



City of Hoonah

P.O. Box 360 Hoonah, AK 99829 (907) 945-3663 Fax (907) 945-3445

## **PUBLIC NOTICE**

### **COMMITTEE AS A WHOLE MEETING**

**Tuesday August 1, 2023 @ 7:00 p.m.**

The ZOOM call-in number is 1-253-215-8782. The Meeting ID is 875 7872 6459 and the Passcode is 111541

**I. Call to Order**

**II. Roll Call**

**III. Agenda Revisions**

**IV. Items of Business:**

**a) Hoonah Police Department Rentals**

1. Public Comment- 3-minutes per person

**b) Tlingit & Haida Housing Situation Update**

1. Public Comment-3-minutes per person

**c) Hill Street Staircase Bids**

1. Public Comment- 3-minutes per person

**d) Feral Cat Issue**

1. Public Comment- 3-minutes per person

**e) Harbor Board Meeting to go Back to 12 Months a Year Vs. Quarterly**

1. Public Comment- 3-Minutes per person

**f) Harbor Board Minutes Included in Council Packet**

1. Public Comment- 3-Minutes per person

**g) Harbor Parking Issue**

1. Public Comment- 3-Minutes per person

**h) Discussion About a Map with Vendor's Location in Two Spots**

1. Public Comment- 3-Minutes per person

**i) Information on Coho Subdivision Road Extension Trade**

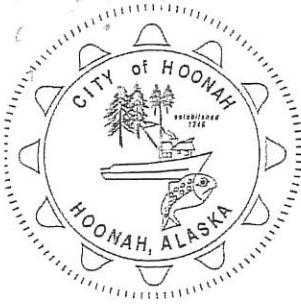
1. Public Comment- 3-Minutes per person

**j) Ordinance No. 23-07-02 A Non-Code Ordinance Authorizing the Municipal Clerk to Establish Rules and Procedures for a Vote-by-Mail Municipal Election**

1. Public Comment- 3-Minutes per person

**k) Community/Council Comments- 3 Minute Time Limit**

**V. Adjourn**



City of Hoonah

P.O. Box 360 Hoonah, AK 99829 (907) 945-3663 Fax (907) 945-3445

July 13, 2023

THRHA

Attn: Jacqueline Pata  
5446 Jenkins Dr.  
Juneau, Ak 99801

Dear Ms. Jacqueline Pata and Housing Board,

I am again writing at the request of City Council in regards to the Quit Claim Deed executed on May 6, 1996. Given the fact that close to 30 years has passed, we would like to know if the Housing Board would be willing to modify the terms of the units in Phase IV for the people that would like to become home owners rather than renters.

What are the possibilities of modifying the terms of some of these agreements so that we can make accommodations for the people of Hoonah that plan on making these permanent residences?

It is the wish of the Council that the City Administrator and I have a face-to-face talk with you to discuss this possibility. Please let us know when this could take place as we would need to make travel arrangements for the day.

Thank you in advance for your expeditious attention given to this matter.

Respectfully,

Gerald Byers  
Mayor of Hoonah

## Jennifer Bidiman

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**From:** Dennis Gray Jr  
**Sent:** Friday, July 28, 2023 1:54 PM  
**To:** Jennifer Bidiman  
**Subject:** Fwd: Public Staircase Facility

Jen

Information for bid opening today

Dennis H. Gray, Jr.  
City Administrator  
City of Hoonah

Begin forwarded message:

**From:** Jon McGraw <earthmovers.jon@gmail.com>  
**Date:** July 28, 2023 at 9:31:10 AM AKDT  
**To:** Dennis Gray Jr <dgray@cityofhoonah.org>  
**Subject:** Public Staircase Facility

Dennis  
Here is the price for the New Public Staircase  
\$204,900.00

Additive Alternate  
\$34,800.00

Please let me know that you received this email.

Thanks Jon  
Southeast Earthmovers

Northern Lights Development, Inc.

