

**ANCHORAGE, ALASKA
AR No. 2023-181**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
RECOGNIZING A NOTICE OF ELECTION CONTEST REGARDING THE APRIL
4, 2023, MUNICIPAL ELECTION AND EITHER ACCEPTING THE CONTEST
FOR FURTHER ACTION, OR DECLINING TO FURTHER HEAR THE CONTEST.**

WHEREAS, on May 4, 2023, a Notice of Election Contest (Notice) was submitted to the Municipal Clerk's Office by ten registered voters, see Attachment 1; and

WHEREAS, the Office of the Municipal Clerk has drafted a response to the Notice, see Attachment 2;

WHEREAS, pursuant to Anchorage Municipal Code section 28.100.010C. the Assembly "shall vote whether to hear the contest";

WHEREAS, if the Assembly votes to hear a contest, pursuant to AMC 28.100.010C., it "may appoint one or more persons to take evidence concerning the grounds for the contest and report to the assembly";

WHEREAS, AMC 28.100.010 provides that a candidate or ten qualified voters may contest the election of any person[,] or the approval or rejection of any question of proposition," upon one of three grounds:

- (1) Malconduct, fraud or corruption on the part of an election official sufficient to change the result of the election;
- (2) The person certified as elected is not qualified as required by law; or
- (3) Any corrupt practice as defined by law sufficient to change the result of the election;

WHEREAS, AMC 28.100.020 provides that a "Notice of contest of an election shall be submitted in writing to the municipal clerk within nine days after the certification of the election," and shall specify "the grounds of the contest":

WHEREAS, the written Notice of Election Contest was received by the Municipal Clerk's Office on May 4, nine days after the Assembly voted, on April 25, 2023, to certify the regular municipal election of April 4, 2023, so the Notice was timely received under AMC 28.100.020;

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. Upon review of the May 4, 2023 Notice of Election Contest, the Report

of the Anchorage Municipal Clerk regarding the May 4, 2023 Notice of Election Contest, and applicable law, the Assembly (*only check items that apply*):

☐ will hear the Contest. The Notice of the Election Contest was timely received and sets forth one or more of the following grounds:

☐ Malconduct, fraud or corruption on the part of an election official sufficient to change the result of the election;

☐ A person certified as elected is not qualified as required by law; or

☐ A corrupt practice, as defined by law, sufficient to change the result of the election.

The Chair of the Assembly is authorized to appoint one or more persons to take evidence concerning contest and report to the Assembly. The Assembly will hear the Contest at its meeting of June 6, 2023.

☐ declines to hear the Contest. The Assembly affirms and ratifies its April 25, 2023 certification of the April 4, 2023 election and adoption of AM 324-2023. The Assembly further finds and concludes as follows:

☐ The Notice does not include Grounds for Election Contest, as required by AMC 28.100.010 in that it does not allege: (a) election-official malconduct, fraud, or corruption sufficient to change the outcome of an election; (b) that person certified as elected is not qualified as required by law; or (c) any corrupt practice, as defined by law, sufficient to change the outcome of an election.

☐ The Assembly accepts the factual assertions and legal analysis set forth in the Clerk's Report:

☐ in total.

☐ with the following edits: _____

_____.

Section 2. This resolution shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

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Chair _____

ATTEST:

Municipal Clerk