

ANCHORAGE, ALASKA
AO No. 2024-XXX

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING ANCHORAGE MUNICIPAL CODE TITLE 28.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Section 28.90 Election recount is hereby amended to read as follows:

28.90.020 Form of application.

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B. The application shall include a deposit in cash, or by certified check. The amount of the deposit shall be \$200.00[50.00] for each precinct.

(GAAB 7.05.205, 7.05.220; AO No. 85-75; AO No. 2001-43, § 6, 2-27-01; AO No. 2013-130(S-1), § 8, 1-14-14; AO No. 2020-5(S), § 7, 2-11-20)

State law reference(s)—Similar provisions, AS 15.20.440(a), 15.20.450.

Section 2. Anchorage Municipal Code Section 28.100.010 Grounds for election contest is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.100.020 Contest procedure.

A. Notice of contest of an election shall be submitted in writing to the municipal clerk at any time not later than noon on the day of the first meeting for which the assembly has issued a public notice that it may take up the question of whether to certify the election. A notice of contest shall include a \$1,000 payment by cash, certified check, or credit card. A person that signs and submits an election contest form containing false statements is guilty of unsworn falsification in the second degree under AS 11.56.210 or AMC 8.30.170.

* * * * *

D. Unless the grounds for which the contest was brought are determined to be valid, the contestant or the contestants shall be independently liable for the whole amount of the expenses incurred

1 by the municipality in its investigation and deliberation of the election
2 contest.

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4 E. Should the contestant or the contestants prevail with the election
5 contest the \$1,000 deposit shall be refunded.

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7 F. If the contest results in a recount, the contestant or contestants
8 shall pay all cost and expenses incurred in a recount of an election as
9 provided by AMC 28.90.060.

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11 (GAAB 7.05.200; CAC 2.68.550; AO No. 85-75; AO No. 2004-176, § 12, 6-
12 1-05; AO No. 2013-130(S-1), § 9, 1-14-14; AO No. 2017-29(S), § 47, 6-1-
13 17; AO No. 2020-131(S), § 13, 1-14-21; AO No. 2023-124, § 5, 12-5-23)

14
15 **Section 3.** Anchorage Municipal Code Section 28.200.110 Unlawful
16 interference with voting in the second degree is hereby amended to read as
17 follows:

18
19 **28.200.110 Unlawful interference with voting in the second**
20 **degree.**

21
22 A. A person commits the crime of unlawful interference with voting in
23 the second degree if the person:

24 *** **

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27 9. Moves, tampers with, or damages a ballot box or ballot drop
28 box, or inserts into a ballot box or ballot drop box anything other
29 than an official ballot return envelope, without lawful authority;[.]

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31 10. Uses, threatens to use, or causes to be used force, coercion,
32 violence, or restraint, or inflicts, threatens to inflict, or causes to be
33 inflicted damage, harm, or loss, upon or against another person to
34 induce or compel that person to vote or refrain from voting in an
35 election;

36
37 11. knowingly pays, offers to pay, or causes to be paid money or
38 other valuable thing to a person to vote or refrain from voting in an
39 election; or

40
41 12. solicits, accepts, or agrees to accept money or other valuable
42 thing with the intent to vote for or refrain from voting for a
43 candidate at an election or for an election proposition or question.

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45 B. Unlawful interference with voting in the second degree is a class A
46 misdemeanor.
47

1 C. For purposes of (a)(11) and (12) of this section, “other valuable
 2 thing”

3
 4 1. Includes:

5 a. An entry in a game of chance in which a prize of money or
 6 other present or future pecuniary gain or advantage may be
 7 awarded to a participant wherein the total of the prizes offered
 8 is greater than \$2 per participant with a maximum of \$100; and

9
 10 b. Government employment or benefits.

11
 12 2. Does not include:

13 a. Materials having a nominal value bearing the name, likeness,
 14 or other identification of a candidate, political party, political
 15 group, party district committee, or organization, or stating a
 16 position on a ballot proposition or question;

17
 18 b. Food and refreshments provided incidental to an activity that
 19 is nonpartisan in nature and directed at encouraging persons to
 20 vote, or incidental to a gathering in support of or in opposition to
 21 a candidate, political party, political group, party district
 22 committee, organization, or ballot question or proposition;

23
 24 c. Care of the voter's dependents provided in connection with
 25 the absence of a voter from home for the purpose of voting;

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 27 d. Services provided by a person acting as a representative
 28 under AMC 28.60.040;

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 30 e. Services provided by an election official as defined in AMC
 31 28.50.101; and

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 33 f. Transportation of a voter to or from a polling location or vote
 34 center without charge.

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 36 (AO No. 2013-130(S-1), § 13, 1-14-14; AO No. 2017-29(S), § 59, 6-1-
 37 17; AO No. 2020-131(S), § 15, 1-14-21)

38 **State Law reference—** Unlawful interference with voting in the first
 39 degree, AS 15.56.030; Unlawful interference with voting in the second
 40 degree, AS 15.56.035.

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 42 **Section 4.** Anchorage Municipal Code Section 28.200.120 Voter
 43 misconduct in the second degree is hereby amended to read as follows (*the*
 44 *remainder of the section is not affected and therefore not set out*):

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 46 **28.200.120 Voter misconduct in the second degree.**
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A. A person commits the crime of voter misconduct in the second degree if the person:

*** *** ***

5. Intentionally makes a false affidavit, swears falsely, or falsely affirms under an oath required by this title;[.]

6. Knowingly makes a material false statement while applying for voter registration or reregistration.

*** *** ***

(AO No. 2013-130(S-1), § 13, 1-14-14; AO No. 2020-131(S), § 15, 1-14-21)

State Law reference— Voter misconduct in the first degree, AS 15.56.040; voter misconduct in the second degree, AS 15.56.050.

Section 5. Anchorage Municipal Code Section 28.200 Election offenses is hereby amended by adding a new section to read as follows:

28.200.170 Unlawful interference with an election.

A. A person commits the crime of unlawful interference with an election if the person.

1. Induces or attempts to induce an election official to fail in the official's duty by force, threat, intimidation, or offers of reward;

2. Intentionally changes, attempts to change, or causes to be changed an official election document including ballots, tallies, and returns;

3. Intentionally delays, attempts to delay, or causes to be delayed the certification of election under AMC 28.85.040; or

4. Is contracted or employed by the municipality to print or reproduce in any manner an official ballot, and the person knowingly

a. Personally appropriates, or gives or delivers to, or permits to be taken by anyone other than a person authorized by the director, official ballots; or

b. Prints or reproduces or has printed or reproduced official ballots in a form or with a content other than that prescribed by law or as directed by the director.

B. Unlawful interference with voting in the second degree is a class A misdemeanor.

State Law reference— Unlawful interference with an election, AS 15.56.060.

Section 6. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2024.

Chair

ATTEST:

Municipal Clerk

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