

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 21-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ,  
ALASKA, AMENDING CHAPTER 7.04 OF THE VALDEZ MUNICIPAL CODE  
TITLED ELECTIONS

WHEREAS, the following amendments to Chapter 7.04 of the Valdez Municipal Code hereby establish election procedures for the City of Valdez.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA THAT the following amendments are made to Chapter 7.04 of the Valdez Municipal Code:

Section 1. Chapter 7.04 is hereby amended to read as follows:

**Chapter 7.04**

**ELECTIONS**

Sections:

- 7.04.010 General provisions.
- 7.04.020 Elections-Timing of, offices elected, etc.
- 7.04.030 Notice of elections.
- 7.04.035 Informational brochures for ballot propositions.
- 7.04.040 Qualifications of electors and candidates.
- 7.04.050 Manner of making nominations, nominating petitions.
- 7.04.060 Withdrawal of declaration of candidacy petitions.
- 7.04.070 Precincts-Polling places.
- 7.04.080 Time for opening and closing polls.
- 7.04.090 Election officials-Specified-Appointment-Duties.
- 7.04.100 Ballots.
- 7.04.105 Counting of write-in votes.
- 7.04.110 Election materials and expenses.
- 7.04.125 Optically scanned ballot tabulation and other ballot counting systems-Authorized.
- 7.04.130 Use of watchers.
- 7.04.140 Delivery of precinct results.
- 7.04.150 Canvassing of votes-Declaration and certification of results.
- 7.04.160 Tie votes.
- 7.04.170 Absentee voting-Generally.
- 7.04.175 Absentee voting by electronic transmission.
- 7.04.180 Absentee and questioned ballot counting board-Procedures.
- 7.04.190 Recounts.

**7.04.010 General provisions.**

A. Applicability of State and Federal Laws to City Elections. No person shall violate any law of the state or of the United States of America pertaining to the calling of municipal elections or the conduct thereof, and such state and federal laws are incorporated in this chapter as if fully set out herein.

B. Conduct of Elections. City elections shall be conducted in accordance with state laws and regulations, insofar as they are applicable and are not superseded by this code.

C. Nonpartisan Requirement. All city elections are nonpartisan. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-1)

#### **7.04.020 Elections—Timing of, offices elected, etc.**

A. Regular City Elections—Offices Elected. There shall be no primary election for the city, but only a general election, called the regular election, which shall be held annually on the first Tuesday in May, at which time the electors shall elect city council members and members of the school board to fill those vacancies which shall be created by the expiration of the term of existing city council members and members of the school board during the year immediately following the election. ~~The election of the mayor shall also coincide with municipal elections biennially in the even-numbered years.~~

B. Mayoral Election. The mayor shall be elected by a direct vote of the electors of the city. ~~biennially in even-numbered years.~~ The mayor's election shall take place at the general municipal election held on the first Tuesday of May of said year, for a term of three ~~two~~ years. The mayor shall hold that office until the term has expired and the successor is elected and qualified. The candidate for appointment as mayor must also file a nominating petition with the city clerk in the form and within the time limits set forth in Section 7.04.050; except that the signatures of at least fifty electors must be affixed. If a vacancy occurs in the office of the mayor with twelve months or less remaining in the term, the mayor pro tempore shall become mayor for the completion of the unexpired term. If a vacancy occurs with more than twelve months remaining in the term, the unexpired portion of the term shall be filled at a regular or special election to be held within ninety days.

C. Special Elections. The city council may call a special election at any time upon at least thirty days' notice.

D. Holding of City Elections in Conjunction with State, etc., Elections. Nothing in this chapter shall prohibit holding a city election on the same day and by the same election personnel as a state, borough, or other public election, or submitting a city question at such an election. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-2)

#### **7.04.030 Notice of elections.**

A. At least thirty days before each city election, regular or special, the city clerk shall provide notice to local media outlets to the extent deemed reasonable by the city clerk and post on the city website, ~~cause to be published in a newspaper of general circulation with the city, or by posting,~~ a notice of such election. The notice shall include, but is not limited to, the following:

1. The date of the election;
2. The times during which the polling places will be opened;
3. The location of the polling places;
4. Offices to which candidates are to be elected (if any);
5. The ballot titles and propositions of proposals which are to be submitted to the electors at the election (if any).

