BY ADOPTING CHAPTER 2.27.025 TO ESTABLISH THE POSITION OF DEPUTY CITY CLERK AND REVISE THE PROCEDURES FOR APPOINTMENT OF AN ACTING CITY CLERK.

WHEREAS, the City Council finds that continuity in the administration of the Office of the City Clerk is essential to the efficient administration of municipal government; and

WHEREAS, establishing the position of Deputy City Clerk will provide continuity in the administration of municipal government during the temporary absence or inability of the City Clerk to perform the duties of the office; and

WHEREAS, the Council finds that routine, temporary absences of the City Clerk should be administered through delegation by the City Clerk, while prolonged absences, suspension, disability, or a vacancy in the office warrant oversight by the City Council through the appointment of an Acting City Clerk; and

WHEREAS, the Council desires to clarify the duties and authority of the Deputy City Clerk, the City Clerk, and the City Council with respect to temporary and prolonged absences from the office of the City Clerk.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DILLINGHAM, ALASKA:

Section 1. Classification. This is a code ordinance.

Section 2. Addition of DMC § 2.27.025, Deputy City Clerk.

Dillingham Municipal Code Section 2.27.025 is added to read as follows: **[new language underlined and emboldened]**:

§ 2.27.025 Deputy City Clerk.

- A. **The position of Deputy City Clerk is established to assist the City Clerk in the administration of the affairs of the City and to ensure continuity in the administration of the Office of the City Clerk during the City Clerk's temporary absence or inability to preform the duties of the position.**
- B. **The City Manager shall appoint the Deputy City Clerk.**
- C. **The Deputy City Clerk shall perform such duties and exercise such authority as assigned by the City Clerk.**

- D. This section shall be administered and applied in a manner consistent with applicable federal law, State of Alaska law, and the City's personnel policies. To the extent of any conflict, applicable law shall control.

Section 3. Repeal and Reenactment of § 2.27.030, Acting Clerk.

Dillingham Municipal Code Section 2.27.030 is hereby repealed and reenacted to read as follows: [new language underlined and emboldened] and ~~deleted text displayed in strike-out font~~]:

§ 2.27.030 Acting City Clerk.

~~The City Manager shall appoint an Acting Clerk to serve during the temporary absence or disability of the City Clerk. The Acting Clerk has all the powers, duties, and obligations of the City Clerk.~~

- A. During any temporary absence of the City Clerk, the Deputy City Clerk acts on behalf of the City Clerk and shall be empowered to exercise all powers and duties of the City Clerk, including executing documents requiring the signature of the City Clerk. The Deputy City Clerk shall continue to act on behalf of the City Clerk until the City Clerk returns or the Council appoints an Acting City Clerk pursuant to subsection C, if applicable.
- B. If the Deputy City Clerk is unavailable to act on behalf of the City Clerk during a temporary absence of the City Clerk, the City Manager may designate another qualified employee to act on behalf of the City Clerk.
- C. If the City Clerk is unable to perform the duties of the office, for example, due to an extended absence, suspension, vacancy, or other circumstance the Council may appoint an Acting City Clerk. The Acting City Clerk shall serve until the City Clerk resumes the duties of the office or a permanent City Clerk is appointed. The appointment of an Acting City Clerk does not affect the employment status or rights of the City Clerk unless expressly stated in a resolution adopted by the Council.
- D. The Council shall replace the Acting City Clerk with a permanent City Clerk within a reasonable time.
- E. This section shall be administered and applied in a manner consistent with applicable federal law, State of Alaska law, and the City's personnel policies. To the extent of any conflict, applicable law shall control.

Section 4. Editorial Authority.

In codifying this ordinance, the City Clerk is authorized to make non-substantive editorial revisions necessary to implement the amendments adopted by this ordinance, including corrections to grammar, punctuation, capitalization, numbering, cross-references, formatting, terminology, and internal references, provided such revisions do not alter the substantive meaning or legal effect of any provision.

Section 5. Codification

The amendments adopted by this ordinance shall be codified in Chapter 2.27 of the Dillingham Municipal Code. The City Clerk is authorized to assign section numbers, revise internal references, and make other non-substantive editorial revisions necessary to incorporate the amendments into the Code, provided such revisions do not alter the substantive meaning of any provision.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance shall not be affected.

Section 7. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2026.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Abigail Flynn, City Clerk

CODE ORDINANCE

Introduced: _____
 Public Hearing: _____
 Adopted: _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL ADOPTING EXHIBIT A, AMENDING CHAPTERS 3.10 THROUGH 3.70 OF THE DILLINGHAM MUNICIPAL CODE TO MODERNIZE MUNICIPAL ELECTION PROCEDURES, REMOVE OBSOLETE REQUIREMENTS, UPDATE TERMINOLOGY, IMPROVE ACCESSIBILITY, AUTHORIZE ADMINISTRATIVE ELECTION FORMS, AND MAKE RELATED NONSUBSTANTIVE REVISIONS.

WHEREAS, AS 29.26.010(a) provides that the governing body shall prescribe the rules for conducting municipal elections; and

WHEREAS, Chapters 3.10 through 3.70 of the Dillingham Municipal Code contain municipal election procedures originally adopted in 1986, and certain provisions no longer reflect current election administration practices, terminology, or accessibility standards; and

WHEREAS, the City Council recognizes that municipal election administration practices have evolved since the adoption of Ordinance No. 86-9 and that this ordinance is intended to preserve existing election safeguards while providing flexibility to adapt administrative forms and procedures to future changes in election administration and applicable law; and

WHEREAS, it is in the best interests of the City for the Election Officials and the City Clerk to follow essentially the same rules for all elections, including city and Primary and General elections and these updates align the City Election code with current election practices used in State of Alaska elections.

WHEREAS, certain provisions of Chapter 3.50, including requirements for physician certifications and statements from two qualified voters, are obsolete, create barriers for voters, and are not consistent with current Alaska election administration practices; and

WHEREAS, the City Council finds that authorizing the City Clerk to prescribe administrative election forms and procedures will improve the administration of municipal elections while preserving the City Council's authority to establish election policy pursuant to AS 29.26.010; and

WHEREAS, the City Council further finds that updating outdated terminology, including gender-specific language and references to "handicapped," is intended solely to improve clarity, consistency, accessibility, and readability and is not intended to change the legal effect of any provision of the Dillingham Municipal Code; and

WHEREAS, the City Council finds that these amendments preserve ballot security, voter privacy, election integrity, and reasonable accessibility for voters with disabilities while modernizing the City's voting procedures;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DILLINGHAM, ALASKA:

Section 1. Classification. This is a code ordinance.

Section 2. Adoption of Exhibit A.

The document entitled "**Exhibit A – Legislative Redline Amending Chapters 3.10 through 3.70 of the Dillingham Municipal Code,**" attached to this ordinance, is hereby adopted and incorporated by reference as though fully set forth herein. The amendments contained in Exhibit A amend Chapters 3.10 through 3.70 of the Dillingham Municipal Code.

Section 3. Nature of Amendments.

Except as specifically identified in Section 4 of this ordinance, the amendments contained in Exhibit A are intended only to modernize terminology, improve readability, improve accessibility, update obsolete references, conform the Code to current legislative drafting practices, and make other non-substantive editorial revisions without changing the legal effect of the Dillingham Municipal Code.

Section 4. Substantive Amendments.

The following provisions contain substantive amendments:

- A. DMC 3.10.015, establishing the City Clerk's election-administration authority;
- B. DMC 3.10.070 and 3.70.110, clarifying plurality/majority terminology and procedures for resolving tie votes;
- C. DMC 3.10.080 through 3.10.110, updating election notices, voter lists, questioned-ballot direction, and post-election reporting;
- D. DMC 3.20.010 through 3.20.070, modernizing voting stations, ballot form, emergency replacement ballots, printing, sample ballots, and precinct-register procedures;
- E. DMC 3.30.020, reorganizing election boards and officials, qualifications, training, supervision, conflicts, recruitment reporting, and youth election workers;
- F. DMC 3.40.050, updating correction, amendment, and withdrawal of declarations of candidacy;
- G. DMC 3.60.030 through 3.60.055, updating questioned voting, voter assistance, ballot marking and validity, counting, and write-in procedures;
- H. DMC 3.70.010 through 3.70.060, updating canvass-board appointment and timing, canvass procedures and reports, certification, election contests, and recount procedures; and
- I. DMC 3.70.130 and 3.70.170, updating election definitions and preservation, inspection, and destruction of ballots and election materials

Section 5. Editorial Authority.

In codifying this ordinance, the City Clerk is authorized to make non-substantive editorial revisions necessary to implement the amendments adopted by this ordinance, including corrections to grammar, punctuation, capitalization, numbering, cross-references, formatting, terminology, and internal references to election equipment, forms, and procedures, provided such revisions do not alter the substantive meaning or legal effect of any provision.

Section 6. Codification

The amendments adopted by this ordinance shall be codified in Chapters 3.10 through 3.70 of the Dillingham Municipal Code. The City Clerk is authorized to assign section numbers, revise internal references, and make other non-substantive editorial revisions necessary to incorporate the amendments into the Code, provided such revisions do not alter the substantive meaning of any provision.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance shall not be affected.

Section 8. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2026.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Abigail Flynn, City Clerk

DRAFT

Exhibit A

The following pages contain the existing Dillingham Municipal Code for Elections.

Where there are proposed changes in Ordinance 2026-XX you will see **new language underlined and emboldened** and ~~deleted text displayed in strike out font~~

Title 3

ELECTIONS

Chapter 3.10 GENERAL PROVISIONS

- § 3.10.010. Administration authority.
§3.10.015, Election Administration.
- § 3.10.020. Voter qualifications.
- § 3.10.021. Rules for determining residence of voter.
- § 3.10.022. Registration.
- § 3.10.030. Regular elections.
- § 3.10.040. Special elections.
- § 3.10.050. Expenses.
- § 3.10.060. Employee Time off for voting.
- § 3.10.070. Plurality—Tie votes.
- § 3.10.075. Procedure for filling vacancies.
- § 3.10.080. Public notice of election.
- § 3.10.090. Polls—Opening and closing.
- § 3.10.100. State registration list.
- § 3.10.110. Election information supplied to state officials.
- § 3.10.120. Precinct boundaries and polling places.
- § 3.10.130. Preservation of election materials.
- § 3.10.140. Severability.

