

Introduced by: Mayor  
Date: July 18, 1989  
Hearing: Aug. 15, 1989  
Action: Failed INtroduction  
Vote: 8-YES  
4- NO

KENAI PENINSULA BOROUGH

ORDINANCE 89-33

AMENDING THE KENAI PENINSULA BOROUGH ELECTION CODE TO AUTHORIZE MAIL-IN BALLOTS FOR SPECIAL ELECTIONS

WHEREAS, special municipal elections are expensive, and traditionally have low voter turnouts; and

WHEREAS, Alaska statutes permit the State of Alaska to hold special elections by mail; and

WHEREAS, other Alaskan municipalities hold special elections by mail-in ballot to reduce election costs and increase voter participation in special elections; and

WHEREAS, it is desirable to reduce special election costs, and increase voter participation in special elections;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the KPB Code of Ordinances is amended by adding a new chapter, entitled "Mail-in Ballots For Special Elections", which shall read as follows:

CHAPTER 4.28

MAIL-IN BALLOTS FOR SPECIAL ELECTIONS

Sections:

- 4.28.010 Authorization.
- 4.28.020 Resolution.
- 4.28.030 Eligibility--Absentee voting--Voting in person.
- 4.28.040 Mail-in ballots.
- 4.28.050 Casing mail-in ballots.
- 4.28.060 Disposition of mail-in ballots.
- 4.28.070 Polling place.
- 8.28.080 Applicability of borough election code sections.

4.28.010 Authorization. The assembly may authorize, by resolution, a mail-in ballot for a special election.

4.28.020 Resolution. Any resolution calling a special election to be conducted under the authority of this chapter shall include the following items:

A. The date of the special election;

B. The date upon which the clerk shall publish the notice of election;

C. The last date upon which the clerk will mail ballot packages to registered voters residing within the affected area in which the vote shall be taken:

D. The date upon which all mail-in ballots must be received by the municipal clerk in order to qualify for inclusion in the election tabulation.

4.28.030 Eligibility--Absentee voting--Voting in person. Any qualified voter residing within the affected area in which the vote shall be taken may vote by mail-in ballot in a special election conducted by mail-in ballot. Such qualified voters may also vote by absentee ballot pursuant to KPB 4.24 in such special elections, or may vote in person on the day of such special election at the borough clerk's office during regular borough business hours.

4.28.040 Mail-in ballots. Mail-in ballots, envelopes and ballot materials shall be prepared in accordance with the borough code of election procedures for preparation of absentee ballots, at KPB 4.24.015.

4.28.050 Casting mail-in ballots. Mail-in ballots shall be cast according to borough code of election provisions governing casting absentee ballots by mail, at KPB 4.24.030.

4.28.060 Disposition of mail-in ballots. Upon receipt of the mailed-in ballot, the clerk shall stamp on the envelope the date on which the ballot is received. When more than one ballot is received from the same voter, the first to be received by the clerk is the valid ballot, and any ballots received later shall be marked invalid by the clerk.

4.28.070 Polling place. For purposes of this chapter, the polling place for special elections by mail-in ballot is the borough clerk's office.

4.28.080 Applicability of borough election code sections. The provisions of KPB 4.14.010 and 4.14.030 do not apply to elections conducted under the authority of this chapter. This chapter governs procedures for special elections by mail-in ballot when in conflict with other sections of the borough election code. Otherwise, the provisions of the borough election code apply to special elections by mail-in ballot.

Section 2. That KPB 4.10.040(D) is amended to read as follows:

D. Candidates for elective borough office and declared write-in candidates shall file a conflict of interest statement with the borough clerk as required by [IN ACCORDANCE WITH THE PROVISIONS OF] AS 39.50 at the time of filing a declaration of candidacy. Each candidate also shall file the name and address of the campaign treasurer with the Alaska Public Offices Commission no later than 7 days after the date of filing for office. The name of the candidate shall be placed on the ballot by the borough clerk only after the candidate has complied with these requirements.

Section 3. That KPB 4.18.040(C) is hereby amended to read as follows:

C. Upon receiving the application in substantially the required form, the clerk shall appoint a recount board of 3 or more qualified voters to conduct the recount of ballots of those precincts cited in the application for recount. The recount shall take place within 3 days following receipt of the application. The rules governing the counting of hand-marked ballots as set forth in KPB 4.14.040 [AS 15.15.360] shall be followed. Those requesting the recount, those whose elections are recounted and the public shall be allowed to attend the recount proceeding.

Section 4. That KPB 4.18.040(E) is hereby amended to read as follows:

E. The applicant or applicants requesting a recount shall pay all costs and expenses incurred in a recount of an election demanded by the applicant or applicants if the recount fails to reverse any result of the election or if the difference between the winning and losing recount votes [ON THE RESULT REQUESTED FOR RECOUNT] is more than 2% of the total recount votes.

Section 5. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1989.

ATTEST:

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Jonathan W. Sewall, Assembly President

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Borough Clerk