

KENAI PENINSULA BOROUGH

EMERGENCY ORDINANCE NO. 52

AN ORDINANCE ENTITLED: AN ORDINANCE RELATING TO THE REGULATION OF BOROUGH ELECTIONS AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. The assembly of the Kenai Peninsula Borough hereby finds that an emergency exists affecting the welfare of the people of the borough in that revisions are required in the election procedures of the borough to protect the voting rights of the people of the borough and there is unsufficient time before the election to effect such revisions by regular ordinance.

Section 2. Chapters 11.05, 11.10 and 11.15 of the Code of Ordinances of the Kenai Peninsula Borough are repealed and reenacted to read as follows:

TITLE 11

Chapter 05. GENERAL PROVISIONS.

Section 11.05.05. Effect of Alaska Statutes. All provisions of the Alaska Statutes regulating municipal elections as they now exist or hereafter may be amended are incorporated in this section by reference. Whenever a procedure is necessary to the administration of elections and no procedure is provided by this code, the officers of the borough administering the election may follow applicable procedures established by law for state elections.

Chapter 10. NOTICE OF ELECTION.

Section 11.10.05. Interpretation. Provisions of this code relating to notice of election are directory. No defect in the adoption, posting or content of the notice of election may be used to challenge the election after it has been held.

Section 11.10.010. Adoption. The assembly clerk, with the advice of the chairman and borough attorney, shall prepare a notice of election for assembly approval no later than sixty days prior to the date of election.

Section 11. 15. Posting and Publications. A copy of the notice of election bearing facsimile signatures of the petitioner and borough chairman shall be posted in two conspicuous places in each precinct of the borough not less than forty (40) days before the election, and shall be published at least twice in a newspaper or papers of general circulation in the borough. The first publication shall be not less than thirty (30) days before the date of election. The chairman, clerk, or other person posting or causing the notice to be posted and published shall execute a certificate stating that the posting and publication have been made and indicating the dates and location of the newspaper where the posting and publication took place.

Section 12. Form. The form of notice of election shall be approved by the assembly and shall contain the date of election; the number, terms and positions to be filled; propositions or questions to be submitted; clear identification of the precincts; hours of the polling places; hours during which the polls are to be open; method of nomination; qualifications to vote; qualifications for candidates; and any other information as approved by the assembly.

Chapter 1. QUALIFICATIONS OF CANDIDATE.

Section 13. Borough Chairman. The candidate for borough chairman must be a qualified voter of the borough. A petition signed by ten (10) qualified voters of the borough must be filed with the borough office, Soldotna, Alaska, between the thirtieth (30) day prior to the election and the thirtieth (30) day prior to the election. The petition must include the statement signed by the candidate stating: "I hereby accept the nomination and agree to serve if elected."

Section 14. Borough School Board. The qualifications for members of the borough school board are identical to the qualifications for the borough chairman.

Section 15. Borough Assemblyman. The qualifications for borough assemblymen are the same as the qualifications for the borough chairman or a borough

school board member except that the candidate must be a qualified voter of the borough residing outside of any first class city of the borough and the nominating petition must be endorsed by ten (10) qualified voters of the borough residing outside of any first class city of the borough. Borough assebmlymen form the first class cities are elected from the city councils of each first class city.

Section 11.15.020. Review of petitions. The nominating petition of any candidate shall be available for inspection for the public at the borough office. The assembly clerk shall review each petition for sufficiency. a person for whom a nominating petition has been submitted shall be notified within ten (10) days of the submission of the sufficiency of the petition or of rejection as insufficient in which case the reason for insufficiency shall be stated in the statement of rejection.

Section 3. Chapters 11.20 and 11.25 of the Code of Ordinances of the Kenai Peninsula Borough are renumbered as 11.35 and 11.40 and the Code of Ordinances of the Kenai Peninsula Borough are amended by adding new Chapters 11.20, 11.25 and 11.30 to read as follows:

Chapter 20. REGULATION OF ELECTION.