Chapter 3.20 EQUIPMENT AND SUPPLIES

- § 3.20.010. Booths and ballot boxes.
- § 3.20.020. Voter instructions.
- § 3.20.030. Ballots—Form.
- § 3.20.050. Ballots—Printing, inspection and distribution.
- § 3.20.060. Sample ballots.
- § 3.20.070. Precinct register list—Distribution to precinct

Chapter 3.30 ELECTION OFFICIALS

- § 3.30.010. City clerk duties.
- § 3.30.020. ~~Judges—Election Officials—and~~
- § 3.30.030. ~~clerks~~—Appointment.
Election board—Filling vacancies.
- § 3.30.040. Election officials—Oath.

officials.

Chapter 3.40

**CANDIDATE QUALIFICATION AND
NOMINATION**

- § 3.40.010. **Qualifications.**
- § 3.40.015. **Designated seats.**
- § 3.40.020. **Form and filing.**
- § 3.40.030. **Time for filing.**
- § 3.40.040. **Record.**
- § 3.40.050. **Withdrawal from
candidacy.**

Chapter 3.50

ABSENTEE VOTING

- § 3.50.010. **Eligibility.**
- § 3.50.020. **Public notice.**
- § 3.50.030. **Preparation of ballots and
other materials.**
- § 3.50.040. **~~Form of identification
envelope.~~**
- § 3.50.050. **Absentee voting in person.**
- § 3.50.060. **Absentee voting by personal
representative.**
- § 3.50.070. **Absentee voting by mail.**
- § 3.50.080. **List of absentee voters.**
- § 3.50.090. **Surrender of absentee ballot.**

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Chapter 3.60 PROCEDURES FOR CONDUCTING ELECTIONS		Chapter 3.70 ELECTION RESULTS	
§ 3.60.010.	Polls—Opening and closing.	§ 3.70.010.	Election board as canvassing committee.
§ 3.60.020.	Voting procedure.	§ 3.70.020.	Canvass to be made public—Procedure.
§ 3.60.030.	Questioned ballots.	§ 3.70.030.	Record of canvass.
§ 3.60.040.	Voter assistance.	§ 3.70.040.	Certification of election results.
§ 3.60.050.	Ballots—Marking, validity—Removal prohibited.	§ 3.70.050.	Contests.
§ 3.60.055.	Write-in candidates.	§ 3.70.060.	Recount expenses—Bond.
§ 3.60.060.	Ballots—Counting.	§ 3.70.070.	Investigation.
§ 3.60.070.	Defective ballots.	§ 3.70.080.	Ballot recount.
§ 3.60.080.	Spoiled and unused ballots.	§ 3.70.090.	Prohibited practices alleged—Production of register books required.
§ 3.60.090.	Tally of votes.	§ 3.70.100.	Sustained charges—Recount.
§ 3.60.100.	Majority decision of election board.	§ 3.70.110.	Determination of tie votes.
§ 3.60.110.	Prohibited practices.	§ 3.70.120.	Oath and affirmation.
		§ 3.70.130.	Definitions.

For statutory provisions concerning municipal elections, see AS 29.26. For provisions concerning elections in general, see AS 15. For provisions concerning initiative, referendum and recall, see AS 29.26.

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§ 3.10.010

ELECTIONS

§ 3.10.021

CHAPTER 3.10

GENERAL PROVISIONS

§ 3.10.010. Administration authority.

The city council shall prescribe the general rules for conducting municipal elections in accordance with AS 29.26.
(Ord. 86-9 § 1, 1986)

§3.10.015, Election Administration.

A. The City Clerk shall administer all city elections and shall prescribe and maintain administrative forms, instructions, checklists, procedures, manuals, and records necessary to administer municipal elections.

B. The procedures may include election calendars, chain-of-custody procedures, ballot accounting procedures, election worker manuals, absentee voting procedures, canvassing procedures, forms, and other procedures necessary to administer this title.

C. In administering this title, the City Clerk may use forms, procedures, guidance, and administrative practices that are substantially consistent with those prescribed by the Alaska Division of Elections, to the extent applicable to municipal elections and not inconsistent with this title, Title 29, Alaska Statutes, or other applicable law.

§ 3.10.020. Voter qualifications.

A person may vote in city elections only if the person:

- A. Is a United States citizen who is qualified to vote in state elections **under AS 15.05.010;**
- B. Has been a resident of the ~~municipality~~ **city** for thirty calendar days immediately preceding the election;
- C. Is registered to vote in state elections at a residence address within ~~a municipality~~ **the city** at least thirty calendar days before the city election in which the person seeks to vote; and
- D. Is not disqualified to vote under Article V of the Alaska Constitution.
(Ord. 86-9 § 1, 1986; Ord. 11-06 § 1, 2011)

§ 3.10.021. Rules for determining residence of voter.

- A. For the purpose of determining residence for voting, the place of residence is governed by ~~the following rules~~ **AS 15.05.020 s:**

- ~~1. The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one place but does business in another, the former is the person's place of residence. Temporary construction camps do not constitute a dwelling place.~~
- ~~2. A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.~~

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- ~~3. — A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of the United States or of this state, or because of marriage to a person in the civil or military service of the United States or of this state, or while a student of an institution of learning, or while kept in an institution or asylum at public expense, or while confined in a public prison, or while engaged in the navigation of waters of this state, or the United States, or of the high seas.~~
- ~~4. — A person does not lose residence if the person leaves home and goes to another country, state or place in this state for temporary purposes only and with the intention of returning.~~
- ~~5. — A person does not gain a residence in any place to which the person comes without a present intent to establish a permanent dwelling at that place.~~
- ~~6. — A person loses residence in this state if the person votes in another state's election, either in person or by mail, and will not be eligible to vote in this state until again qualifying under AS 15.05.010.~~
- ~~7. — The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.~~

(Ord. 11-06 § 2, 2011)

§ 3.10.022. Registration.

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

(Ord. 11-06 § 3, 2011)

§ 3.10.030. Regular elections.

A regular election shall be held annually on the first Tuesday in October for the election of vacant municipal offices and the determination of such other matters as may be placed on the ballot.

(Ord. 86-9 § 1, 1986)

§ 3.10.040. Special elections.

The city council, by resolution, may order that a special election be held. Special elections shall not be called within forty-five days preceding a regular election. The election shall be conducted on the ninth Tuesday following certification of a valid initiative, referendum or recall petition, or, in the other cases, following adoption of a resolution by the city council.

(Ord. 91-02 § 1, 1991; Ord. 86-9 § 1, 1986)

§ 3.10.050. Expenses.

- A. The city shall pay all necessary election expenses, including those of securing places for polls and providing election equipment, ballot boxes, ballots, voting booths, screens, supplies necessary for providing absentee voting and other supplies, and any wages due ~~Judges~~ Election Officials ~~and clerks~~.
- B. ~~Salaries~~ Compensation for the election ~~Judges~~ Election Officials ~~and clerks~~ shall be set by the council.
- C. No City official in ~~this~~ the city may make any charge for services rendered to any voter under the provisions of this chapter.

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~~D. All expenses incurred in an election recount shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount, or the difference between the winning and a losing vote on the result contested is less than two percent.~~

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, or bond issues is prohibited. (Ord. 86-9 § 1, 1986)

§ 3.10.060. Time off for voting for City of Dillingham Employees.

Any **City employee who is a** qualified voter who does not have sufficient time outside ~~his/her~~ **the voter's** working hours within which to vote at any city election may, without loss of pay, take off as much working time as will enable ~~him/her~~ **the voter** to vote. If any employee has two consecutive hours in which to vote, either between the opening of the polls and the beginning of ~~his~~ **the employee's** regular shift, or between the end of ~~his/her~~ **the employee's** regular working shift and the closing of the polls, ~~he/she~~ **the employee** shall be deemed to have sufficient time outside ~~his~~ **the employee's** working hours within which to vote.

(Ord. 86-9 § 1, 1986)

§ 3.10.070. ~~Plurality~~Simple Majority —Tie votes.

Election to office or passage of a proposition shall be by simple ~~plurality~~**majority**. In the event of a **tie vote**, the city council shall prescribe the method and determine the winner by lot.

(Ord. 86-9 § 1, 1986)

~~§ 3.10.075. Procedure for filling vacancies.~~

~~When an elected official or officials have vacated one or more seats before the expiration of the full term, a replacement shall be elected at the next regular election for the balance of the term.~~

(Ord. 91-02 § 2, 1991; Ord. 11-07 § 1, 2011)

§ 3.10.080. ~~Public notice of election~~Election notices.

- A. The ~~city clerk~~ **City Clerk**, ~~subject to any directions of the council~~, shall give at least twenty days' notice of an election by posting notice thereof in at least three public places in the city, and by publishing the notice at least twice in a newspaper of general circulation within the city, providing there is such a newspaper, with one publication to be within seven days preceding the election.
- B. **The Notice of** Election notice shall contain the following:
 1. The date of the election.
 2. The time of opening and closing of the polling places.
 - ~~3. The location of precinct polling place. and a description of the voting preeincts by boundaries.~~
 - ~~4. The qualifications of voters and the manner, time, method and place of registration.~~
 5. The manner of nominating candidates if candidates are to be elected.
 6. The type of election, i.e., regular or special.
 7. The offices to be filled or propositions to be submitted to ~~the electors~~ **voters**.
 8. A statement as to bilingual voting assistance and ~~handicapped~~ access to the polls **for**

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people with disabilities.

9. Provisions for absentee voting.

- C. **Notice of bonded indebtedness – the City Clerk shall post on the city’s website and publish a notice of bonded indebtedness before a general obligation bond election, as required by AS 29.47.190**

(Ord. 86-9 § 1, 1986)

§ 3.10.090. Polls—Opening and closing.