B. Failure to provide notice ~~publish such a notice~~ of election shall not affect the validity of the election or of the vote for any candidate or of any proposal; but, if caused by the city clerk, shall constitute failure to perform his official duties.

C. In addition to the above notice, the city clerk shall post on the city website ~~publish~~ in full every charter amendment, every ordinance and every other question which is to be submitted at an election. The city clerk shall give such other notice to the public as may be required by the laws of the state of Alaska or by resolution or ordinance of the city council. ~~except that in the case of a referred ordinance or resolution, a synopsis of the ordinance or resolution may be prepared and approved by the city council and published instead of the entire ordinance or resolution, if this is deemed appropriate by the city council.~~ (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-3)

#### **7.04.040 Qualifications of electors and candidates.**

A. Qualifications of Electors. Persons who have the qualifications for electors prescribed by the City Charter, Section 10.3, the State Constitution, Article 5, Sections 1 and 2, and state law shall be qualified to vote in city elections.

B. Registration of Electors. Chapter 7 of Title 15 of the Alaska Statutes as it now reads or may hereafter be amended shall constitute the laws of the city relating to registration of voters, except where Chapter 7 of Title 15 of the Alaska Statutes may conflict with the City Charter or code or may be inapplicable, in which case the City Charter or code shall prevail.

C. Qualifications of Candidates. Candidates for mayor, city council and school board must be qualified electors of the city and shall have been a resident of the city for a period of not less than one year immediately preceding the date of the filing of petition. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-4)

#### **7.04.050 Manner of making nominations, nominating petitions.**

A. Declaration of Candidacy. At least three days before nominations are open for each regular election, the city clerk shall provide notice to local media outlets to the extent deemed reasonable by the city clerk and post on the city website ~~publish in one or more newspapers of general circulation in the city~~ a notice of offices to be filled at the election and the manner of making nominations. Declaration of candidacy forms shall be provided by the clerk and shall include provision for a statement by the candidate affirming the candidate's qualifications to fill the office to which he or she is nominated and willingness to serve if elected.

B. Nominations. Nominations for elective offices shall be by petition only. Any qualified elector of the city who has been a resident of the city for a period of at least one year immediately preceding the date of the filing of petition shall be nominated for elective office by petition of any twenty-five such electors in the case of council and school board and fifty such electors in the case of mayor.

C. Date of Filing. Nomination petitions shall be signed and filed with the city clerk not earlier than February 15th nor later than March 15th of each year; otherwise, they shall be unacceptable. Should March 15th be a Saturday or Sunday, the candidates shall have until noon on the first Monday following to file their petition.

D. Petitions.

1. Nomination petitions shall contain with each signature the residence address and mailing address of the elector giving the street and number or other description sufficient to identify it.

2. Each petition shall contain an acceptance of nomination by the nominee, together with a declaration that he will serve if elected.

3. The petitions shall be substantially in the following form:

#### NOMINATING PETITION

We, the undersigned electors of the City of Valdez, Alaska, hereby nominate \_\_\_\_\_ for the office of \_\_\_\_\_, to be voted for at the election to be held on the \_\_\_\_\_ of May, 20\_\_\_\_.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Residence Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Date Signed \_\_\_\_\_

#### ACCEPTANCE OF NOMINATION

I accept the nomination for \_\_\_\_\_ and swear that I am a qualified elector as defined by City Charter and Title 15, Chapter 5 of Alaska Statutes, and agree to serve if elected.

\_\_\_\_\_  
Signature

#### FILING DATA

This petition is filed by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock.

\_\_\_\_\_  
City Clerk

4. Within three days after the nominating petition is filed, the city clerk shall notify the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified voters. If insufficient, the city clerk shall return it immediately to the person who filed it, with a statement certifying wherein the petition is found insufficient. Within the regular time for a filing petition, a new petition may be filed for the same candidate. The petition of each candidate nominated to elective office shall be preserved by city clerk until the expiration of the term of office for which he was nominated.