1750 Anka Street  
Juneau, AK 99801

# Estimate

Date	Estimate No.
7/28/2023	15031

Name/Address

City of Hoonah  
ATTN: Mr. Gerald Byers  
P.O. Box 360  
Hoonah, AK 99829

Description	Qty	Project	
		Rate	Total
Northern Lights Development, Inc. will provide materials, labor and equipment on the construction of the Public Staircase Facility located in Hoonah, AK. NLD will construct a new, wood frame staircase to replace the existing staircase located on Hill Street. The wood frame will include; frames, stringer and handrail posts will be rated for ground contact. Handrails will be sunwood or similar. Two area LED lights will be installed at the top and bottom of the staircase. Concrete landings will be installed for the top and bottom landings. ***NLD will install new steel treads and steel decking for this project.***		251,000.00	251,000.00
Additive Alternative- roof covering for the entire staircase to include LED area lighting throughout the covered area.		44,000.00	44,000.00
Sales Tax		0.00%	0.00
		<b>Total</b>	<b>\$295,000.00</b>

# Game Creek Construction

P.O. Box 95, Hoonah, AK 99829

Mobile (907) 723-8457

Email: gamecreek@yahoo.com

Robert Bishop

AK Lic#912943

## Revised July 27th: Public Staircase Facility

Date: July 27, 2023

RE: Public Staircase Facility

Billing: City of Hoonah

PO Box 360

Hoonah, AK 99829

ATT: Dennis Gray, [dgray@cityofhoonah.org](mailto:dgray@cityofhoonah.org)

### Initial Scope:

RFP is "cost not to exceed" pricing for materials and installation of "Public Staircase Facility" similar to R&M drawings, "HIA Drive Stairway Improvement" (R&M #16022JN). Price includes all demo, site work, shipping, concrete foundation, lumber and hardware, skilled labor, administration and clean up. Framing to be rated for ground contact. Handrails will be Sunwood or similar. All existing treads will be reused, however, existing does not include a steel riser (per codes). Two LED lights will be installed top and bottom of staircase. Permit cost to be waived and city to supply power/utilities to meter box. The stairs will merge into concrete landings (top and bottom). Ordering to begin immediately, construction to begin in either late Fall 2023 or Spring 2024, depending on timing of award.

**Materials/Subs/Equipment/Shipping/Custom Brackets: \$99,987.00**

**Labor: \$145,000.00**

**Total: \$244,987.00**

### OPTION ITEM #1: Staircase Roof Cover

Includes treated (Sunwood/PT mix) lumbers, 3/4" PT Plywood, metal roofing. Roof will be design/build onsite with clean framing. Includes custom galvanized steel hardware and shipping. Roof will include LED area lighting and entrance corals to fortify shearing of roof.

**Materials/Subs/Shipping: \$49,398.00**

**Labor: \$49,265.00**

**Total Option Item 1: \$98,663.00**

**TOTAL WITH OPTION #1: \$343,650.00**

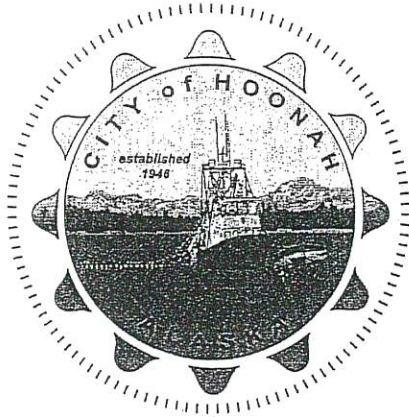
**Option 2: New 4' Galvanized Treads with Riser: Add \$12,900**

**Option 3: New Galvanized Grates/Decking for Landing: \$16,750**

**NOTES:** *Prices are good for 1 week from RFP date. Once awarded, materials will be ordered immediately and subject to Spring Schedule.*

*Robert N. Bishop*

RECEIVED JUL 21 2023



# Community Comment & Action Form

We encourage open communication and believe the best way to improve is to be aware of the compliments, the suggestions, and the concerns of the public. Please take time to express your feelings in writing so they can be passed on and addressed. Also, let us know if you would like to volunteer some of your time to help make Hoonah a better place to live and raise a family.

Department: City Hall Admin + HPD  
 Thank you     Suggestion     Concern

*My concern is the number of cats + baby kittens living on Second Street under Karen Mill's house. She does not love them anymore but has people go by & feed them. They are destroying the underneath of my house on 308 Roosevelt Street. Not only that kids are stopping + trying to play w/ them. There's a bunch of feces.*

Sharon Hill    7-21-23    907-723-1635  
Name Sharon Hill    Date 7/21/23    Contact Number (if desired)

YES, PLEASE CONTACT ME ABOUT VOLUNTEERING SOME OF MY TIME TO HELP.

Department Response: Date \_\_\_\_\_ (if a contact number is provided, also give the reporting party a courtesy call.)

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(over)

**CITY OF HOONAH, ALASKA  
ORDINANCE NO. 23-07-02**

**A NON-CODE ORDINANCE AUTHORIZING THE MUNICIPAL CLERK TO ESTABLISH RULES AND PROCEDURES FOR A VOTE-BY-MAIL MUNICIPAL ELECTION.**

**WHEREAS:** The city council acknowledges this non-code ordinance does not replace other methods of absentee voting but provides for an alternative method of vote by mail; and

**WHEREAS:** Chapters 2.20, 2.32, 2.40 and 2.44 of the Hoonah City Code apply to the October 2023 municipal elections;

**WHEREAS:** Under AS 29.26.010, the city council shall prescribe the rules for conducting an election; and

**NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF HOONAH, ALASKA,** the municipal election held on October 3, 2023 may be conducted using the vote by mail method of election. The city clerk will draft necessary rules and procedures for the vote by mail election.

**Section 1. Classification.**

This is a non-code ordinance.

**Section 2. Enactment.**

**VOTE BY MAIL CITY ELECTION**

**Sections:**

- 1. Administration.**
- 2. Ballots; Printing; Sample Ballots**
- 3. Ballots; Form.**
- 4. Other Materials.**

**Section 1. Administration.**

- A. The October 3, 2023 city election shall be vote by mail.

- B. The city council shall prescribe the general rules for conducting vote by mail city elections.
- C. The city clerk is the supervisor of elections and shall establish rules and procedures, prepare and maintain election materials and records for a vote by mail election.

**Section 2. Ballots; Printing; Sample Ballots.**

The city clerk shall be responsible for the printing and distribution of ballots by corresponding with the printing company about the required information. The ballots shall be printed at least 23 days before the date of the election. There shall be ballots printed on colored paper with the words "SAMPLE BALLOT" printed on them, posted in the clerk's office and throughout the community.

**Section 3. Ballots; Form.**

- A. The ballots shall state at the top whether the election is regular or special.
- B. The ballots shall include instructions on how to mark the ballots.
- C. The ballots shall be printed on plain white paper and numbered in consecutive order to assure simplicity and secrecy and to prevent fraud. The clerk shall print at least one-third more ballots than there are registered voters in the City of Hoonah.
- D. A ballot shall show the list of candidates and issues to be decided at the election.
- E. Before the list of candidates there shall be placed the words "vote for not more than three", or such other number as are to be elected.
- F. The ballots shall list the office for which votes may be cast. The name of each office shall be followed by the names of all candidates for that office listed in a random order, and by blank lines for write-in candidates equal to the number of persons who are to be elected to the office.
- G. The names of the candidates shall be printed in the same size font. At the beginning of each line on which the name of a candidate is printed, and each blank line provided for write-in candidates, an oval/square shall be printed.
- H. The names of candidates shall be printed as they appear upon the declarations of candidacy filed with the City Clerk, except that any honorary or assumed title or prefix shall be omitted.
- I. Following the names of the offices and candidates, there shall be placed on the ballot in the form prescribed by law all propositions and questions to be voted upon if any. Provisions shall be made for marking the propositions or questions "Yes" or "No".
- J. Somewhere on the ballot, to be clearly visible, will be printed the words:
  - a. "OFFICIAL BALLOT"; and
  - b. The date of the election.

**Section 3. Other Materials.**



At least 29 days prior to the day of the election, the clerk shall prepare or request the following materials:

- A. An updated Master Voter Registration List, containing the names, in alphabetical order, of all registered voters eligible to vote in the election;
- B. A blank register in which the clerk may indicate from whom ballots were cast, and in which the election official may note the number of ballots issued to the voter;
- C. Tally sheets;
- D. A form for the Report of Preliminary Election Results;
- E. Two large envelopes marked "Spoiled Ballots" and "Questioned Ballots."
- F. Copies of the Notice of Elections and the city's elections ordinance.

## **ELECTION PROCEDURES**

### **Sections:**

- 1. Ballots Records.**
- 2. Distribution of Ballots.**
- 3. Ballots; Counting and Tallying.**
- 4. Preparation of Ballot Box.**
- 5. Deposit of Ballots into Ballot Box.**
- 6. Counting of Ballots.**
- 7. Voting; Spoiled Ballots.**
- 8. Assisting Voter by Clerk.**
- 9. Report of Election Results.**
- 10. Posting Certificate of Preliminary Election Results.**

### **Section 1. Ballot Records.**

- A. The election supervisor shall keep the following records:
  1. The total number of all ballots printed;
  2. The number of ballots mailed and to whom;
  3. The number of persons voted;
  4. The number of question ballots;
  5. The number of spoiled ballots;
  6. The number of unused ballots; and
  7. The number of absentee in person ballots.
- B. A sample official ballot statement appears at the end of this chapter.

### **Section 2. Distribution of Ballots.**

- A. By mail ballots shall be executed in the following manner:
  1. The clerk shall provide instructions to the printing company on what is to be included on the official ballot and each ballot mailing envelope.
  2. Upon issuing the ballot to a voter by mail, the clerk shall enter in the blank register the following information: the number of the ballot issued, the name of the voter to whom it was issued, the date on which the ballot was issued, and the address it was mailed to.
  3. The voter shall mark the ballot in accordance with ballot instructions, fold the ballot in the manner it was folded upon receipt, seal it in the ballot envelope, and seal the ballot envelope inside the return envelope. The voter shall then complete, swear, and sign the affidavit printed on the back of the return envelope before an officer to administer oaths and shall include the following:

I, \_\_\_\_\_, hereby certify that I am a duly qualified voter of the City of Hoonah, in compliance with Municipal Code.

4. To be counted, the ballot must be executed by the voter on or before election day and received by the clerk no later than 8:00 p.m. the day of the election, October 3, 2023.
- B. Upon receipt, the clerk shall retain in a locking file cabinet in the clerk's city office all ballots received, until 8 p.m. the night of the election when ballots are counted.

### **Section 3. Ballots; Counting and Tallying.**

Ballots shall be counted the day of the election after closing of the polls at 8 p.m. by the election board.

### **Section 4. Preparation of Ballot Box.**

Before receiving any ballots, the election board must, in view of all persons present at ballot counting meeting, open and exhibit the ballot box. After showing the box, the box will be sealed.

### **Section 5. Deposit of Ballots into Ballot Box.**

Ballots shall be deposited into the ballot box in the following manner:

- A. On the night of the election after the closing of the polls at 8 p.m. the clerk shall deliver all ballots to the election board.
- B. The clerk shall ensure there are not multiple ballots from any one voter. All repeat ballots shall be removed and inserted into the Questioned Ballot envelope.
- C. The clerk shall read off the name on each return envelope and indicate receipt of ballot on the voter register.
- D. The clerk shall remove the ballot envelopes from the return envelopes; remove the ballot from the ballot envelopes; cut off the ballot number from the ballot without revealing the ballot; and deposit the ballot into the ballot box.

### **Section 6. Counting of Ballots.**

- A. The ballots shall be counted in the following manner:
  1. The counting of ballots shall be public.
  2. The opening of the ballot box shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present 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. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes

for each candidate and for or against each proposition or question. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.

3. The election board shall account for all ballots by completing a ballot statement containing:
    - a. The number of official ballots;
    - b. The number of official ballots mailed out;
    - c. The number of ballots received by mail;
    - d. The number of spoiled ballots;
    - e. The number of unused ballots;
    - f. The number of absentee in person ballots cast; and
    - g. The number of questioned ballots cast.
- B. The election board shall count ballots according to the following rules:
1. A voter may mark his ballot only using cross-marks, "X" marks, diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate or propositions the voter desires to designate.
  2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.
  3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
  4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
  5. The mark specified in subsection (1) of this section shall be counted only if it is mostly inside the square provided, or touching the square to indicate that the voter intended the square to be designated.
  6. An improper mark, erasure, or correction on the ballot invalidates only the section of the ballot in which it appears.
  7. Write-in votes are not invalidated by writing the name of the candidate whose name is printed on the ballot unless the election board determines, based on other evidence, that the ballot was marked for identifying the ballot.
  8. Write-in votes are invalidated if the voter fails to mark the square provided.
  9. No ballot shall be rejected if the election board can determine the intention of the voter.
- C. The rules set out in this section are mandatory and there shall be no exceptions. A ballot may not be counted unless marked in compliance with these rules.
- D. The chairman of the election board shall write the word "Defective" on the back of each ballot which the election board determines should not be counted, in whole or in part, for any reasons (other than failure of the voter to mark any choice with respect to an office or proposition) stated in subsection (1) of this section. If only a portion of the ballot is invalid, the valid votes shall be counted and the chairman shall specify on the back of the ballot exactly which portion or portions have not been counted.

- E. If an objection is made to the counting of all or any part of a ballot, but the election board determines that the votes shown should be counted, the chairman of the election board shall write the words "Objected to" on the back of the ballot and specify the portion of the ballot to which the objection applies.
- F. All defective ballots and all ballots objected to shall be sealed in a single envelope marked "Defective Ballots."

**Section 7. Voting; Spoiled Ballots.**

If a voter improperly marks or otherwise damages a ballot, and discovers his mistake before casting the ballot, he shall call the City Clerk stating that it is a spoiled ballot, return it in person to the Clerk and request a new ballot. The Clerk shall remove the ballot stub (number) and place the stub in the envelope marked for this purpose, record its number, and have the voter destroy and dispose of the spoiled ballot in the Clerk's presence. The Clerk shall then issue a new ballot to the voter. A voter may request replacement of a spoiled ballot no more than two times for a total of three ballots.

**Section 8. Assisting Voter by Clerk.**

A qualified voter who cannot read, mark the ballot, or sign his name or who because of blindness or other physical disability, or who because of unfamiliarity with the system of voting, needs assistance may request the clerk to assist. If the clerk is requested, he/she shall assist the voter.

**Section 9. Report of Election Results.**

- A. When the count of ballots is completed, the election board shall make a certificate in duplicate of the results using the Report of Preliminary Election Results form. The report shall include the number of votes cast for each candidate and for each proposition question. All members of the election board shall immediately upon completion of the report sign both copies of the report. The election supervisor shall keep the duplicate of the report of election and all other materials in a safe place and present to the canvass committee meeting on the Friday following the election.
- B. The election supervisor shall place all election materials received from the election board in a locking file cabinet in the city office until the canvass meeting.

**Section 10. Posting Certificate of Preliminary Election Results.**

The clerk shall post copies of the Certificate of Preliminary Election Results in three public places the day after the preliminary election results are known. The notice shall include:

- A. The time and place of the canvass committee meeting to consider the election results;
- B. That the results do not reflect the votes of questioned ballots and are not final until the council formally certifies the election; and
- C. That anyone has the opportunity to contest the election at the meeting.

## ABSENTEE VOTING

### Sections:

1. **Absentee elector.**
2. **Absentee application.**
3. **Absentee ballot.**
4. **Rejecting absentee ballots.**
5. **Challenging absentee elector.**

### Section 1      **Absentee elector.**

Any qualified elector of the city of Hoonah, Alaska, who is absent or expects to be absent from the city of Hoonah on the day of holding any municipal election, may vote at any such election.

### Section 2      **Absentee application.**

Any such absent elector may make application to the city clerk on a blank form to be furnished by the city clerk for an official ballot of the kind to be voted on at such election, showing the names of candidates who had filed for office as of the time of the application, which application shall be made not more than twenty (20) days before nor later than four-thirty p.m. of the day preceding such election, and shall be duly signed and sworn to by such elector before an officer to administer oaths and shall include the following:

I, \_\_\_\_\_, hereby request an absentee ballot for the \_\_\_\_\_ election to be held on \_\_\_\_\_, in Hoonah, Alaska. I certify that I am a duly qualified voter of the City of Hoonah, in compliance with Municipal Code. I expect to be absent from the city on the day of the election.

The absent elector shall sign the statement, print his/her signature, and include residence and mailing addresses on the application.

The city clerk shall keep as a part of his/her records a list of all applications so received and of the manner and delivery of ballots thereon.

### Section 3      **Absentee ballot.**

- A. Before delivering any ballot the clerk shall satisfy himself/herself of the applicant's right to vote in the subject election. Thereafter the clerk shall deliver to the applicant elector, in the manner requested by applicant on the form, an official ballot to be voted on by the

elector. The clerk shall enter on the application the number of the ballot issued and the date of delivery or mailing. When the canvass board meets, the clerk shall furnish to it all absentee ballots applications.