On election day, precinct polls shall open for voting at eight a.m. and shall remain open continuously until eight p.m.; ~~except, on those election days when municipal and state elections are held concurrently, the precinct polls shall open for voting at seven a.m.~~

(Ord. 86-9 § 1, 1986)

§ 3.10.100. State official voter registration list.

~~Within thirty days preceding the election, the~~ **The city clerk City Clerk** shall **order and** obtain from the State of Alaska, Division of Elections, a precinct registration list which indicates the full name and residence address, **and the mailing address** of all qualified voters **in accordance with 3.10.020. This list shall serve as the precinct register.**

B. If a voter’s name does not appear on the official voter registration list, the election official shall **advise** the voter that he or she may cast a questioned ballot and the voter shall be allowed to vote a questioned ballot.

(Ord. 86-9 § 1, 1986)

§ 3.10.110. ~~Election information supplied to state officials~~ Report voting information to the state.

Pursuant to AS 15.07.137, within sixty days after **certification of** a city election, the ~~city clerk~~ **City Clerk** shall certify and send to ~~the director of~~ the State Division of Elections ~~a copy of~~ the official precinct registration list, **questioned voter registers, and absentee and special voting lists** containing the names, residence addresses and ~~voter numbers~~ **other voter identification** of all persons voting in ~~each precinct~~ in that election.

(Ord. 86-9 § 1, 1986)

§ 3.10.120. Precinct boundaries and polling places.

Precinct polling places for city elections shall be those established by the state for state elections.

(Ord. 86-9 § 1, 1986)

§ 3.10.130. Preservation of election materials.

The clerk shall preserve ~~all precinct election certificates, petitions, and registers, all voted ballots filed for the period required under~~ **election records pursuant** to the records retention schedule adopted by the Dillingham City Council by resolution.

All declarations of candidacy shall be preserved until the retention period specified in the adopted records retention schedule.

These election materials may be destroyed after their retention period has lapsed unless an application for a recount has been filed and not completed, or unless their destruction is stayed by an order of the court.

Certificates of the canvass committee are to be preserved as permanent records (Ord. 86-9, 1986.)

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unless otherwise provided in the adopted records retention schedule.
(Ord. 86-9 § 1, 1986; Ord. 26-03, 4/2/2026)

§ 3.10.140. 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 or of its application to any other persons or circumstances shall not be affected.
(Ord. 86-9 § 1, 1986)

CHAPTER 3.20
EQUIPMENT AND SUPPLIES

§ 3.20.010. ~~Booths~~ Voting Stations and ballot boxes.

The ~~city clerk~~ City Clerk shall provide ~~booths~~ voting booths, voting stations, or other voting areas that preserve ballot secrecy and permit voters to mark ballots privately at the polling places, with appropriate supplies and conveniences to enable each voter to mark ~~his/her~~ ballots screened from observation. ~~At least three sides of each booth shall be enclosed.~~ A Ballot boxes shall be placed outside of the voting ~~booths~~ areas within plain view of the ~~Judges~~ Election Officials ~~and clerks~~, voters and other persons at the polling places. (Ord. 86-9 § 1, 1986)

§ 3.20.020. Voter instructions.

The clerk shall prepare instructions explaining to voters how to obtain ballots, how to mark them, how to obtain information from election officials, how to obtain new ballots to replace those destroyed or spoiled, and assistance available to language minorities and ~~handicapped~~ voters with disabilities. These instructions shall be printed in large, clear type and shall be distributed to the election boards to be prominently displayed in each polling place. (Ord. 86-9 § 1, 1986)

§ 3.20.030. Ballots—Form.

~~A. Ballots shall be prepared in the manner prescribed for State elections insofar as such requirements are applicable to non-partisan elections. The ballots shall be numbered in series, the number being placed in an area set off by perforations for ease of removal and on a portion of the ballot that can be seen when the manner in which the ballot is marked is concealed from view.~~

A. The City Clerk shall prepare all ballots to facilitate fairness, simplicity and clarity in the voting procedure, to reflect accurately the intent of the voter, and to expediate the administration of elections.

Ballots shall be prepared in a manner substantially consistent with the requirements for Alaska state elections to the extent applicable to nonpartisan municipal elections and not inconsistent with this title or Title 29, Alaska Statutes.

Ballots shall incorporate reasonable ballot accountability measures prescribed by the City Clerk, which may include sequential numbering, detachable ballot stubs, perforations, or other security features compatible with the voting equipment approved for use in the election.

- B. All candidates for the same office shall be shown on one ballot. The title of each office to be filled shall be followed by the printed names of all candidates for that office and provisions shall be made for write-ins equal in number to the positions to be filled. The names of candidates shall be printed as they appear on the declaration of candidacy, except that any honorary or assumed title or prefix shall be omitted, but may include in the candidate's name any nickname or form of a proper name of the candidate. The words "vote for not more than one" with the appropriate number replacing the blank, shall be placed

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before the lists of candidates for each office. **The names of candidates shall be arranged on the ballot alphabetically by last name.**

- C. ~~Following the offices and candidates, there shall be placed on the ballot, or on separate ballots as the clerk may determine, all propositions or questions to be voted on. The words "yes" and "no" shall be placed below the statement of each proposition or question. Propositions and questions to be voted on shall follow the candidates for office or may be on a separate ballot as determined by the clerk. The words "yes" and "no" shall appear below each proposition or question.~~ All ballot propositions shall be stated in a concise and clear language to avoid verbosity and with the object of informing and advising the voter of the issue in a clear and forthright manner. All ballot propositions shall be stated in the affirmative and not the negative, so that a "yes" vote will always mean that the voter approves of the affirmative of a position and not the negative; and a no vote disapproves the affirmative statement of an issue. Ballot propositions shall not be used to obtain a negative result by the casting of a yes vote. Simple sentences and words shall be used in preference to complex or compound sentences and words with the object of making ballot propositions understandable to the average reader.
- A. Each ballot shall ~~bear~~**state the words** "City of Dillingham" "Official Ballot", **the type of election (e.g., Regular or Special)** and the date of the election.
- D. **3.20.040 Emergency Replacement Ballots.**

If official ballots become unavailable, are exhausted, contain printing or formatting errors, are damaged, or cannot reasonably be used because of equipment failure or another unforeseen circumstance, the City Clerk may authorize the use of replacement ballots or emergency ballots, including copies of the approved sample ballot, provided:

1. **the replacement ballot substantially conforms to the official ballot approved for the election;**
2. **each replacement ballot is accounted for and issued under procedures prescribed by the City Clerk;**
3. **ballot secrecy is preserved;**
4. **voted replacement ballots are secured and canvassed in the same manner as official ballots to the greatest extent practicable; and**
5. **the use of replacement ballots is documented as part of the election record.**

(Ord. 03-05 § 1 (part), 2003; Ord. 86-9 § 1, 1986)

§ 3.20.050. Ballots—Printing, inspection and distribution.

- A. In all ~~municipal~~ **city** elections, the ~~city clerk~~ **City Clerk** ~~will~~**shall** be responsible for the printing of ballots. The clerk shall determine the number of ballots to be used to present all offices, propositions, and questions to the qualified voter. **The clerk may contract for the preparation and printing of ballots without competitive bidding.**
- B. **The clerk shall have the ballots in the clerk's possession at least fifteen calendar** days before each regular election ~~and ten days before each~~ **or** special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot or by the **candidate's** authorized agent and any discovered mistake shall be corrected immediately.

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- C. Prior to election day, sufficient ballots ~~for the registered voters of each precinct~~ shall be delivered to the City Clerk ~~election board for that precinct~~. The ballots shall be delivered in a separate sealed package with the number of ballots enclosed clearly marked on the outside of the package. ~~A receipt shall be taken from the election board member to whom each package is delivered in person or by mail.~~

(Ord. 86-9 § 1, 1986)

§ 3.20.060. Sample ballots.

- A. The ~~city clerk~~ City Clerk will have a number of sample ballots printed. The sample ballots will be printed on tinted paper and clearly labeled as a sample ballot. At least one day before the election, the ~~city clerk~~ City Clerk shall cause to be posted at the polling place and in at least three public places in the city ~~specimen~~ sample ballots with instructions to voters.
- B. In the event of a shortage of official ballots, the election ~~board~~ officials ~~may utilize unmarked sample ballots in order to allow qualified voters to cast a ballot. The necessity of such use shall be addressed as an attachment to the election certificate by the election board.~~ shall follow procedures in accordance with 3.20.40.

(Ord. 86-9 § 1, 1986)

§ 3.20.070. Precinct register list—Distribution to ~~precinct~~ election officials.

Prior to the opening of the polls, the city clerk shall deliver ~~a the~~ precinct register and ~~a list of~~ voters ~~supplied~~ who voted absentee will be flagged or marked in some way in the precinct register ~~ballots~~ to the election officials. ~~The register will provide sufficient space to enable voters to sign their name and enter residential and mailing addresses~~ A record shall be kept in the register of the names of persons who offer to vote but are refused, and a brief statement of the basis for the refusal. The signing of the precinct register constitutes a declaration by the voter that ~~he/she~~ the voter is qualified to vote.

(Ord. 86-9 § 1, 1986)

CHAPTER 3.30 ELECTION OFFICIALS

§ 3.30.010. ~~City clerk~~ City Clerk duties.

The ~~city clerk~~ City Clerk will perform the duties as provided in this chapter and at AS 29.26 and AS 15 as necessary for the administration of ~~municipal~~city elections. The ~~city clerk~~ City Clerk may publish notices urging voter registration and may cooperate with the state in encouraging city residents to register.

(Ord. 06-01 § 1 (part), 2006; Ord. 86-9 § 1, 1986)

§ 3.30.020. ~~Judges—Election Officials and clerks—Appointment.~~

- ~~A. Before each municipal election, the city clerk shall appoint three Judges—Election Officials to constitute the election board for each municipal precinct. One judge shall be designated precinct chairman by the city clerk and shall be primarily responsible for administering the election. Two of the appointed Judges—Election Officials may also serve as the election clerks. The city clerk may appoint up to three additional clerks when necessary to facilitate the orderly conduct of the election.~~
- ~~B. Each judge or clerk must be a qualified voter of the city under Dillingham Municipal Code Section 3.10.020 and a resident of the precinct for which he is appointed unless no voter is willing to serve.~~
- ~~C. Each judge or clerk must be willing to devote the time to be trained to conduct the election properly.~~
- ~~D. An election official may not serve if he is a first degree relation to a candidate listed on the ballot and cannot be a candidate themselves or be listed as a candidate on the ballot. For the purpose of this section, "first degree relation" is defined as a mother, father, sister, brother, child, mother in law, father in law, sister/brother in law, niece or nephew.~~
- ~~E. Upon the conclusion of the election the city clerk must include a written report to the council that describes recruitment efforts and results.~~

3.30.020 Election Boards and Election Officials—Appointment.

A. Appointment.

Election Board

1. The City Council shall appoint election boards necessary to conduct the election.
2. Each election board shall consist of at least three qualified election officials.
3. The City Clerk shall designate one member of each election board to serve as the chair. If the chair is unable to perform those duties, the other election officials shall perform the duties.

Election Officials

The City Clerk may appoint additional election officials as necessary to administer the election, including:

- absentee voting officials;
- ballot tabulation officials;
- translators and interpreters;
- technology support personnel;
- youth election workers;
- other election officials necessary to conduct the election.

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The City Clerk shall designate one election official to serve as chair of each election board. In addition to the required election officials, the City Clerk may appoint not more than two youth election workers to each precinct election board pursuant to subsection (F).

B. Qualifications.

Except as provided in subsection (F) of this section, election officials shall be qualified voters of the City and meet the following conditions:

- 1. meet the qualifications prescribed by this title and applicable law;**
- 2. complete any training prescribed by the City Clerk, unless excused by the clerk;**
- 3. subscribe to an oath in accordance with this chapter;**
- 4. be willing and able to faithfully perform the duties of the office; and**
- 5. comply with all election procedures established by this title and the administrative procedures prescribed pursuant to DMC 3.10.015.**

If the City Clerk is unable to recruit sufficient qualified election officials who reside within the city, the City Clerk may appoint qualified individuals from elsewhere as otherwise authorized by law. There shall be no inquiry into an election official's political party as prerequisite to serve.

C. Supervision.

Election officials shall perform their duties under the supervision of the election chair or another supervising election official designated by the City Clerk.

D. Disqualification.

A person may not serve as an election official if the person:

- 1. is a candidate for an office appearing on the ballot;**
- 2. is the spouse, domestic partner, parent, child, sibling, or other first-degree relative of a candidate appearing on the ballot; or**
- 3. has another conflict of interest that would impair the impartial administration of the election.**

If the clerk knows or learns that any of these exists, the election official shall be notified and replaced by the clerk.

E. Training.

The City Clerk shall provide training for election officials. Training may be conducted in person, electronically, or by other methods determined by the City Clerk.

F. Youth Election Workers.

In addition to the election officials appointed under this section, the City Clerk may appoint not more than two (2) youth election workers to serve at a time.

A youth election worker shall:

- 1. be at least sixteen (16) years of age;**
- 2. complete the training prescribed by the City Clerk before serving;**
- 3. subscribed to an oath in accordance with this chapter;**
- 4. serve under the supervision of the election board chair; and**
- 5. perform only those duties assigned by the City Clerk or election board chair that are consistent with the worker's training and applicable law.**

A youth election worker may be compensated as established by the City Council or may serve as a volunteer.

G. Additional Election Officials.

The City Clerk may appoint additional election officials whenever necessary to ensure the orderly administration of an election.

H. Compensation.

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Election officials shall receive compensation established by resolution, or other compensation authorized by the City Council.

I. Recruitment Report.

Following each regular city election, the City Clerk shall provide the City Council with a summary of election worker recruitment efforts, staffing levels, and recommendations for future elections.

~~(Ord. 06-01 § 1 (part), 2006; Ord. 86-9 § 1, 1986)~~

§ 3.30.030. Election board—Filling vacancies.

If an appointed ~~judge or clerk~~ **election official** fails to appear and subscribe to the oath on Election Day or becomes incapacitated during the time of the election or during the canvass, the ~~election board members present shall elect, by a majority vote, a qualified voter to fill the vacancy~~ **City Clerk shall appoint a person in accordance with this chapter.**

(Ord. 06-01 § 1 (part), 2006; Ord. 86-9 § 1, 1986)

§ 3.30.040. Election officials—Oath.

~~A. The city clerk City Clerk will choose an election official to appear before the city clerk City Clerk and take the oath set forth in this section. This election official or city clerk City Clerk will, in turn, administer the same oath to all other election Judges—Election Officials and clerks.~~

B. Before serving as an election official, each election official must subscribe to an oath as prescribed by the City Clerk.

~~C. The oath administered will be what the State of Alaska Division of Elections uses for oaths for election workers. The City Clerk shall contact the Alaska Division of Elections to confirm the most recent oath for election workers and use the most recent oath. as follows: "I, —, do solemnly swear or affirm that I will honestly and faithfully perform the duties of an election official according to law (DMC). I will endeavor to prevent fraud, deceit or abuse in conducting the election. All of this I will perform to the best of my ability, so help me God."~~

D. Any election official may administer to a voter any oath that is necessary in the administration of the election.

(Ord. 06-01 § 1 (part), 2006; Ord. 86-9 § 1, 1986)

CHAPTER 3.40
CANDIDATE QUALIFICATION AND NOMINATION

§ 3.40.010. Qualifications.

No person shall hold any elective office or be eligible to seek election thereto unless ~~she/~~
~~he~~ **the person** is a qualified ~~elector of~~ **voter of** the city, possessing the voter qualifications as set forth at Section 3.10.020(A) through (D), and has been a resident of the city or of the territory annexed to the city, or who has had a combination of residency in the city and in the annexed territory for a period of not less than one year preceding election **day. A candidate shall provide proof of qualification for office as required by the City Clerk.**
(Ord. 86-9 § 1, 1986)

~~**§ 3.40.015. Designated seats.**~~

~~Candidates for city council or school board shall file for election day by the municipal voters at large for seats designated alphabetically commencing with the seats vacated in October 1997 and continuing thereafter. No person may file for more than one seat within the same office. However, a candidate can file for office on both the city council and the school board.~~
(Ord. 12-17 § 2, 2012; Ord. 96-15 § 1, 1996)

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 by filing a complaint with the clerk.

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.

F. The clerk shall review any evidence relevant to the candidate's qualifications, including, but not limited to, the candidate's residency, voter registration, declaration of candidacy, and any other document of public record or as required by Code. Based on the review of the 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.

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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 clerk must receive the requested information no later than three calendar days from the 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 calendar 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

§ 3.40.020. Form and filing.

A person who seeks to become a candidate for an elected office shall ~~execute and~~ file a declaration of candidacy. The declaration shall be executed under oath before and on a form provided by the ~~city clerk~~ **City Clerk**. The declaration shall ~~state in substance~~ **include:**

- A. The full **legal** name of the candidate and the manner in which ~~she/he wishes his name~~ **the candidate wishes the candidate's name** to appear on the ballot;
 - B. The full **residence and** mailing address of the candidate;
 - C. **The telephone numbers and other contact information of the candidate;**
 - D. The office for which the candidate declares;
 - E. **A statement** ~~That that~~ the candidate is qualified ~~voter and resident of the city~~ **for the office as provided by law**, and will serve if elected;
 - ~~F. That the candidate agrees to serve if elected to the office of _____ for a term of _____ years; and~~
 - G. **The candidate's certification before an official authorized to administer oaths that the information in the declaration of candidacy is true and accurate, with the date and the candidate's signature; and**
 - H. Any other information requested by the city clerk which is reasonably necessary to administer the declaration of candidacy process.
 - I. **No person may file for more than one seat within the same office. However, a candidate can file for office on both the city council and the school board.**
- (Ord. 86-9 § 1, 1986)

§ 3.40.030. Time for filing.

A. Packets containing declarations of candidacy shall be available from the City Clerk no later than the day the filing period opens. The packets shall remain available throughout the filing period.

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B. Declarations of candidacy shall be submitted on a form provided by the City Clerk. The declaration of candidacy form must be submitted as an original and shall not be submitted facsimile or electronically. ~~A~~ **The** declaration of candidacy shall be filed with the ~~city clerk~~ **City Clerk** not earlier than the ~~second first~~ Tuesday in August nor later than five p.m. on the ~~third first~~ Tuesday in ~~September~~ **August** prior to the election. **The filing period for write-in candidates shall begin on the third Wednesday of August and last until 5:00 p.m. on the Thursday proceeding the election**

Within four days after a candidate files a declaration of candidacy the city clerk shall either notify the candidate that it is in proper form, or return it to the candidate with a statement certifying how it is deficient.

(Ord. 91-02 § 3, 1991; Ord. 86-9 § 1, 1986)

§ 3.40.040. Record.

The ~~city clerk~~ **City Clerk** will maintain a record containing the name and address of ~~every person~~ **certified candidates** for which a declaration of candidacy is filed and date and time of filing.

(Ord. 86-9 § 1, 1986)

§ 3.40.050. Corrections ,Amendments and Withdrawal from candidacy.

A. A candidate may withdraw ~~his declaration~~ **the declaration of candidacy** through the last day for filing declarations, by submitting written notice **to the City Clerk** of withdrawal, signed by the candidate, ~~with the city clerk~~ **City Clerk**.

B. **A candidate may correct or amend a declaration of candidacy at any time during the period of filing declarations of candidacy, by written notice to the City Clerk signed by the candidate. After the filing period has closed, no declaration of candidacy may be corrected or amended.**

(Ord. 86-9 § 1, 1986)

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ABSENTEE VOTING – this section will not be updated in this ordinance

CHAPTER 3.60
PROCEDURES FOR CONDUCTING ELECTIONS

§ 3.60.010. Polls—Opening and closing.