5. The city clerk shall prepare and file a certificate with the city council, stating the names of all candidates who have filed valid nominating petitions within the times required under this chapter. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-5)

#### **7.04.060 Withdrawal of declaration of candidacy petitions.**

A nomination may be withdrawn by a candidate at any time during the period of filing a declaration of candidacy by appropriate written notice to the city clerk. However, after the filing

has closed, no declaration may be withdrawn. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-6)

#### **7.04.070 Precincts—Polling places.**

A. Precincts. The city shall consist of three election precincts for all regular and special city elections. The boundaries of these precincts shall be as follows:

1. Precinct No. 1. That portion of the city which lies west of Hazelet Avenue;
2. Precinct No. 2. That portion of the city which lies between Hazelet Avenue and a north-south line drawn through the point where Crooked Creek crosses the Richardson Highway (Salmon Turnaround);
3. Precinct No. 3. That portion of the city which lies east of a north-south line drawn through the point where Crooked Creek crosses the Richardson Highway (Salmon Turnaround).

B. Polling Places. The polling places for the three precincts shall be as follows:

1. Precinct No. 1: Valdez Recreation ~~Teen~~ Center;
2. Precinct No. 2: City council chambers;
3. Precinct No. 3: Robe River Subdivision Fire Station. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-7)

#### **7.04.080 Time for opening and closing polls.**

On the day of election, each election board shall open the polls for voting at seven a.m., shall close the polls for voting at eight p.m. and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at six-thirty a.m. of an election day. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-8)

#### **7.04.090 Election officials—Specified—Appointment—Duties.**

A. Supervision of Elections. The city clerk shall supervise city elections.

B. Appointment/Duties of Officials.

1. For each election precinct in the city, there shall be an election board composed of three judges appointed by the city council. Each judge shall be a qualified elector of the city. ~~and a resident of the precinct for which that judge is appointed.~~ The city council shall designate one of the judges in each board chairman of the board, and the chairman shall be primarily responsible for the administration of the election in that precinct. The city council shall also appoint from the qualified electors of the city a clerk for each precinct where it deems their services are necessary.

2. If an appointed election official is not able or is unwilling to serve on election day, the city clerk may appoint a replacement for that official.

3. The city clerk may appoint not more than four counters of ballots from among the qualified electors of the city, if needed, and if authorized by the city council. All city election personnel shall be appointed without regard to their membership in any political party.

4. The city clerk shall administer the oath prescribed for election judges to the chairman of each board, who shall then administer the oath to the remaining members of their respective boards.

C. Compensation. The council shall pay each election board member and canvass board member an hourly rate for time spent performing election duties, including the receiving of instructions and posting of notices. The hourly compensation to be paid for time spent by election officials shall be set by resolution of the city council. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-9)

#### **7.04.100 Ballots.**

A. Preparation. The city clerk shall prepare and furnish all official ballots in city elections. Ballots shall be prepared in the manner prescribed for state elections, insofar as such requirements are applicable to nonpartisan elections. The city clerk shall perform the functions regarding ballots prescribed by law for the lieutenant governor in state elections insofar as it is appropriate.

#### **B. Questioned Ballots.**

1. If the polling place of a voter is in question, the voter shall vote a questioned ballot. Every election official and election judge 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.

2. The questioned person, before voting, shall subscribe to an oath or affirmation of a form provided by the election official attesting to the fact that in each particular case and instance the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. If the question is to residence within 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 election official shall indicate this in writing on the form. ~~person shall not vote.~~

3. A voter who casts a questioned ballot shall vote his ballot in the same manner as prescribed for other voters. After the election official or judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement previously signed 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 precinct and absentee voting registers ~~voting list~~ and delivered to the election canvassing board. The election canvassing board shall review and judge the validity of questioned ballots in accord with Section 7.04.180.

