

Introduced by: Mark Hodgins
Date: July 23, 1991
Hearing: August 20, 1991
Postponed: August 20, 1991
Vote: 9 Yes 6 No
Action: Enacted as Amended
Vetoed by Mayor 9/10/91

KENAI PENINSULA BOROUGH
ORDINANCE NO. 91-37

**AN ORDINANCE AMENDING THE BOROUGH ELECTION CODE
BY AUTHORIZING ABSENTEE VOTING BY TELEFAX**

WHEREAS, voters wishing to vote absentee by mail must apply to the Borough Clerk's Office in writing no later than 7 days prior to the election; and

WHEREAS, calls often come into the Clerk's Office during the week preceding the election concerning voting absentee by mail; and

WHEREAS, the Clerk has had to deny the request as there has not been enough time for a written request to be received and the ballot sent, voted and returned to the Clerk's Office; and

WHEREAS, modern technology now enables voters to request an absentee ballot, receive the ballot and return the voted ballot to the Clerk's Office by way of telefax;

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

Section 1. The KPB Code of Ordinances is amended by adding new section 4.24.032 as follows:

4.24.032 Absentee voting by telefax. A. A qualified voter who applies for an absentee ballot may request by telefax a telefax ballot. Upon receiving a request for a telefax ballot, the clerk shall provide such a ballot to the voter in the manner provided in Section 4.24.030 for absentee ballots by mail.

B. A telefax ballot shall contain a copy of the ballot to be used at the election in a form suitable for transmission by telefax. A photocopy of the computerized ballot card to be used by persons voting in person at the polling places is acceptable. In addition the telefax ballot shall contain:

1. provisions for certifying and attesting the ballot in the same manner as provided under Section 4.24.030 for voting an absentee ballot by mail; and

2. the telefax number to which the ballot must be returned; and
3. a certification that the voter waives his or her right to have his or her ballot kept private and anonymous.

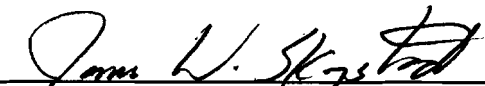
C. The voter shall mark the telefax ballot and execute the required certifications and attestations, including the waiver of the voter's right to secrecy, in the manner provided in Section 4.24.030. The voter shall transmit the executed ballot to the clerk at the telefax number indicated on the ballot. The ballot must be received by the clerk not later than the date and time at which polling places close for that election.

D. If a telefax transmission is incomplete, the telefax ballot shall nonetheless be counted if the following conditions are met: the telefax transmission must be sufficiently complete that the election officials can determine (1) that the person casting the ballot is a voter qualified to vote by absentee ballot, and (2) which candidates and/or propositions the voter cast the ballot for. If some of the votes cast by the voter are legible and some are not, the legible votes shall be counted. Otherwise the ballot shall not be counted.

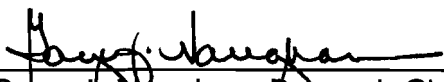
E. A telefax ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular absentee voter cast his or her ballot. However, it shall be unlawful to display a telefax ballot in manner revealing the way in which a particular voter cast his or her ballot, to any person other than the borough clerk, a member of the clerk's staff, an election official in the course of his or her duties, or an attorney advising the Clerk on legal questions concerning the ballot.

Section 2. This ordinance shall be effective sixty days after receipt of approval from the U. S. Department of Justice.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 3rd DAY OF September, 1991.


James W. Skogstad, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk