

*Amended & Failed 4/10/12*

Submitted by: ASSEMBLY MEMBERS GRAY- JACKSON  
AND DRUMMOND

Reviewed by: Assembly Counsel

For reading: April 10, 2012

ANCHORAGE, ALASKA  
AR NO. 2012-106

1 **A RESOLUTION AUTHORIZING THE PROCUREMENT OF INDEPENDENT SPECIAL**  
2 **COUNSEL TO THE ASSEMBLY (ANCHORAGE MUNICIPAL CODE 7.20.060K).**

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4 WHEREAS, Anchorage Municipal Code Title 28 and the Municipal Home Rule  
5 Charter address the municipal election process; and  
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7 WHEREAS, the Municipal Clerk's Office has verified that for the April 3, 2012  
8 election, ballots were prepared for at least 70 percent of the registered voters within each  
9 precinct to present all candidates and propositions to the voters, as provided in code; and  
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11 WHEREAS, during the general election held by the Municipality of Anchorage on  
12 April 3, 2012, it is uncontested that in multiple precincts, not all voters who timely  
13 registered and reached the polls before closing time were allowed to vote; and  
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15 WHEREAS, running out of ballots and turning voters away for lack of ballots is rare  
16 ~~unprecedented~~ in Anchorage municipal elections; and  
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18 WHEREAS, the election commission is conducting its election ballot review to  
19 certify the vote count, and will file its report to the Assembly; and  
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21 WHEREAS, by Charter, the Assembly shall be the judge of the election;  
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23 NOW THEREFORE BE IT RESOVED by the Anchorage Assembly:  
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25 **Section 1.** In keeping with municipal, state, and federal law, the right to vote is  
26 fundamental and shall be given paramount importance. The issue for the Assembly is  
27 integrity of the election process.  
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29 **Section 2.** As authorized by Charter §4.06 and AMC 7.20.060K, the Assembly  
30 Chair, on behalf of the Assembly, shall procure impartial and independent Special Counsel  
31 to advise the Election Commission and the Assembly on the legal ramifications, risks,  
32 alternatives, and obligations facing the Assembly and the Election Commission as a result  
33 of ballot shortages and related issues in the election process for the April 3, 2012 election.  
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35 **Section 3.** In the selection of independent Special Counsel, criteria for  
36 consideration shall include: Expertise in federal and state law; experience in election law;  
37 impartiality; and immediate availability.  
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39 **Section 4.** Because AMC 7.20.060K provides that any selection must be  
40 approved by the Assembly prior to commencement of work, the Assembly shall review the  
41 proposed selection at the Assembly Meeting scheduled for April \_\_, 2012.

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PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Chair

ATTEST:  
  
\_\_\_\_\_  
Municipal Clerk