#### **7.04.105 Write-in candidates.**

A. A candidate may be elected to office as a write-in candidate if the write-in candidate:

1. Satisfies the qualifications as provided in Section 7.04.040 (c);

2. Receives at least twenty-five votes for city council or school board and fifty votes for mayor; and;

3. Files a Letter of Intent form with the city clerk not later than 5 days prior to the election including, but not limited to, the following information:

a. Full name of the candidate;

- b. Residence of the candidate;
- c. Mailing address of the candidate; and
- d. Office the candidate seeks.

B. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and fill in the oval opposite the candidate's name. In counting votes for a write-in candidate, the election official shall disregard any abbreviation, misspelling, or other minor variation in the form of the name of a candidate if the intention of the voter can be ascertained.

C. Affixing stickers on a ballot in an election to vote for a write-in candidate is prohibited.

D. Write-in votes shall be counted only if total write-in votes are:

1. The highest number of votes for the office; or
2. The second highest number of votes for the office and the difference between the total number of write-in votes and the highest number of votes for any candidate is less than 5%.

~~C. Write-in Votes.~~

~~1. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided or place a sticker in the space and, in addition, mark the square opposite the candidate's name in the appropriate manner.~~

~~2. Stickers bearing a candidate's name may be affixed to the ballot in place of writing in a candidate's name. Stickers may not be issued by members of the election board while serving at the polls. Stickers may not be offered to voters within two hundred feet of the polling places. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-10)~~

#### **7.04.110 Election materials and expenses.**

A. Distribution. The city clerk shall provide sample ballots, the original register, the duplicate register, if one is to be used, oaths of office of judges, challenge oaths, tally forms and supplies required for city elections, an adequate supply of official ballots, sample ballots, ballots, boxes, voting booths or screens, national flags, and all other necessary supplies and materials to the chairman of the precinct election board in adequate time before a city election.

B. Expenses.

1. The city shall pay all necessary expenses relating to the conduct of each city election, including those of securing polling places and providing all election materials and supplies, and any wages to election officials unless otherwise provided by this code.

2. The city clerk shall retain a record for auditing and payment of election expenses, including the cost of giving notice, paying election officials, purchasing of equipment and other election necessities. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-11)

#### **7.04.125 Optically scanned ballot tabulation and other ballot counting systems—Authorized.**

A. The city clerk may provide for optical scanner or other ballot counting systems approved for use in state elections. Optical scanner or other ballot counting systems shall be conducted in accordance with state laws and regulations insofar as they are applicable and not superseded by this code. The election supervisor may establish procedures for the use of such systems.



B. Electronic voting system. ~~Use of Computers.~~ The city clerk shall designate the electronic voting system ~~computers~~ to be used in counting the ballots and may negotiate and contract with the state or a private vendor ~~computer service~~ for the needed ~~computer~~ services.

C. Tests and Security. No later than one week before the election, the optical scanner or other ballot counting system must be tested for accuracy in the presence of, and to the satisfaction of, the city clerk, the deputy city clerk and at least one election judge, or such other individuals as appointed by the city council. Accuracy testing shall be performed on optical scanner or other ballot counting systems prior to counting official ballots for all municipal, state and federal elections. (Ord. 14-02 (part): Ord. 98-06 § 1)

#### **7.04.130 Use of watchers.**

Any candidate for elective city office may appoint a watcher for the precinct. State law relating to watchers in state elections shall govern watchers in city elections insofar as it is applicable. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-13)

#### **7.04.140 Delivery of precinct results.**

The precinct election board shall deliver to the city clerk one copy of the certificate of the result of the vote in the precinct, the original register, all the ballots cast, all ballots improperly marked, damaged or unlawfully exhibited, properly identified, and all oaths, affirmations and affidavits made, in one package or in one ballot box. The city clerk shall, as soon as possible, submit the certificate, the register, ballots, oaths and affirmations to the city council. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-14)

#### **7.04.150 Canvassing of votes—Declaration and certification of results.**

The city council shall meet not less than twenty-four hours after the polls close to canvass the returns of every city election and shall complete the canvass and ascertain and declare the results thereof, as soon as practicable thereafter. The city clerk shall promptly prepare, sign and issue certificates of election, sealed with the seal of the city, to all persons elected to office and shall also certify the results of the vote on any questions submitted at the election. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-15)