- A. On the day of any election, the election board member shall report to the polling place one-half hour prior to the time set for opening of the polls. The hour shall be determined by the standard time or daylight savings time that is applicable to the polling place.
- B. During the hours that the polls are open, the chairperson of the election board may rotate times at which election ~~Judges~~ **Election Officials**, board members ~~and clerks~~ may be relieved for breaks or meals, provided however that at all times at least two ~~Judges~~ **Election Officials** from the election board shall be present at the polling place.
- C. At the time set for opening of the polls, ~~the~~ **an** election **official judge** shall announce that the polls are open. Before issuing any ballots, the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box then shall be closed and shall not be opened again or removed from the polling place until the polls have closed.
- D. Fifteen minutes before, and at the time of closing the polls, the election board shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement at fifteen minutes before closing time shall not in any way invalidate the election or extend the time for closing the polls. After closing, no person will be allowed to enter the polling place for the purpose of voting; however, every qualified voter present and in line at the time prescribed for closing the polls, may vote.

~~E. In exceptional or unusual circumstances, the election board may, at its discretion, hold the polls open past the eight p.m. closing time.~~

(Ord. 86-9 § 1, 1986)

§ 3.60.020. Voting procedure.

- A. The election ~~Judges~~ **Election Officials** shall keep a register in which each voter, before ~~receiving his/her ballot~~ **receiving a ballot**, shall sign his/her name and give both residence and mailing addresses. A record shall be kept in the registration book and space provided of the names of the persons who offered to vote but who actually do not vote and a brief statement of explanation. The signing of the register constitutes a declaration by the voter that ~~he is qualified~~ **the voter is qualified** to vote. **If a voter's name does not appear on the official registration list** ~~If any election official present believes the voter is not qualified, he shall immediately~~ **the election official shall immediately question the voter according to the procedures outlined in Section 3.60.030. If a voter's polling place is in question, a voter shall be allowed to vote and any election official shall consider the ballot a questioned ballot. advise the voter that he or she may cast a questioned ballot and the voter shall be allowed to vote a questioned ballot under this title.**
- B. **Before being allowed to vote, each voter shall exhibit to an election official one form of identification, identified as identification listed by the State of Alaska as acceptable proof of identification for voting in AS Stat 15.15.225.**
- C. **An election official may waive the identification requirement if any election official knows the identity of the voter by first and last name.**
- D. **A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot under this title.**

E. When the voter is deemed qualified to vote, the **election official** shall ~~give him/her~~ **provide the voter** an official ballot.

F. ~~Each~~ **The** voter shall retire alone to a booth or private **voting** area to ~~mark his/her ballot~~ **mark the ballot**. ~~If a voter has a language barrier, is blind or otherwise physically unable to mark his/her ballot alone, he~~ **the voter** may request assistance and it may be permitted pursuant to AS 15.15.240. Immediately after marking the ballot, ~~the voter shall return it to the election official, having concealed the manner in which it is marked. The election official shall remove the numbered tab or tabs and deposit the ballot in the ballot box.~~ **The ballot shall be secured in the ballot box by the voter or election official**

G. If a voter improperly marks or otherwise damages the ballot, ~~he shall return it~~ **the voter shall return it** to the election officials, concealing the manner in which it is marked from view, and shall request a new ballot. **Without examining the ballot** ~~The~~ **the** election official shall destroy the damaged ballot after having recorded its number and shall issue a new ballot to the voter. A voter may request replacement of a damaged ballot no more than three times. **If the voter requests more than three ballots, the voter may vote a questioned ballot.**

(Ord. 86-9 § 1, 1986)

§ 3.60.030. Questioned ~~ballots~~ voting.

- A. If a voter's qualifications are in question, a member of the election board shall affirmatively advise the voter that ~~he may cast~~ **the voter may cast** a questioned ballot after complying with subsection C of this section.
- B. Every election official shall question and ~~every watcher and~~ any other person qualified to vote in the precinct may question, a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote in the election. All questions regarding a person's qualifications to vote shall be made in writing, setting out the reason that the person has been questioned.
- C. The questioned person before voting shall subscribe to an oath or affirmation on a form provided by the ~~election official~~ **City Clerk** attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified and has not voted at the same election **And certifying that the person understands that a false statement on the form may subject the person to prosecution for a misdemeanor under state law, If the question is to residence in the precinct or voting area, the person shall also state the place from which that person came immediately before living in the precinct where offering to vote, and the length of time of residence in the former place.** After the questioned person has executed the oath or affirmation, the person may vote. If the questioned person refuses to execute the oath or affirmation, the ~~person shall not vote.~~ **election officials shall note that the person refused to sign on the envelope.**
- D. A voter who casts a questioned ballot shall ~~vote his/her ballot~~ **vote the ballot** in the same manner as prescribed for other voters. After the **election official** removes the numbered stub from the ballot, the voter shall insert the ballot into ~~a small blank envelope~~ **the secrecy sleeve** and put the small blank envelope into the larger envelope on which the ~~statement he/she previously signed~~ **statement previously signed by the voter** is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, and delivered to the clerk. The election canvassing committee shall review and judge the applicability of questioned ballots during the canvass of returns.

(Ord. 86-9 § 1, 1986)

§ 3.60.040. Voter Assistance.

~~A qualified voter who cannot read, mark the ballot, or sign his name may request an election judge official, a person, or not more than two persons of his choice, to assist him. If the election judge official is requested, he shall assist the voter. If any other person is requested, the person shall state upon oath before the election judge he will not divulge the vote cast by the person whom he assists. (Ord. 86-9 § 1, 1986)~~

A qualified voter who cannot read, mark the ballot, or sign may request an election official, a person, or not more than two persons of the voter's choice, to assist the voter. If the election official is requested, the election official shall assist the voter. If any other person is requested, the person shall state upon oath before the election official that the person will not divulge the vote cast by the person whom the person assists.

§ 3.60.050. Ballots—Marking, validity—~~Removal prohibited.~~

- A. The ballots shall be counted by the vote tabulation system **as determined by the City 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. **Ballots may not be counted before 8:00 p.m. on Election Day.**
- D. The following rules apply to ~~the hand-counted~~ **hand counting** of ballots:
 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 ~~substantially~~ **clearly** inside the oval opposite the name of the candidate or proposition the voter desires to designate. **The mark specified in this subsection shall be counted only if it is substantially inside the oval provided so as to indicate clearly that the voter intended the particular oval to be designated.**
 2. ~~A failure~~ **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, votes for that office will not be counted.
 5. **An erasure or correction invalidates only that section of the ballot in which it appears, unless the intent of the voter is clear.**
 6. **Improper marks on the ballot will not be counted and do not invalidate marks for candidates or propositions properly made.**
 7. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot.
 8. ~~In order to~~ **To** vote for a write-in candidate, the voter must write in the candidate's name in the space provided, and, in addition, mark the oval opposite the candidate's name.
 9. Affixing stickers on a ballot in an election to vote for a write-in candidate is prohibited.
 10. Write-in votes shall only be tabulated ~~by person~~ 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 letter of intent with the city clerk in accordance
Section 3.60.055, Write-in candidates.

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- H. ~~No voter may leave the polling place with the official ballot that he/she received the voter received to mark.~~ A voter may not leave the precinct with the ballot. Subject to 3.60.040, a voter may not exhibit the voted ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot.

E. (Ord. 12-17 § 3, 2012; Ord. 98-15 § 1 (part), 1998)

§ 3.60.055. Write-in candidates.

- A. Votes for a write-in candidate for elective municipal office (city council and school board) will not be counted unless the candidate has filed a letter of intent. The letter of intent shall be executed under oath before and on a form provided by the city clerk. The letter of intent shall ~~state in substance~~ include:

1. The full name of the candidate;
2. The full residence and mailing addresses of the candidate;
3. A contact phone number;
4. The office and seat to which the candidate seeks election;
5. The name of the candidate as the candidate wishes it to be written in on the ballot by the voter;
6. The date of the election at which the candidate seeks election;
7. A certification by the candidate that the candidate:
 - a. Is a qualified voter;
 - b. Is a resident of the city;
 - c. Qualifies, or shall qualify as of the date of election, for the office to which the candidate seeks election;
 - d. Shall serve if elected; and
 - e. Has not filed for more than one seat within the same office as noted in Section 3.40.015;
8. A certification by the candidate that the information in the letter of intent is true and accurate;
9. The date and notarized signature of the candidate seeking office.
- B. A letter of intent under subsection A of this section must be filed with the ~~city clerk~~ City Clerk not earlier than the first business day following the last day of the filing period for declarations of candidacy for the election under Section 3.40.020, and not later than ~~one~~ five p.m. on the fifth day before the election.

(Ord. 12-17 § 4, 2012)

§ 3.60.060. Ballots—Counting and poll watchers.

- A. Immediately after the polls close and the last vote has been cast, the election

officials ~~Judges~~ will stop the tabulation system and/or other election equipment ~~Accu-Vote system~~ and run the election report. The questioned, absentee by mail ~~and personal representative ballot~~ envelopes will be kept separated and given to the ~~city clerk~~ City Clerk.

- B. ~~The printing of the election report will be public.~~ The opening of the ballot box will be accomplished in full view of ~~any person~~ authorized poll watchers present. ~~The public may not be excluded from the area in which the ballots are located.~~ However, the chairman of the election board shall not permit ~~anyone present~~ authorized poll watchers to interfere in any way or to distract appointed officials from their duties, and no one other than appointed election officials may handle ~~the~~ ballots or any other election equipment or supplies.
- C. When hand counting ballots, the election board shall count the ballots allowed and in a manner that allows ~~watchers to see the ballots when read~~ authorized poll watchers to view the actions of the election board. ~~No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for safe keeping may have a marked device in hand or remove a ballot from the immediate vicinity of the polls.~~
- D. Each candidate or organized group that sponsors or opposes and issue, may designate one person at a time to be a poll watcher at the precinct. A person wishing to serve as a poll watcher shall request authorization from the City Clerk. The authorization must include:
- A. The name of the person to act as the poll watcher;
 - B. The name of the candidate, group, or organization the poll watcher is representing; and
 - C. The date of the election.