Section 11.20.005. Date of Election. For the year 1967 the election shall be held on October 3, In 1968, and each year thereafter, the election shall be held on the Tuesday after the first Monday in November of each year. Persons holding elected office on the first Tuesday of October, 1968, shall continue to hold office until their successors are elected and qualified.

Section 11.20.010. Opening and Closing of Polls. The polls sill be open from 8:00 o'clock in the morning until 8:00 o'clock in the evening on the day of election.

Chapter 25. VOTER QUALIFICATIONS.

Section 11.25.005. (a) A person is qualified to vote who is a citizen of the United States, is at least nineteen years of age, has been a resident of the State of Alaska for at least one year immediately preceding the election, has been a resident of the Kenai Peninsula Borough for at least thirty (30) days immediately preceding the election and is able to speak or read the English language, unless prevented by physical disability, or who voted in the general election of November 4, 1924.

A qualified voter must vote in the precinct of which he is a resident for at least thirty (30) days. If he is a qualified voter but has not been a resident of his precinct for at least 30 days, he may vote in the precinct of the borough of which he was last a resident for at least 30 days.

(b) Only qualified voters whose names appear on the last tax assessment roll or record of the borough for purposes of borough taxation on real property may vote on a question of incurring bonded indebtedness. If the debt to be incurred is to be limited to the area outside cities only, the vote shall be limited to the qualified voters whose names appear on the last tax assessment roll or record of the borough for purposes of borough taxation on real property located in the area outside cities. Provisions of this section limiting the franchise in the case of voting on the question of incurring debt to those whose names appear on the tax rolls are effective only so long as required by state law.

Chapter 30. ABSENTEE VOTING.

Section 11.30.005. Qualifications. A qualified voter may vote absentee (1) if he believes he will be unavoidably absent from the borough or his precinct of residence on election day or (2) if he will be unable to be present at the polls because of physical disability or (3) if he believes he will be unable to be present at the polls because of physical inaccessibility of the polls causing undue travel expense, hardship or hazard to the voter.

Section 11.30.010. Method of Voting. A qualified voter may apply for an absentee ballot in person, by personal representative presenting a request signed by the voter, or by mail to the assembly clerk at the borough office or to any magistrate in the borough. For his request, whether made in person or in writing, an applicant must state he is a qualified voter of the borough, give the physical location of his residence and his mailing address, and the reason he qualifies for an absentee ballot. Requests for absentee ballots will be received until 5:00 p.m. on the day prior to the election.

Section 11.30.015. Casting of absentee ballots. Absentee ballots voted in accordance with instructions issued to absentee ballot applicants will be received by any magistrate in the borough by hand delivery until 5:00 p.m.

on the day of the election and will be received by mail until 5:00 p.m. on the third day following the election, provided that the absentee ballot outer envelope is postmarked not later than the day of the election.

Section 4. Renumbered section 11.35.05 of the Code of Ordinances of the Kenai Peninsula Borough is amended to read:

Section 11.35.05. Precincts are as specified in the notice of election. The borough chairman is authorized to approve rent for polling places as may be necessary in amounts not exceeding the amounts paid by the state for the same polling places in the last preceding state election.

Section 5. Renumbered Sections 11.40.020, 11.40.040, 11.40.045, and 11.40.055 are amended by striking the reference to particular cities and substituting the words "first class cities of the borough".

Section 6. Title 11 of the Code of Ordinances of the Kenai Peninsula Borough is amended by adding a new section to be numbered 11.45.005 which section shall read as follows:

Chapter 45. OFFENSES.

Section 11.45.005. Sale of intoxicating beverages. During the hours the polls are open for voting, it is unlawful to give, barter, sell or in any licensed premises to dispose of any intoxicating beverage, pursuant to the regulations of the state election code.

Section 7. Effective Date. This ordinance is effective immediately upon enactment.

PASSED AND APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1 DAY OF August, 1967.



Earl Simonds, Assembly President

ATTEST:



Assembly Clerk