#### **7.04.160 Tie votes.**

In case of failure to elect because of a tie vote, the city council shall immediately proceed to recount the votes. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates tying, in a meeting of the city council and under its direction, in accordance with Section 10.5 of the City Charter. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-16)

#### **7.04.170 Absentee voting—Generally.**

A. 1. Any qualified elector who registered at the last regular city election or who has registered with the city clerk or any registrar may secure and cast an absentee ballot in a city election if the elector could qualify as an absentee voter in a state election. The city clerk shall supervise absentee voting and shall issue necessary instructions regarding procedure for absentee voting to qualified applicants for absentee ballots. The city clerk shall provide the absentee ballots, inner and outer envelopes therefor, and any other forms and supplies required for the use of absentee voters.

2. Absentee voting in person and absentee voting by personal representative shall be conducted in the same manner as prescribed by state laws and regulations insofar as they are applicable and not superseded by this code.

B. Applying for Absentee Ballots.



1. Any qualified elector who is entitled to secure and cast any absentee ballot may apply to the city clerk, in person, by a personal representative or by mail or email, for an absentee ballot. An application by mail or email shall include the name of the applicant and both the address to which the absentee ballot is to be returned and the applicant's full residential address in the city.

2. The application for absentee ballot by mail or email in city elections must be received in the office of the city clerk not more than six months nor less than ten days prior to the election for which the absentee ballot is sought.

C. Marking, Returning, etc., of Ballots. Electors casting absentee ballots shall mark them, place them in the secrecy sleeve and outer envelopes and return them to the city clerk in the same manner and under the same regulations as nearly as may be, as required by law in state elections.

D. Canvassing of Absentee Votes. The city clerk shall deliver the absentee ballots cast and returned as provided in this chapter to the absentee and questioned ballot counting board as provided in Section 7.04.180(C). All absentee ballots must be returned to the city clerk prior to the close of the polls on election day. Absentee ballots received by the city clerk after the close of the polls on election day shall not be counted or canvassed. (Ord. 14-02 (part); Ord. 93-15 § 1 (part); prior code § 7-17)

#### **7.04.175 Absentee voting by electronic transmission.**

A. A qualified voter may apply for an absentee ballot to be sent by electronic transmission. Such request must be made not less than the day immediately preceding the election. Absentee ballots will be electronically transmitted to the location designated in the application. The clerk will provide reasonable conditions for electronically transmitting absentee ballots.

B. An official absentee ballot shall be issued and recorded in the absentee ballot register. The official absentee ballot shall be scanned or copied in a form suitable for electronic transmission.

C. An absentee ballot that is completed and returned by the voter by electronic transmission must:

1. Contain the following statement:

I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.

followed by the voter's signature and date of signature; and

2. Be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by one United States citizen who is eighteen years of age or older.

D. A voter who returns the absentee ballot by electronic transmission must return the ballot to the city clerk on or before the closing hour of the polls.

E. Receiving and Processing. When a completed absentee ballot is received by electronic transmission, the city clerk or the city clerk's designee will note the date of receipt on the absentee ballot register and, if the ballot is received on election day, the time of receipt will be recorded. The clerk will then:

1. Print and remove the ballot portion of the transmission from the portion that identified the voter;
2. The city clerk or the city clerk's designee will transfer the information from the electronically transmitted ballot to the official absentee ballot for the purpose of counting by optically scanned tabulation. A member of the city clerk's staff shall witness and attest to the accurate transfer of information. The official absentee ballot and a printed copy of the electronically transmitted ballot shall be placed in a secrecy sleeve;
3. Seal the secrecy sleeve in an outer envelope of the type used for absentee ballots returned by mail, and seal the envelope;
4. Attach the voter identification portion to the outer envelope; and
5. Forward the outer sealed envelope to the canvas board for review.