The poll watcher must present authorization as defined in this subsection to the election board

- E. (Ord. 98-15 § 1 (part), 1998)

§ 3.60.070. ~~Defective~~ Rejected ballots.

~~If a voter marks more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his/her ballot any voter's choice for any office to be filed, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine from an inspection of the ballot the person for whom the voter intended to vote and the office intended to be designated by the voter. Entire ballots and portions of ballots not counted shall be marked "Defective" on the back thereof. An explanation of the defect shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope marked on the outside with a description of its contents and returned to the city clerk.~~

Rejected ballots shall be placed in an envelope which shall be labeled "rejected" and shall be returned to the City Clerk as instructed to be preserved with the election records in accordance with the City's records retention requirements.

(Ord. 86-9 § 1, 1986)

§ 3.60.080. Spoiled and unused ballots.

The numbers of all ballots spoiled or not issued shall be recorded and then all such ballots shall be ~~disposed of as instructed by the clerk before the ballot box is opened~~ returned to the City Clerk as instructed To be preserved with the election records in accordance with the City's records retention requirements.

(Ord. 86-9 § 1, 1986)

§ 3.60.090. Tally of votes.

- A. The clerk shall ~~issue instructions~~ **establish procedures prescribing the manner in which the ballot account is accomplished and** shall provide forms and supplies for the tally of votes cast so as to assure accuracy and to expedite the process. As soon as all the votes are read and counted, a tally certificate shall be drawn upon each of the tally sheets or attached thereto stating the number of votes each person has received, and designating the office for which ~~he received~~ **the candidate received** the votes. A certificate shall be signed by the election board members.
 - B. If the results of the above tally certificate of number of votes received shows two or more candidates tied and having the highest number of votes for the same office for which there is to be elected only one candidate, the election board shall immediately proceed with the recount of the votes for that office. The recount tally shall be prepared and certified as provided for the first count. **If after the recount a tie still exists the election officials shall notice the City Clerk and the tie will be determined as provided in in 3.70.110.**
 - C. The certificate of returns and tally certificates with the registration list, oaths of ~~Judges~~ **Election Officials** and oaths of voters and other papers, shall be sealed in an envelope by the ~~Judges~~ **Election Officials** and endorsed "election returns" and shall be delivered to the ~~city clerk~~ **City Clerk**.
 - D. After completion of the certificate of returns, the count of ballots shall be sealed in an envelope provided by the clerk and shall be delivered to the **City clerk** ~~Clerk. to be preserved, unopened, for one year, unless the city council or the court orders a recount.~~
- (Ord. 86-9 § 1, 1986)

§ 3.60.100. Majority decision of election board.

The decision of the majority of ~~Judges~~ **Election Officials** determines the action that the election board shall take regarding any question which arises during the course of the election.

(Ord. 86-9 § 1, 1986)

§ 3.60.110. Prohibited practices.

- A. During the hours that the polls are open, no ~~judge or clerk~~ **election official** may discuss any political party, candidate or issue while on duty. During the hours the polls are open, no person who is in the polling place or within two hundred feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. The election ~~Judges~~ **Election Officials** shall post warning notices at the required distance in the form and manner prescribed by the city clerk.
- B. The provisions of AS 15.56 are adopted and those acts made unlawful in that chapter are hereby made unlawful acts within the scope of this chapter. The listing of prohibited practices elsewhere in this chapter shall be deemed supplementary to the state law and the

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actions hereafter made unlawful even though not specifically mentioned in state law.
(Ord. 86-9 § 1, 1986)

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CHAPTER 3.70 ELECTION RESULTS

§ 3.70.010. ~~Election~~ Canvass board ~~as canvassing committee.~~

The ~~election board shall sit as the~~ canvassing committee will be appointed in advanced by the City Council to which will canvass all votes after the election ~~Judges~~ Election Officials have completed their tally of votes. The Canvass Board shall be made up of different members than the election boards, when possible.

The ~~canvassing committee~~ canvass board will meet not more than 10 days after the election on the first Thursday following the election for which they are appointed and canvass all absentee and questioned ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three postponements. (Ord. 03-05 § 1 (part), 2003; Ord. 96-19 § 1, 1996; Ord. 86-9 § 1, 1986)

§ 3.70.020. Canvass to be made public—Procedure.

A. In full view of those present, the ~~canvassing committee~~ canvass board shall;

1. ~~judge~~ Judge the applicability of absentee and questioned ballots, shall open and tally those accepted, and shall compile the total votes cast in the election.
2. ~~The canvass of the ballot vote counted by precinct election board shall be accomplished by reviewing~~ Review the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's certificate of returns.
3. ~~Correct~~ All all obvious errors found by the election canvass board in the transfer of totals from the precinct tally certificates to the precinct's certificate of returns shall be corrected in the canvassing committee's certificate of election returns.
4. ~~f, in the opinion of the canvassing committee~~ Recommend a recount for that portion of the return where, a mistake has been made in a precinct's certificate of returns ~~which is not clearly an error in the transfer of results from the tally certificate to the certificate of returns, the canvassing board may order that a recount of the results of that precinct be made for that portion of the returns in question.~~ under (A)(3) of this section.

B. The City Clerk shall deliver all questioned and absentee ballots to the canvass board for counting as determined by the City Clerk. Questioned and absentee ballots shall be counted as follows:

1. No ballot shall be counted if the voter has failed to properly execute the certificate or if the witness, officer or other person authorized by law to administer the oath fails to affix his/her signature. Any person present may question the name of an absentee voter when read from the voter's certificate on the back of the large envelope, if he has good reason to suspect that the voter is not qualified to vote, is disqualified or has voted at the same election. The person questioning the voter shall specify the basis of the question in writing. The ~~canvassing committee~~ canvass board, by a majority vote, may refuse to accept the question and count the ballot of a person properly questioned.

If the ~~ballot is refused~~ question is accepted and the ballot is refused the clerk shall ~~return a copy of the statement of the question to~~ notify the the voter in writing by certified mail to the address contained in the voter certificate of the reason the ballot was not counted. ~~and shall enclose all~~ The rejected ballots shall be placed in a separate envelope with the statements of question. The envelope shall be labeled "Rejected Ballots" and shall be preserved ~~for one year with the empty absentee ballot envelopes or, in the case of questioned ballots, with the empty questioned ballot envelopes.~~ And

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preserved with the election records in accordance with the City's records retention requirements.

2.

3. If the ballot is not refused, **and the voter is qualified to vote and the ballot has been properly cast**, the large **ballot** envelope shall be opened, the ~~small inner envelope~~ **secrecy sleeve** shall be placed in a container and mixed with the other ~~blank absentee and questioned ballot envelopes~~ **secrecy sleeves**, the ~~mixed small blank envelopes~~ **secrecy sleeves** shall be drawn from the container, opened, and the ballots counted according to the rules of determining properly marked ballots found in Section 3.50.030.

(Ord. 86-9 § 1, 1986)

§ 3.70.030. ~~Record of canvass~~ Canvass Board Report.

The ~~minutes of the canvassing committee meeting~~ **Canvass Board report** shall show the number of ballots cast in such election, the names of the persons voted for and the propositions voted upon at such election, the offices voted for, and the number of votes cast for each candidate and for and against each proposition voted at such election.

The ~~minutes~~ **report** shall also indicate the disposition of all questioned, absentee, write-in and voided ballots, ~~as well as any other matters which the canvassing committee may determine to be necessary~~ **any irregularities in the election or discrepancies in the count of the ballots.**

The report shall include a signed certification of the canvass board of the validity of the votes and the results of the counts.

(Ord. 86-9 § 1, 1986)

§ 3.70.040. Certification of election results.

- A. **After receiving the canvass board report and as soon as practicable after the counting of the ballots but not later than the** ~~On the second~~ **Third** Thursday following the election, the city council shall meet in public session to certify the election **results** or order a recount or investigation of the election. The certificate shall consist of entering the results of the canvass upon the report of the ~~canvassing committee~~ **canvass board**, together with the total number of votes cast for each candidate, and for or against each proposition or question.
- B. Upon certification of a valid election, the city council shall direct the clerk to deliver to each person elected to office a "certificate of election" signed by the mayor and the clerk and authenticated by the seal of the city.
- C. ~~If a contest is held and determined, the election results shall be publicly declared by the council and entered in the minutes of the special meeting of the council held within a week after the contest is determined.~~
- D. **If the council concludes that the election is not valid, it shall call for another election. The election shall be conducted promptly as a special election and according to procedures in this title.**

E.

(Ord. 03-05 § 1 (part), 2003; Ord. 86-9 § 1, 1986)

§ 3.70.050. ~~Contests~~ Contest of Election

- A. ~~Any~~ **A** candidate or ~~any~~ ten qualified voters may **apply to** contest the election of any person and the approval or rejection of any question or proposition ~~if it is believed that prohibited~~

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~~practices occurred at an election~~ on one or more of the following grounds:

- A. Misconduct, fraud or corruption on the part of an election official sufficient to change the result of the election;
- B. The person certified as elected is not qualified as required by law; or
- C. A corrupt practice as defined by law sufficient to change the result of the election.
- B. ~~. An election may be contested before or during the first canvass of ballots by the canvassing committee pursuant to AS 29.26.070(b).~~ Notice of contest of an election shall be submitted in writing to the City Clerk by noon on the day of the certification and shall include a \$ 250 payment by cash, certified check, or credit card.
- C. The notice of election shall be filed in person and contain:
 - A. The election being contested;
 - B. A summary of the grounds for the contest;
 - C. The contact information of a representative who will receive communications from the City Clerk regarding the contest; and
 - D. The legal name, residence address, contact information, and notarized signature of each candidate or city voter who is an applicant.
- D. Upon receipt of the notice to contest an election, the City Clerk shall submit it to the Council. The City Clerk shall investigate the grounds of the contest and submit a report of findings to the City Council. The City Clerk may request the City Attorney, Manager, Canvass Board or additional personnel as necessary to assist with the investigation. The City Council shall defer the certification of the contested election results pending receipt of the findings, but shall proceed with certification of all election results that are not contested.
- E. If the City Council determines that the grounds of the contest are valid and would change the results of the election, the council shall proceed in a manner that is consistent with its determination. If the council finds that the grounds are not sufficient to change the election results, it shall declare the election valid and certify the contested election results.
- F. Should the contestant prevail with the election contest, the \$250 shall be refunded to the contestant.
- G. No person may appeal or seek judicial review of an election for any cause unless the person has exhausted the administrative remedies before the council, and has commenced an action in the Superior Court for the State of Alaska, within 10 calendar days after the council has certified the election results. If court action is not commenced within the 10-day period , the election and the election results shall be conclusive, final, and valid.
- H. ~~A candidate or elector who believes that prohibited practices occurred at an election will appear before the council at the meeting held on the first Monday following the election. He will deliver a sworn written notice of contest, which will state with particularity the provisions of the law allegedly violated and the specific acts asserted as misconduct.~~

"NOTICE OF ELECTION CONTEST"

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~~The undersigned believes that prohibited practices occurred at the election held on:~~

~~The undersigned states that the following provisions of law were violated:~~

~~The undersigned states that the above provisions of law were violated in the following manner:~~

~~Signature of Person Contesting~~

~~SUBSCRIBED AND SWORN to before me, this ____ day of ____, 20____.~~

~~Notary Public in and for Alaska My
commission expires: ____"~~

~~(Ord. 86-9 § 1, 1986)~~

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§ 3.70.060. ~~Recount expenses~~—Bond Election Recount.

