

L Aid-on-the-Table

Submitted by: Assembly Chair Constant
Assembly Vice Chair Zaletel
Prepared by: Assembly Counsel's Office
For reading:

ANCHORAGE, ALASKA
AO No. 2023-125(S)

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE CHAPTER 8.30, OFFENSES AGAINST PUBLIC ORDER, TO**
3 **EXPAND THE SCOPE OF CRIMINAL ACTIVITY PUNISHABLE AS AN**
4 **ELECTION VIOLATION AND TO INSERT A NEW SECTION 8.30.190 CODIFYING**
5 **THE OFFENSE OF TAMPERING WITH A PUBLIC RECORD IN THE THIRD**
6 **DEGREE.**

7
8 **WHEREAS**, the Assembly and Municipal Ombudsman have recently investigated
9 the facts and circumstances surrounding use of an IT Department internal policy
10 statement in an election complaint filed by an election observer; and

11
12 **WHEREAS**, the available evidence indicates that the former IT Director initiated and
13 directed the revision and posting of an OIT USB policy statement and provided a
14 copy of that policy to the above referenced election observer in the space of one
15 morning on April 11, 2023; and

16
17 **WHEREAS**, the available evidence indicates that the only person, outside of the IT
18 Department, the former IT Director communicated the existence of this policy
19 statement to was the election observer by way of an email from his municipal email
20 account to the observer's personal email; and

21
22 **WHEREAS**, almost within an hour of having received the IT Director's email, the
23 election observer filed a renewed complaint to election officials, citing the OIT USB
24 policy statement; and

25
26 **WHEREAS**, on April 14, 2023 at 11:31am, the former IT Director sent another email
27 from his municipal email account to the observer's personal account with the text
28 "See this proposed code update being introduced at the next assembly." Followed
29 by what appears to be the entry for AO 2023-45 copied from Assembly's Agenda
30 for its special meeting on April 18, 2023; and

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32 **WHEREAS**, once again, shortly after receiving the IT Director's email, the election
33 observer filed a complaint form with election officials, alleging election misconduct
34 and citing exclusively the information provided to them in the email from the IT
35 Director; and

36
37 **WHEREAS**, all of the election observer's allegations were ultimately determined to
38 be baseless; and

39
40 **WHEREAS**, the Municipal Charter vests the responsibility for administration and
41 adjudication of elections in the Assembly as the legislative branch of the Municipal
42 Government; and

43

1 **WHEREAS**, the Assembly is bound by duty, not only to their office, but to the people
2 of the Municipality of Anchorage, to investigate any attempt to subvert the electoral
3 process and to propose legislative solutions to ensure the security of our elections;
4 and

5
6 **WHEREAS**, the Ombudsman’s report specifically recommended that the “Assembly
7 and Administration work together to develop and implement in Municipal Code
8 penalties for tampering or attempting to tamper with Municipal elections”; and

9
10 **WHEREAS**, beyond accepting the IT Director’s resignation, the Mayor has declined
11 to take any action regarding these allegations;

12
13 **NOW, THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS:**

14
15 **Section 1.** Anchorage Municipal Code section 8.30.180 is hereby amended to
16 read as follows (*the remainder of the section is not affected and therefore not set*
17 *out*):

18
19 **8.30.180 Election violations.**

20
21 A Unless another penalty is provided in Title 28 of this Code, a person
22 who knowingly violates any provision of Title 28 regarding the conduct
23 of municipal elections is guilty of a class A misdemeanor.

24
25 B. Voter violations. It shall be unlawful for a[A]ny person to[WHO]:

- 26
27 1. Knowingly vote[S] or attempt[S] to vote more than once in an
28 election;
- 29
30 2. Knowingly provide[S] false information on an application for
31 voter registration under any provision of this title;
- 32
33 3. Knowingly make[S] or attest[S] to a false declaration as to his
34 or her qualifications as a voter;
- 35
36 4. Knowingly cause[S] or permit[S] himself or herself to be
37 registered using the name of another person;
- 38
39 5. Knowingly cause[S] himself or herself to be registered under
40 two or more different names;
- 41
42 6. Knowingly cause[S] himself or herself to be registered in two or
43 more locations;
- 44
45 7. Offer[S] to pay another person to assist in registering voters,
46 where payment is based on a fixed amount of money per voter
47 registration;
- 48
49 8. Accept[S] payment for assisting in registering voters, where
50 payment is based on a fixed amount of money per voter
51 registration; or

9. Knowingly cause[S] any person to be registered or cause[S] any registration to be transferred or canceled except as authorized under Title 28, is guilty of a class A misdemeanor.

~~**C. Public employee violations. It shall be unlawful for any person employed by, or retained under contract with, the municipality to intentionally:**~~

~~**1. Use or authorize the use of municipal resources for political or partisan activity subject to exceptions provided under 1.15.110C;**~~

~~**2. Engage in political activity while at the workplace or in the performance of work duties beyond the extent allowed under 1.15.110E.**~~

~~**D. Violation of this section is a class A misdemeanor.]**~~

(AO No. 2017-29(S) , § 57, 6-1-17)

Section 2. Anchorage Municipal Code chapter 8.30 is hereby amended insert a new section *(requiring no legislative drafting)*:

8.30.190 Tampering with a public record in the third degree.

A. A person commits the crime of tampering with public records in the third degree if, with the intent to impair, mislead, or unduly influence a public official or decision-making body in performance of their duty, the person:

- 1. Destroys, mutilates, suppresses, conceals, removes, or otherwise impairs the verity, legibility, or availability of a public record;
- 2. Creates or disseminates a public record without proper authority;
- 3. Falsifies an existing or creates a fraudulent public record; or
- 4. Omits or otherwise prevents the making of an accurate public record in violation of a duty imposed by law or by the nature of their position.

B. Violation of this section is a class A misdemeanor.

Section 3. This ordinance 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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ATTEST:

Chair

Municipal Clerk



LAI-ON-THE-TABLE
MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
No. AM XXX-2023

Meeting Date: _____, 2023

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From: Assembly Chair Constant and Vice Chair Zaletel

Subject: AO 2023-125(S): AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.30, OFFENSES AGAINST PUBLIC ORDER, TO EXPAND THE SCOPE OF CRIMINAL ACTIVITY PUNISHABLE AS AN ELECTION VIOLATION AND TO INSERT A NEW SECTION 8.30.190 CODIFYING THE OFFENSE OF TAMPERING WITH A PUBLIC RECORD IN THE THIRD DEGREE.

This substitute (S) version removes the new subsections 8.30.180C & D proposed in the original ordinance leaving only grammatical edits to that Code section proposed by Section 1. It leaves the new section of code proposed in Section 2 of the original ordinance unchanged.

We respectfully request support for the (S) version of this ordinance.

Prepared by: Assembly Counsel's Office

Respectfully submitted: Christopher Constant, Assembly Chair
District 1, North Anchorage

Meg Zaletel, Assembly Vice Chair
District 4, Midtown