F. An electronically transmitted ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular absentee voter cast his or her ballot. However, it shall be unlawful to display an electronically transmitted ballot in a manner revealing the way in which a particular voter cast his or her ballot to any person other than the city clerk, member of the clerk's staff, an election official in the course of his or her duties, or an attorney advising the clerk on legal questions concerning the ballot. (Ord. 14-02 (part): Ord. 03-08 § 1)

#### **7.04.180 Absentee and questioned ballot counting board—Procedures.**

A. There shall be one absentee and questioned ballot counting board for the city, composed of three judges appointed by the city council. The judges shall be qualified electors of the city. The city council shall designate one of the judges chairman of the board. The city council shall also appoint from among the qualified electors of the city one or two clerks where it deems their services are necessary. The chairman of the board may appoint not more than four counters of ballots from among the qualified electors of the city, if needed and if authorized by the city council. All election personnel shall be appointed without regard to their membership in any political party.

B. On the day following an election and prior to the canvass of the election by the city council, the chairman of the absentee and questioned ballot counting board shall convene a meeting of the board. The city clerk or designee shall deliver all absentee and questioned ballots to the board.

C. The city clerk or designee and the absentee and questioned ballot counting board shall examine each absentee ballot envelope and each questioned ballot envelope and shall determine whether the voter is qualified to vote at the election and whether the ballot has been properly cast. An absentee ballot or questioned ballot may not be counted if:

1. The voter has failed to properly execute the certificate;
2. An official or the witnesses authorized by law to attest the voter's certificate failed to execute the certificate; or
3. The voter did not enclose the marked ballot inside the small secrecy envelope.

D. Any person present at the absentee and questioned ballot review may challenge the name of an absentee or a questioned voter when read from the voter's certificate on the back of the large envelope if that person has good reason to suspect that the voter is not qualified to vote, is

disqualified, or has voted in the same election. The person making the challenge shall specify the basis of the challenge in writing. The absentee and questioned ballot counting board by majority vote may refuse to accept and count the ballot of a person properly challenged under grounds listed in subsection C of this section.

E. If an absentee or questioned ballot is rejected, the city clerk shall send a copy of the statement of the challenge to the voter. The city clerk shall place all rejected absentee ballots and all rejected questioned ballots in separate envelopes with the statements of challenge. The envelopes shall be labeled "Rejected Absentee Ballots" or "Rejected Questioned Ballots" respectively, and shall be forwarded to the city council with the election certificates and other returns.

F. If an absentee ballot or questioned ballot is not rejected, the large envelope shall be opened and the small secrecy sleeve containing the ballot shall be placed in a container and mixed with other secrecy sleeves containing either absentee or questioned ballots. After all absentee or questioned ballots which have not been rejected have been placed in such a container, the secrecy sleeves shall be drawn from the container, opened, and the ballots counted according to the rules determining properly marked ballots.

G. Upon completion of the absentee and questioned ballot review, the chairman shall prepare election certificates for execution by the absentee and questioned ballot counting board and shall forward the original certificates and returns to the city council. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-18)

#### **7.04.190 Recounts.**

A. Application. Any defeated candidate or any ten qualified electors who believe that a mistake has been made by an election official or by the city council in counting the votes in any election may make an application, in writing, to the city council for a recount of the votes from the precinct for any particular offices or on any particular question. The application shall be filed with the city clerk within twenty-four hours, excluding any Saturday, Sunday or holiday, after the city council declares the results of the vote being questioned. In case of a tie vote between two or more candidates, the city council shall recount the votes without an application.

B. Deposit. The person applying for a recount shall deposit one hundred dollars in cash or by certified check except in the case of a tie vote for candidates when no deposit shall be required. If on the recount a candidate other than the candidate who was first declared elected is declared elected or if the result of the vote on a question is reversed, or if the vote on recount is determined to be four percent or more in excess of the vote reported after the first canvass for the candidate applying for the recount, or in favor of or opposed to the question stated in the application, the deposit shall be refunded; otherwise, it shall be placed in the general fund of the city.

C. Procedure. The city council shall begin the recount within twenty-four hours after receiving the application, excluding any Saturday, Sunday or holiday, shall proceed with it as fast as practicable and shall declare the results thereof. The city clerk shall promptly issue another election certificate if a change in the results requires it. (Ord. 14-02 (part): Ord. 93-15 § 1 (part): prior code § 7-19)