- B. The city clerk will fold the ballot as specified in this title for other official ballots, and enclose the same in an official envelope, unsealed, to be furnished by him/her, which envelope shall bear on its face the name, official title and post office address of the city clerk, and on the other side a printed statement substantially as follows:

I am a duly qualified elector of the City of Hoonah, Alaska, in compliance with Municipal Code. My personal attendance in said City of Hoonah on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, the date of the election, is prevented.

Dated \_\_\_\_\_, 20\_\_\_\_.

The blanks in the statement shall be filled out by the city clerk to the extent necessary to identify the election at which the ballot is proposed to be cast.

- C. The clerk shall also personally or by separate notation or memorandum or by notation printed upon the back of the official envelope advise the absentee voter that a new ballot will be furnished upon request if time permits, if a voter loses, improperly marks or otherwise damages a ballot, but replacement ballots may be requested no more than two times for a total of three ballots.
- D. On marking his/her absentee ballot, the voter shall refold same as previously folded and shall enclose it in the plain envelope marked "ballot envelope" and thereafter enclose the ballot envelope in the official envelope, seal the envelope securely and deliver it to the officer who issued the absentee ballot.
- E. On receipt of such absent voter's ballot the city clerk shall forthwith enclose the same unopened, together with the application upon which such ballot was issued, in a plain envelope, endorsed with his/her name and his/her official title, and the words "absent voter's ballots, to be opened only at the polls on election day while said polls are open." The city clerk shall hold the same until the delivery of the official ballots to the judges of election and shall deliver such absent voters' ballots to the election judges. Absentee ballots not received by the clerk by mail prior to eight p.m. of the day of the election shall not be counted.

#### **Section 4      Rejecting absentee ballots.**

The judges shall reject any ballot which does not substantially conform to the foregoing requirements, or in case the ballot envelope has been theretofore opened or contains more than one ballot; and rejected ballots shall be endorsed "rejected" with the reason therefore and fastened to the ballot envelope and application accompanying the same. All rejected ballots shall be enclosed and securely sealed in an envelope upon which the judges shall endorse "defective absentee ballots," signed by the judges and the same shall be delivered to the canvassing board.

#### **Section 5      Challenging absentee elector.**

The vote of any absentee voter may be challenged as though he/she were present. The election judges shall deliver the official envelopes containing the ballot envelope of all challenged absentee ballots to the canvass board which shall rule upon the legality of each such challenged absentee ballot.



## REVIEW OF ELECTION RETURNS

### Section:

1. **Canvass Committee Meeting.**
2. **Review to be Public.**
3. **Absentee Ballots.**
4. **Spoiled Ballots.**
5. **Counting Absentee and Spoiled Ballots.**
6. **Certificate of Election.**
7. **Retention of Election Records.**

### Section 1. **Canvass Committee: Meeting.**

- A. The canvass committee shall meet on the first Friday following the election to canvass all absentee, questioned, and spoiled ballots. If the canvass committee is unable to complete the count on this day, the canvass board may be continued from day to day but must be completed no less than 5 days after the election.
- B. The city clerk shall submit to the canvass committee the election board's Report of Preliminary Election Results, the Master Voter Registration List, the register, all regular ballots, spoiled ballots, absentee ballots, and oaths and affirmations of election officials.

### Section 2. **Review to be Public.**

- A. The review of all ballots, including absentee, and spoiled ballots shall be made in public by opening the returns, and announcing the results thereof in front of those present.
- B. The review shall include a review and comparison of the tallies of ballots with the election reports to correct any mathematical error in the count of ballots.

### Section 3. **Absentee Ballots.**

The canvass committee shall examine each absentee ballot return envelope:

- A. Upon the canvass committee's satisfaction that no other ballot was submitted by the voter in this election, the clerk shall remove the ballot envelopes from the return envelopes; remove the ballot from the ballot envelopes; tear off the ballot number from the ballot without revealing the ballot; and deposit the ballot into the ballot box.
- B. If the absentee ballot is rejected by the canvass committee because the voter submitted multiple ballots, the election supervisor shall send a copy of the statement of challenge to the questioned voter. The election supervisor shall place all rejected absentee ballots in the "rejected questioned ballots".

