

KENAI PENINSULA BOROUGH

ORDINANCE 71-18

AN ORDINANCE ENTITLED: AN ORDINANCE RELATING TO ELECTIONS

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

Section 1. Sec. 11.10.010 is amended to read:

Sec. 11.10.010. Qualifications of Voters. A person
may vote in an election who:

- (1) is a citizen of the United States;
- (2) is at least 18 years of age;
- (3) has been a resident of Alaska for one
year and of the borough for 30 days
immediately prior to the election;
- (4) can read or speak English unless pre-
vented by physical disability;
- (5) has not been judicially determined to
be of unsound mind unless the disability
has been removed.
- (6) has not been convicted of a felony
involving moral turpitude unless his
civil rights have been restored;
- (7) is registered with the State of Alaska
as a voter in the precinct in which he
resides. No registration will be made
for a period of 14 days prior to an
election.

Section 2. Sec. 11.10.015 is repealed.

Section 3. Sec. 11.10.020 is amended to read:

Sec. 11.10.020. Service Area Elections. To be
qualified to vote in a service area election, a
voter must be qualified according to Sec. 010 and
also must have resided within the service area or
area to be included within the service area for
30 days immediately prior to the election.

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Section 4. Sec. 11.25.015 (a) is amended to read:

Sec. 11.25.015. Ballots - Forms

(a) The names of all offices and candidates to be voted upon shall be printed on one ballot. The title of each office to be filled shall be followed by the printed names of the candidates for such office, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for Not More Than ___" with the appropriate number replacing the blank shall be placed before the list of candidates for each office. The names of candidates shall be printed as they appear upon the petitions filed with the clerk except that any honorary or assumed title of prefix shall be omitted. Names of candidates shall be rotated as provided in AS 15.15.030 for state elections.

Section 5. Sec. 11.25.030 (d) is amended to read as follows:

Sec. 11.25.030. Procedures

(d) The election clerk shall keep the state registration list and shall note beside the name of each person voting his number from the registration book.

Section 6. Sec. 11.25.035 is repealed and reenacted to read:

Sec. 11.25.035. Defective and Unused Ballots

(a) The numbers of all ballots not issued shall be recorded and then all such ballots shall be disposed of as instructed by the clerk BEFORE the ballot box is opened. The numbers of ballots damaged by voters and replaced by election officials shall also be recorded. The record of ballots not issued and ballots damaged and replaced shall be delivered to the clerk with the other election materials.

(b) Ballots not counted or parts of ballots not counted pursuant to the rules set forth in Sec. 11.35.025 shall be marked "Defective" or "Objected To" on the back thereof. An explanation of the defect or rejection shall be written on the back of the ballot and signed by the judges. All such ballots shall be enclosed in an envelope marked on the outside with a description of its contents. All such ballots shall be retained, however, with the counted ballots.

Section 7. Sec. 11.25.055 is amended by adding new sub-sections to read:

Sec. 11.25.055. Canvassing Board

(c) If the canvassing board reports a failure to comply with provisions of borough ordinance that illegal election practices occurred, the report shall be considered and determined as if a notice of election contest had been filed.

(d) If there is a tie vote for any office, the assembly may order a recount of the votes cast for said office. Such recount shall be conducted immediately by the canvassing board. This recount shall be at assembly expense.

(e) In the event a tie vote for candidates exists after recount, the tie shall be determined by lot or chance at the next regular assembly meeting following the certification of the results of the recount. The winning candidate shall be immediately issued a Certificate of Election.

(f) Upon certification of a valid election, the assembly shall direct the clerk to deliver to each person elected to office a Certificate of Election signed by the clerk and the borough chairman and authenticated by the seal of the borough.

Section 8. Sec. 11.25.060 (6) is amended to read:

Sec. 11.25.060. Contest of Election

(c) Upon receiving a notice of contest, the assembly shall order an investigation by the borough chairman,

to be made with the assistance of the clerk and the borough attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings. After considering the reports of the investigating officials and any other proof, the assembly shall determine whether any illegally cast votes could have affected the election results, if they could not have, the assembly may so declare and determine the election valid. If the contest involves other prohibited election practices which are shown to have taken place, the assembly in canvassing the election returns shall exclude the vote of the precincts where such practices occurred. If it is determined that such exclusion could not affect the election results, the assembly shall declare the election valid. If it is determined that such exclusion would affect the election results, the assembly shall declare the election invalid as to the affected positions or propositions and shall call a new election for those positions or propositions.

Section 9. Chapter 35 is amended by adding a new section to read:

Sec. 11.35.025. Rules for Determining Mark on Ballots

The election board shall canvass and count the votes according to the following rules:

- (1) A voter may mark his ballot only by the use of cross marks, "X" marks, checks or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
- (2) A failure to properly mark a ballot as to one or more candidates 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.

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(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 shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.

(6) Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly made.

(7) An erasure or correction invalidates only that section of the ballot in which it appears.

(8) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence that the ballot was so marked for the purpose of identifying the ballot.

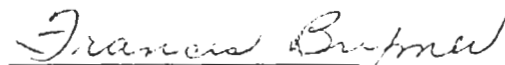
(9) Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name.

Section 10. This ordinance takes effect thirty days after enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
3 DAY OF August, 1971.


Assembly President

ATTEST:


Borough Clerk