- A. A defeated candidate or 10 qualified city voters may apply for a recount of the votes from the precinct, or for any particular office or question by filing the application in person with the city clerk by noon on the day of certification of the election by the council.
- B. If two or more candidates tie in having the highest number of votes for the same office, the city clerk shall initiate a recount in accordance with this title.
- C. A recount application shall contain:
- The basis of the belief that a mistake has been made;
 - The office, proposition, or question for which the recount is requested;
 - The contact information of a representative who will receive communications from the City Clerk regarding the application; and
 - The name, residence address, contact information and notarized signature of each candidate or city voter who is an applicant.
- D. The application shall include a deposit in cash, by certified check, or credit card. The amount of the deposit shall be \$250. There shall be no additional charge to recount absentee or questioned ballots.
- E. If the City Clerk determines the application is substantially in the required form, the City Clerk shall schedule the recount to be held within seven calendar days after the receipt of the election.
- F. The City Clerk shall provide notice to the representative and to each candidate and
- G. sponsor of the application for which the vote will be recounted of the time, date and place of the recount.
- H. The City Clerk shall post notice on the city's website of the time, date and place of the recount as soon as it is scheduled.
- I. The City Clerk shall have the canvass board or the election board perform the recount using the ballot tabulation system designated by the City Clerk.
- J. The ballots and election materials shall remain in the custody of the City Clerk during the recount, and the highest degree of care shall be exercised to protect the ballots against alteration or damage.
- K. The recount shall be completed within 10 days.
- L. Upon completion of the recount, the canvass board shall provide a report of the recount for submission to the council.
- M. The deposit submitted with a recount application shall be refunded to the candidate or applicants if upon recount:
- A different candidate is elected or the result of the vote on a proposition or question changes;

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- **The number of votes for the candidate or position on a proposition or question changes by more than two percent of the original number.**

N. **No person may seek judicial review of the counting of votes in an election without first applying for a recount as provided for in this chapter.**

~~O. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant except if the recount fails to reverse any result of the election and except where the difference between the winning and a losing vote on the final result after the contest is less than two percent.~~

~~P. Unless the grounds for which the contest was brought are determined to be valid, the candidate or contestant shall be individually liable for all expenses incurred by the city in its investigation and deliberation of the election contest.~~

~~Any person or persons contesting an election as provided herein shall post a cash bond in the amount of three hundred dollars, guaranteeing payment of the cost of contest as surety for such cost. If the contest is shown to be valid, this bond shall be refunded in full (Ord. 86-9 § 1, 1986)~~

~~§ 3.70.070. Investigation.~~

~~The city council will order an investigation to be made by the city attorney, city clerk, and city manager, if notice of contest is received. Investigation proceedings will be public.
(Ord. 86-9 § 1, 1986)~~

~~§ 3.70.080. Ballot recount.~~

~~If only a recount of ballots is demanded, the election board shall recount the ballots.
(Ord. 86-9 § 1, 1986)~~

~~§ 3.70.090. Prohibited practices alleged—Production of register books required.~~

~~When the contestant alleges prohibited practices, the council will direct the city clerk to produce the original register books for the election.
(Ord. 86-9 § 1, 1986)~~

~~§ 3.70.100. Sustained charges—Recount.~~

~~If the charges alleged by the contest are sustained, the canvassing committee shall determine whether any illegally cast votes or prohibited practices could have affected the election results. If they could not have, the canvassing committee shall so declare. The council will then certify the correct election returns as provided in Section 3.70.040. If it is determined that the illegally cast votes or prohibited practices could have affected the election results, the canvassing committee shall so declare and the council shall order a new election. If the contest involved only a portion of the ballot issues and/or offices, only the affected portion shall be submitted to the voters in the new election. (Ord. 86-9 § 1, 1986)~~

§ 3.70.110. Determination of tie votes.

If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the ~~mayor~~ **City Clerk** shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by ~~lot~~ **coin toss, and by lot is more than two are tied**. After the determination has been made by **coin toss or lot**, the ~~mayor~~ **City Clerk** shall ~~so~~ **certify the election.**
(Ord. 86-9 § 1, 1986)

~~§ 3.70.120. Oath and affirmation.~~

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~~All officers elected before entering on the duties of office shall take and subscribe to the following oath and affirmation: "I, _____, do solemnly swear (or affirm) that I will support the Constitution and laws of the United States, the laws of the State of Alaska, the ordinances of the City of Dillingham, and that I will faithfully and honestly perform the duties of _____, so help me God."~~

(Ord. 86-9 § 1, 1986)

§ 3.70.130. Definitions.

When used In this ~~chapter~~ **title**, unless the context requires otherwise:

- A. **"Ballot" means any document provided by the City Clerk on which votes may be cast for candidates, propositions, or questions.**
- B. "Clerk" means the city clerk or any properly authorized assistant **to the city clerk**, deputy or designee.
- ~~C. "Days" includes weekends and holidays.~~
- D. "Election" includes any regular or special election of the City of Dillingham.
- E. **"Election official" means the City Clerk, the City Clerk's designee, an election board member, absentee voting official, canvassing official, youth election worker acting under supervision, translator, tabulation official, or any other person appointed by the City Clerk to perform duties under this title.**

~~"Election officials" means the city clerk or his/her designee, election Judges, election clerks and the canvass committee.~~
- F. "Oath" **means any form of attestation by which a person signifies the person is bound in conscience to perform and act faithfully.** "Oath" includes affirmation.
- G. "Precinct" means the territory established by the State of Alaska within which resident voters may cast ballots at one polling place.
- H. **"Precinct register" means a list of persons eligible to vote in the precinct for each election pursuant to the official state registration list described in AS 15.07.125.**
- I. "Proposition" ~~includes question~~ **means an initiative, referendum, recall, or other issue submitted to the public at an election.**
- J. "Publication" means advertising in a newspaper of general circulation or posting in public places.
- K. "Qualified voter" is any voter who fulfills the qualifications as set forth in Section 3.10.020.
- L. **"Questioned voter" means a voter:**
 - **Whose name does not appear on the precinct register;**
 - **Who has received an absentee ballot and does not surrender the ballot when voting at the precinct on Election Day;**
 - **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**
 - **Who is questioned for good cause at the precinct in writing pursuant to 3.60.030**
- M. **"Regular Ballot" means a ballot voted at the precinct on election day that is not a questioned or**

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absentee ballot.

- N. "Regular election" means ~~a general election to fill city offices as required by AS 29.28.015~~ **the city election held on the first Tuesday of October annually.**
- O. "Special election" means any election held at a time other than when a regular election is held.
- P. "Swear" includes affirm.
- Q. "Voter" means any person who presents himself for the purpose of voting,, ~~either in person or by absentee ballot.~~ (Ord. 86-9 § 1, 1986)

3.70.170 Preserving and destroying ballots

The City Clerk shall preserve all official ballots in a secure manner, unopened and unaltered, for not less than 30 calendar days after the date of the election certification, or in cases where the election is contested, until 30 calendar days after the final resolution of the contest. Upon the expiration of the preservation period, the clerk shall completely destroy the ballots in compliance with city records retention policy.

A. The City Clerk may only permit the inspection of the ballots (used or not) and materials:

1.Upon the call of the city council;

2.Upon the call of a court of competent jurisdiction;

3.Upon the call of the canvass board pursuant to a recount if the board or teams deem it necessary to inspect the ballots and materials; and

4.Upon the call of the clerk and city attorney during an inquiry to an election contest if the clerk and city attorney deem it necessary to inspect the ballots and materials

Mayor
Alice Ruby

City Manager
Jack Savo Jr.



Dillingham City Co

Section . Item 5.

Triston Chaney
Jean Barrett
Steven Carriere
Curt Armstrong
Kaleb Westfall
Kevin McCambly

MEMORANDUM TO COUNCIL

To: Code Committee
From: Abigail Flynn, City Clerk's Department
Through: Jack Savo Jr, City Manager
Date: August 24, 2026
Re: Ordinance 2026-XX – Election Code Modernization

SUMMARY:

Staff requests that the Code Committee complete its review of the proposed modernization of Chapters 3.10 through 3.70 of the Dillingham Municipal Code and recommend Ordinance No. 2026-XX to the City Council.

Much of Dillingham's municipal election code was adopted by Ordinance No. 86-9 in **1986**. Although individual sections have been amended since that time, the election code as a whole has not undergone a comprehensive modernization in approximately **40 years**. The current code therefore contains a mixture of provisions written for election practices and technology used decades ago, later amendments adopted for particular issues, and more recent procedures that do not always fit cleanly together. The proposed ordinance is intended to finish that modernization and create an election code that is easier for election officials, candidates, voters, the Council, and future City Clerks to understand and administer.

