

Submitted by: ASSEMBLY MEMBERS GRAY- JACKSON
AND DRUMMOND

Reviewed by: Assembly Counsel

For reading: April 10, 2012

**ANCHORAGE, ALASKA
AR NO. 2012-106**

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

WHEREAS, Anchorage Municipal Code Title 28 and the Municipal Home Rule Charter address the municipal election process; and

WHEREAS, the Municipal Clerk's Office has verified that for the April 3, 2012 election, ballots were prepared for at least 70 percent of the registered voters within each precinct to present all candidates and propositions to the voters, as provided in code; and

WHEREAS, during the general election held by the Municipality of Anchorage on April 3, 2012, it is uncontested that in multiple precincts, not all voters who timely registered and reached the polls before closing time were allowed to vote; and

WHEREAS, running out of ballots and turning voters away for lack of ballots is unprecedented in Anchorage municipal elections; and

WHEREAS, the election commission is conducting its election ballot review to certify the vote count, and will file its report to the Assembly; and

WHEREAS, by Charter, the Assembly shall be the judge of the election;

NOW THEREFORE BE IT RESOVED by the Anchorage Assembly:

Section 1. In keeping with municipal, state, and federal law, the right to vote is fundamental and shall be given paramount importance. The issue for the Assembly is integrity of the election process.

Section 2. As authorized by Charter §4.06 and AMC 7.20.060K, the Assembly Chair, on behalf of the Assembly, shall procure impartial and independent Special Counsel to advise the Election Commission and the Assembly on the legal ramifications, risks, alternatives, and obligations facing the Assembly and the Election Commission as a result of ballot shortages and related issues in the election process for the April 3, 2012 election.

Section 3. In the selection of independent Special Counsel, criteria for consideration shall include: Expertise in federal and state law; experience in election law; impartiality; and immediate availability.

Section 4. Because AMC 7.20.060K provides that any selection must be approved by the Assembly prior to commencement of work, the Assembly shall review the 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