#### **Section 4. Spoiled Ballots.**

Canvass committee members shall examine the spoiled ballots to see whether the ballot should be counted and, if so, whether they can determine for whom the voter intended to vote. If the canvass committee determines for whom the voter intended to vote and that the ballot should be counted, the ballot shall be placed in the ballot box along with the absentee ballots to be counted.

#### **Section 5. Counting Absentee, and Spoiled Ballots.**

If no contest of election is begun and after all absentee, and spoiled ballots are counted or rejected, the canvass committee shall:

- A. Certify a report that shows:
  1. The total number of ballots cast in the election;
  2. The names of the persons voted for (including write-ins) and the propositions voted upon;
  3. The offices voted for;
  4. The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
  5. The disposition of all absentee and spoiled ballots; and
  6. Any other matters which the council deems necessary to preserve a complete record of the election.
- B. Record the results of the election in the minutes of the meeting;
- C. Authorize the results to be certified; and
- D. Publicly declare the results of the election.

#### **Section 6. Certificate of Election.**

Upon authorization of certification of the election results by the canvass committee, the city clerk shall prepare two Certificates of Election for each office, proposition, or question considered. The certificates shall be signed by the mayor and attested by the clerk. One original of each Certificate of Election shall be given to the successful candidate or the sponsor of the successful candidate or propositions named thereon, and the other original of each certificate shall be kept by the city.

#### **Section 7. Retention of Election Records.**

The city clerk shall preserve all election certificates, tallies, and registers for four years after the election. All ballots and stubs may be destroyed after 30 days after the certification of the election unless an appeal of the election has been filed in the superior court, in which case the ballots and stubs may be destroyed 30 days after conclusion of the appeal unless stayed by an order of the court.

## CONTEST OF ELECTION

### Sections:

1. **Contest of Election; Contestant.**
2. **Contest of Election; Council.**
3. **Ballot Recount.**
4. **Prohibited Practices Alleged.**
5. **Sustained Charges; Recount.**
6. **Recount Expenses; Appeal.**

### Section 1. **Contest of Election; Contestant.**

- A. Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.
- B. Any qualified voter who believes that prohibited practices occurred at any election may contest the election by:
  - a. Filing a written affidavit with the city clerk specifying with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct.
  - b. This affidavit must be filed with the city clerk before or during the first canvass meeting \_\_\_\_ (enter day of the week like the second Wednesday) following the election. The city clerk shall acknowledge the date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given to the contestant.
  - c. The sample affidavit at the end of this Chapter shows the form this affidavit should take.

### Section 2. **Contest of Election; Council.**

The city council may:

- A. Order an investigation or a recount of the ballots;
- B. Declare the election invalid and order a new election;
- C. Declare the affidavit of the election contest without merit and certify the results of the election; or
- D. Declare the affidavit of the election contest without consequence and certify the results of the election.

### Section 3. **Ballot Recount.**

If only a recount of ballots is demanded, the election board shall recount the ballots.

### Section 4. **Prohibited Practices Alleged.**

When the contestant alleges prohibited practices, the council shall direct the city clerk to produce the original register books for election.

**Section 5. Sustained Charges; Recount.**

If the charges alleged by the contestant are upheld, the canvass committee shall make a recount. The Council shall then certify the correct election returns.

**Section 6. Recount Expenses; Appeal.**

- A. The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contestant is more than two percent.
- B. A person may appeal the decision of the council to the Superior Court, however no person may appeal or seek judicial review of a city election for any cause or reason unless the person is qualified to vote in the city, has exhausted his administrative remedies before the city council, and has commenced, within 10 days after the council has declared the election results, an action in the Superior Court. If no such action is commenced within the 10-day period, the election and election results shall be conclusive, final, and valid in all respects.

**Section 4. Effective Date.**

This act is effective on adoption.

Introduction 8-8-23 Public Hearing 9-12-23 Final Reading 9-12-23

PASSED and ADOPTED by the Council of the City of Hoonah on  
September 12, 2023.

SEAL:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

**VOTING:**

Shawn McConnell	Yea__	Nay__
Duane Jack Jr.	Yea__	Nay__
Brian Lackey	Yea__	Nay__
Amelia Wilson	Yea__	Nay__
Bill Miller	Yea__	Nay__
Stan Savland	Yea__	Nay__