The ordinance adopts **Exhibit A**, a legislative redline showing the proposed amendments to Chapters 3.10 through 3.70. The redline allows the Code Committee and City Council to see the existing language and each proposed change in context while keeping the adopting ordinance relatively concise. The ordinance itself identifies the sections containing substantive amendments separately from editorial and terminology changes.

PREVIOUS COUNCIL ACTION:

Much of the City's election code was originally adopted in 1986. Individual provisions have been amended periodically since then, but a substantial portion of the underlying language and structure remains from the original code.

The current project is intended to complete a broader review of the election code rather than continuing to amend isolated provisions one at a time.

BACKGROUND:

Election administration has changed considerably since 1986.

Voting equipment has changed. State election terminology and procedures have changed. The City now uses electronic ballot-tabulation equipment while retaining hand-count procedures as a backup. Election officials use modern forms, voter-registration information supplied by the Alaska Division of Elections, electronic communications, updated accessibility practices, and procedures that were not contemplated when much of the existing code was written.

At the same time, several provisions of the existing code continue to refer to older practices, terminology, or equipment. Other provisions contain detailed administrative instructions that are better handled through election procedures and forms rather than permanent municipal code.

The current redline therefore does more than simply replace outdated words. It reorganizes portions of the code so that the **Council continues to establish election policy**, while the **City Clerk administers elections within that policy framework**. The proposed new election-administration section expressly authorizes the Clerk to maintain forms, procedures, checklists, manuals, chain-of-custody procedures, ballot-accounting procedures, and other administrative materials, while requiring those practices to remain consistent with Dillingham code and applicable Alaska law.

This approach should reduce the need to amend the Municipal Code every time an administrative form, piece of election equipment, or routine election procedure changes.

WHY DO THIS NOW?

Staff recommends completing the project now for several reasons.

First, the City should not continue relying on approximately 40-year-old election language when the actual administration of elections has evolved substantially. A municipal code should describe the rules the City actually follows and should provide clear authority for those procedures.

Second, piecemeal amendments have made the election code increasingly difficult to administer. Updating one provision without reviewing related provisions can create inconsistent terminology, duplicate requirements, conflicting deadlines, and cross-references that no longer work as intended.

Third, completing the modernization now creates a clearer foundation for future elections. Election officials should be able to read the code before an election and understand their responsibilities without having to determine whether a provision reflects a current procedure, an obsolete procedure, or a practice that has since been superseded.

Fourth, modernization allows the City to make the code more **technology-neutral**. For example, the proposed ballot provisions allow reasonable ballot-accountability measures compatible with the equipment approved for the election rather than permanently requiring one particular ballot design or security feature. The redline also provides for emergency replacement ballots if official ballots become unavailable because of printing errors, shortages, equipment failure, or another unforeseen circumstance.

Finally, the review provides an opportunity to compare Dillingham's procedures with current Alaska municipal-election requirements and correct statutory references that have become outdated. The existing code still contains, for example, a reference to repealed **AS 29.28.015** in the definition of a regular election; the proposed redline replaces that reference with the actual first-Tuesday-in-October rule.

DISCUSSION:

1. Election Administration

The proposed ordinance establishes a clearer division between policy and administration.

The City Council retains its authority to prescribe the rules governing municipal elections. The City Clerk is given express authority to administer those rules through forms, instructions, manuals, checklists, ballot-accounting procedures, chain-of-custody procedures, and other administrative materials.

This provides needed flexibility without transferring legislative authority from the Council.

2. Election Equipment and Ballots

The existing code contains provisions written around particular ballot forms, perforations, booths, and older election practices.

The proposed amendments use more technology-neutral language while retaining important safeguards such as ballot accountability, voter privacy, ballot boxes, and the ability to hand count ballots when necessary. The ordinance also creates a procedure for emergency replacement ballots so an equipment or printing problem does not prevent qualified voters from voting.

3. Election Officials

The election-official provisions are reorganized to distinguish the statutory election board from additional officials needed to administer an election.

The proposed language addresses training, supervision, conflicts of interest, additional election personnel, youth election workers, and election-worker recruitment. The current draft provides for the City Council to appoint the election boards, while the City Clerk may appoint additional election officials needed to conduct the election.

4. Candidate Procedures

The proposed changes clarify candidate qualifications, declarations of candidacy, candidate challenges, filing periods, write-in candidates, corrections to declarations, and withdrawals.

These provisions are intended to make the candidate process easier to administer and to establish clear procedures before ballot preparation begins.

5. Voting Procedures

The proposed amendments modernize polling-place procedures, questioned voting, voter identification, voter assistance, ballot marking, tabulation, hand counting, write-in voting, spoiled ballots, and poll watchers.

For example, the proposed voter-identification provision directly references A 15.15.225 rather than maintaining a separate municipal list of acceptable identification that could become outdated when state law changes.

6. Canvass, Certification, Contests, and Recounts

Chapter 3.70 is being reorganized to more clearly distinguish:

- the election-night count;
- the canvass board's review of absentee and questioned ballots;
- the canvass board report;
- Council certification of the election;
- election contests;
- recounts; and
- tie votes.

The current redline also provides for the canvass board to be appointed in advance by the City Council and, when possible, to consist of individuals different from the precinct election boards.

These are among the most important sections to make clear because they govern what happens when an election result is close, questioned, or contested.

7. Terminology and Readability

Throughout the code, the ordinance updates terminology that is outdated, inconsistent, or unnecessarily gender-specific.

Examples include replacing outdated disability terminology, updating references to election officials, removing unnecessary gendered pronouns, and using terminology that better reflects current election practices.

These changes are primarily editorial, but they make the code significantly easier to read and administer.

ALTERNATIVES:

- Recommend approval of Ordinance No. 2026-XX.
- Recommend approval with amendments.
- Decline to recommend the ordinance.
- Approve only certain pages of the redline to fix the worst part this month and the rest in the future

WHY USE AN EXHIBIT A REDLINE?

Because this ordinance affects many sections of the election code, reproducing every amended provision in the body of the ordinance would make the ordinance unnecessarily long and difficult to review.

Instead, Ordinance No. 2026-XX adopts the legislative redline as Exhibit A. This allows the Code Committee, Council, and public to see exactly what language is being deleted, retained, or added.

The ordinance separately identifies provisions containing substantive amendments that substantive policy decisions are not hidden among grammatical or terminology changes.

FINANCIAL IMPLICATIONS:

No significant new financial impact is anticipated.

Most of the proposed changes concern election procedures, administrative authority, terminology, and use of equipment and personnel already associated with municipal elections. Some provisions may reduce future administrative costs by allowing forms and routine procedures to be updated without requiring a new ordinance.

LEGAL:

AS 29.26.010(a) provides that the governing body shall prescribe the rules for conducting municipal elections. The proposed ordinance exercises that authority by establishing the City's election rules while providing the City Clerk sufficient administrative authority to carry them out. The ordinance itself correctly cites that statutory authority.

The modernization also provides an opportunity to identify and correct outdated statutory references and to ensure that Dillingham's election procedures remain consistent with applicable provisions of Alaska law.

STAFF RECOMMENDATION:

Staff recommends that the Code Committee complete its review of Exhibit A and recommend Ordinance No. 2026-XX to the City Council for introduction.

Completing the modernization now will provide the City with a clearer, more current, and more workable election code rather than continuing to administer future elections under a framework that was largely written approximately 40 years ago.

PROPOSED MOTION:

"I move to recommend Ordinance No. 2026-XX, adopting Exhibit A and amending Chapters 3.10 through 3.70 of the Dillingham Municipal Code relating to municipal elections, to the City Council for introduction and set the public hearing date for the next regular council meeting."

ATTACHMENTS:

- Exhibit A – Legislative Redline Amending Chapters 3.10 through 3.70 of the Dillingham Municipal Code

1.04.100 Reviser of Ordinances.

- A. The city clerk, with the advice of the city attorney, is the reviser of ordinances and shall revise for consolidation into the city Code all ordinances of a general and permanent nature.
- B. The reviser shall edit and revise the ordinances for consolidation, without changing the meaning of any ordinance, in the following manner:
 - 1. Assign numbers to sections, renumber sections, parts of sections, articles, chapters and titles;
 - 2. Change the wording of section or subsection titles, or delete subsection titles, and change or provide new titles for articles, chapters and titles;
 - 3. Change capitalization for the purpose of uniformity;
 - 4. Substitute the proper designation for the terms "the preceding section," "this act," and like terms;
 - 5. Substitute the proper calendar date for "effective date of this ordinance," "date of passage of this ordinance," and other phrases of similar import;
 - 6. Strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity;
 - 7. Correct manifest errors which are clerical, typographical, or errors in spelling, or errors by way of additions or omissions;
 - 8. Correct manifest errors in references to ordinances, state statutes or federal statutes or other sections of this Code;
 - 9. Rearrange sections, combine sections or parts of sections with other sections or parts of sections, divide long sections into two or more sections, and rearrange the order of sections to conform to a logical arrangement of subject matter as may most generally be followed in the Code;
 - 10. Change all sections when possible to read in the present tense, indicative mood, active voice and, if the use of personal pronouns cannot be avoided in a section, change the section to read in the third person, and singular number, or any other necessary grammatical change in the manner generally followed in the Code;
 - 11. Delete or change sections or parts of sections if a deletion or change is necessary because of other council amendments which did not specifically amend or repeal them;
 - 12. Omit all temporary ordinances, all titles to ordinances, all enacting, amending and repealing clauses, all declarations of emergency, and all purpose, validity, whereas and construction clauses unless, from their nature, it may be necessary to retain some of them to preserve the full meaning and intent of the ordinance.
- C. The reviser shall edit and revise the ordinances as they are enacted by the council, without changing the meaning of any law, so as to avoid the use of pronouns denoting masculine or feminine gender.
- D. Any changes made by the reviser of ordinances pursuant to subsection (B)(11) of this section shall be reported to the council in an informational memorandum.

(Ord. No. 2023-025, § 1, 8-23-2023)