

Introduced by: Hodgins
Date: 01/21/92
Hearing: 02/18/92
Vote: 12 Yes, 1 No
Action: Enacted

**KENAI PENINSULA BOROUGH
ORDINANCE 92-05**

**AN ORDINANCE AMENDING KP.B 4.28, PROCEDURES
FOR CONDUCTING ELECTIONS BY MAIL**

WHEREAS, Alaska Statutes permit special elections by mail-in ballot; and

WHEREAS, other Alaska municipalities hold special elections by mail-in ballot to reduce special election costs and increase voter participation; 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. Chapter 4.28 of the Code of Ordinances is repealed and reenacted as follows:

Sections:

- 4.28.010 Voting by mail — Ballots — Ballots review — Ballot envelopes.**
- 4.28.020 Casting ballots.**
- 4.28.030 Notice of election — Election date — Public notice.**
- 4.28.040 Absentee voting officials — Duties.**
- 4.28.050 Notification to voters.**
- 4.28.060 Storing ballots.**

4.28.010 Voting by mail — Ballots — Ballot review — Ballot envelopes. A. The clerk may conduct a special election by mail.

B. When the clerk conducts a special election by mail, the clerk shall send a ballot to each person whose name appears on the official voter registration list prepared under AS §15.07.125 for that election. The ballot shall be sent to the address stated on the official registration list unless the voter has notified the clerk in writing of a different address to which the ballot should be sent. The clerk shall send ballots by first class, nonforwardable mail on or before the 22nd day before the election.

C. The clerk shall review ballots voted under this section under procedures established for the review of absentee ballots.

D. There shall be a small blank envelope and a return envelope supplied to each by-mail voter. The return envelope shall have printed upon it an affidavit by which the voter shall declare his qualification to vote, followed by provision for attestation by two attesting witnesses, who are at least eighteen years of age. Specific instructions for voting a by-mail ballot and a list of the appointed absentee voting officials, their hours and locations, will be mailed to each voter with the ballot.

4.28.020 Casting ballots. A. Upon receipt of a mail-in ballot, the voter shall cast his ballot in the manner specified in KPB §4.24.030. If the ballot is cast in the Clerk's Office, the clerk shall retain it for delivery to the canvas board. If the ballot is cast in another location, the voter shall return it by-mail to the clerk immediately for delivery to the canvas board.

B. A voter who does not receive a mail-in ballot may cast his ballot in person as specified in KPB §4.28.030.

C. A voter may return the mail-in ballot to an absentee voting official as provided in KPB §4.28.030.

4.28.030 Notice of election — Election date — Public notice. The notice of election calling for the election must state that the election is to be conducted by mail and that there will no polling place open for regular in-person voting on election day. In a by-mail election, election day is the deadline by which a voter's ballot must be voted, witnessed, mailed, and, if postmarked, date stamped by the post office.

B. For each election conducted by mail, the public notice posted in each precinct and the notice published in newspapers of general circulation in the area of the election jurisdiction will include the information specified in KPB §4.28.040.

4.28.040 Absentee voting officials — Duties. A. The borough clerk may, with the approval of the city clerks in the borough, appoint city clerks to act as absentee voting officials. The clerk shall supply adequate voting supplies and ballot to the city clerks serving as absentee voting officials. The clerk shall provide moderate compensation to the city clerks to cover added expenses of the administration of this service, which shall be agreed to by the city clerks.

B. The duties of the absentee voting officials shall be as follows:

1. provide absentee voting in person on any date including the day of the election following the procedures in KPB §4.28.030 and absentee voting through a personal representative on any date including the day of the election following the procedures in KPB §4.28.040 and have until the day of the election to return the ballots;

2. sign a voter's by-mail oath and affidavit envelope as an authorized attesting official, except that the city clerk may not attest his or her own ballot;

3. accept receipt of a by-mail voter's hand-delivered voted ballot, which has been sworn to, attested and sealed in the by-mail return envelope; and

4. provide general voter assistance, including but not limited to, assistance to a qualified voter who cannot read, mark the ballot, or sign his name, and providing replacement ballots to voters who have improperly marked or damaged their ballots.

5. Date-stamp all ballots received.

6. Provide for the security and safekeeping of all ballots received and present those ballots to the clerk for canvassing.

4.28.050 Notification to voters. In addition to the public notice required by KPB §4.28.020, the clerk shall send to each voter whose name appears on the official voter registration list advance notice of the election at the mailing address stated in the voter's current registration record. The notice will be sent before ballots are mailed, and will include:

1. the date of the election;
2. disclosure that the election will be conducted by mail and that no polling place will be available for regular in-person voting on election day;
3. designation of the offices to which candidates are to be nominated or elected, and a statement of the subject of the propositions and questions that are to appear on the ballot;
4. designation of the date on which ballots are expected to be mailed to the voters;
5. designation of the dates upon which a voter who may not have received a ballot can present himself to an absentee voting official and vote in person as specified in KPB § 4.28.030;
6. a listing of appointed absentee voting officials and their hours and locations, and the services they can provide;
7. a statement of when the ballots may be voted, and the date upon which the ballot must be postmarked and received by the clerk or received by an absentee voting official in order to qualify for inclusion in the election tabulation; and
8. brief general instructions on how the ballots must be voted and how the oath and affidavit envelope must be completed.

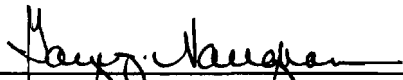
4.28.060 Storing ballots. The clerk shall provide for the secure storage of the mail-in ballots received from the voters and by-mail officials, until the date set by the clerk for the counting of the ballots.

Section 2. This ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS
18th DAY OF February, 1992.


Betty J. Glick, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk