

Introduced by: Glick, Brown
Date: 02/15/94
Hearing: 03/15/94
Postponed to: 04/05/94
Postponed to: 04/19/94
Postponed to: 05/03/94
Action: Enacted as Amended
Vote: Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 94-08**

AN ORDINANCE AMENDING TITLE 4, ELECTIONS

WHEREAS, the Assembly desires to make changes to the Election Code of the Kenai Peninsula Borough;

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

SECTION 1. That Title 4 of the Kenai Peninsula Borough Code of Ordinances is repealed in its entirety and a new Title 4 is enacted as follows:

**Title 4
ELECTIONS**

Chapter 4.10. GENERAL PROVISIONS.

4.10.010. Scope of title.

This title governs all borough elections.

4.10.020. Definitions.

In this title, unless the context otherwise requires:

- A. "Borough election" means any election:
 - 1. to fill a borough office;
 - 2. upon a proposition submitted to the voters under the ordinances of the borough; or
 - 3. that the borough is required by law to administer.
- B. "Borough office" means an elective office under the ordinances of the borough.
- C. "Clerk" means the clerk of the borough, any properly authorized assistant or designee.
- D. "Day" means a calendar day including Saturday, Sunday and holidays.
- E. "Election" includes a regular, special or run-off borough election.
- F. "Election official" means the borough clerk and members of all election boards.
- H. "Election supervisor" means the borough clerk.
- I. "Oath" includes affirmation on penalty of perjury.
- J. "Precinct" means the territory within which resident voters may cast votes at one

polling place.

K. "Proposition" includes question.

L. "Publication" means a newspaper of general circulation or posting in public places.

M. "Qualified voter" means any person who has the qualifications required by this chapter and is not disqualified under Article V of the Alaska State Constitution.

N. "Questioned voter" means a voter whose name does not appear on the register in the precinct where he attempts to vote, a voter who has received an absentee ballot and does not turn it in when voting at his precinct on election day, a voter who does not bear identification or is not personally known to an election official though his name appears on the precinct register, or a voter who is questioned for good cause at the polls in writing.

O. "Regular election" means a general election to fill borough offices as required by Alaska Statutes.

P. "Registration: or "registered" refers to the form of registration required by the state election code. For borough elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 days prior to the borough election.

Q. "Signature" includes any mark intended as a signature or subscription.

R. "Special election" means any election held at a time other than when a regular election is held.

S. "Swear" includes "Affirm".

T. "Total votes cast" means the total number of votes cast in each seat for candidates whose names are printed on the ballot plus votes properly cast for the same seat in the write-in position(s) of the ballot. Ballots which are counted as blank votes in a particular race and ballots which are counted as over votes in a particular race shall not be added into the total votes in determining the percentage of votes cast.

U. "Voter" means any person who presents himself for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

4.10.030. Severability.

Should any provision of this election code, or its application to any person or set of circumstances, be held invalid, the remainder of its provisions, or of its application to any persons or circumstances, shall not be affected.

4.10.040. Administration of election.

A. The assembly shall prescribe the general rules for the conduct of borough elections.

B. The borough clerk, in accordance with the provisions of this title, shall administer all borough elections.

4.10.050. Election times.

A. Time of Regular Elections. Annually, on the first Tuesday of October, a regular election shall be held in the borough for the election of vacant borough offices, and for the determination of other matters as may be placed on the ballot.

B. Time of Special Elections. The assembly, by motion, resolution, or adoption of an ordinance, may call a special election at any time at least 75 days prior to the date of the

election. Unless the assembly has set a date for a required special election, the election supervisor shall call a special election when required by law or ordinance to place an initiative, referendum, recall or other question before the voters.

C. Time of Run-off Election. When a run-off election is required by law, the election shall be held on the third Tuesday following the regular election or within 2 weeks after certification of the results of the regular election. The run-off election shall not be considered a special election within the meaning of AS 29.71.800(21).

4.10.060. Notice of elections.

A. The election supervisor shall publish a notice of each election at least twice in one or more newspapers of general circulation in the borough. The election supervisor shall also post such a notice in two conspicuous places in each precinct. The first such publication, and the posting in each precinct, shall be accomplished at least 20 days prior to a regular election or at least 20 days before a special election.

B. Each notice of election shall include:

1. The type of election, whether regular, special or runoff;
2. The date of the election;
3. The hours the polls will be open;
4. The offices to which candidates are to be elected;
5. The subjects of propositions to be voted upon;
6. Voter qualifications and instructions for registration;
7. Instructions for application for absentee voting;
8. Precinct polling places.

C. For run-off elections, the notice of the locations of the precinct polling places may be included or separate from the notice of the election and publication shall be made at least once, no later than 5 days prior to the run-off election. The notice of election shall be posted at 2 places within each precinct.

D. Notice of bonded indebtedness.

1. Before a general obligation bond issue election, the borough clerk shall publish notice of the borough's total existing bonded indebtedness at least once a week for three weeks.

2. The notice of the borough's total existing bonded indebtedness shall state:
a. the current total general obligation bonded indebtedness, including authorized but unsold bonds, of the borough;
b. the cost of the debt service on the current indebtedness; and
c. the total assessed valuation within the borough.

4.10.070. Votes required for election to office.

A. Election to the office of borough mayor is by a majority of the votes cast. If no candidate for the office of borough mayor receives a majority of the votes cast for that office, a runoff election will be held between the 2 candidates receiving the highest number of votes.

B. The candidate for an assembly or school board seat receiving the greatest number of votes in excess of 40% of the votes cast for that office or seat is elected. If no candidate for the office of assembly member or school board member receives in excess of 40% of the votes cast for his respective office, a runoff election shall be held between the 2 candidates receiving

the highest number of votes.

C. The candidate for an elected service area board seat receiving the greatest number of votes cast for that seat is elected.

4.10.080. Nonpartisan requirement.

All borough elections shall be nonpartisan.

4.10.090. Sale of intoxicating beverages permitted.

The sale of intoxicating beverages is not unlawful during elections held within the borough and the provisions of AS 04.16.070(b) shall not apply except within the boundaries of the city of Seldovia. Within the boundaries of the city of Seldovia, the sale of intoxicating beverages shall be prohibited on election day until after the polls have closed.

4.10.100. Prohibition on use of public moneys to promote passage of ballot propositions.

A. The use of public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees in kind, to promote the passage of ballot propositions including public expenditures, appropriations or bond issues is prohibited.

B. The term "promote" is defined as an attempt to influence, whether affirmatively or negatively, the vote of the people upon ballot propositions or bond issues. The term "promote" does not encompass the following and similar activities:

1. the publication, circulation or mailing of informational items or legal notices pertaining to proposed bond issues or ballot propositions, so long as any such literature distributed to the public, or to news media, fairly and fully presents information needed by the public to make an informed vote upon any ballot propositions, or bond issue;

2. the participation by borough general government or school district personnel in public discussions, or interviews with news media, relating to proposed ballot propositions or bond issues.

C. Borough-owned schools, buildings and other facilities may be utilized for public meetings, discussions, and other assemblies by private groups supporting or opposing any ballot proposition or bond issue. General government and school district employees may arrange for public meetings and assemblies where the advantages and disadvantages of a proposed ballot proposition or bond issue are fairly presented by opponents and proponents of the item.

D. No posters, fliers or other printed material advocating or opposing a ballot proposition or bond issue may be displayed in any borough owned or controlled building or facility except in a single area of general public access designated by the building supervisor. Both proponents and opponents of the ballot item shall be accorded equal access to the space.

E. The constitutional rights of public employees to express their personal views on proposed bond issues and ballot propositions during public meetings or in interviews with news media shall not be abridged by this title. However, any employee expressing his or her personal views shall clearly state that the statements reflect personal or professional beliefs only and do not represent the position of the borough or the school district.

4.10.110. Informational brochures for ballot propositions.

Fifteen days prior to each regular or special election the borough clerk shall prepare and mail to every borough boxholder a brochure containing information approved by the assembly of a

strictly factual nature pertaining to each proposition on the ballot. Sample ballots will also be included in the brochure.

4.10.120. Election supplies and equipment.

A. Before the opening of the polls the clerk shall furnish to the election board of each precinct the state voter registration list for that precinct and shall equip and supply each polling place with sufficient materials for that precinct's election, including those materials required by this section.

B. The clerk shall prepare instructions explaining to voters how to obtain ballots, how to mark them, and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type and shall be distributed to the election boards to be prominently displayed in each polling place. The clerk shall provide booths at each polling place with appropriate supplies and conveniences to enable each voter to mark his ballot screened from observation. Ballot boxes shall be placed outside the voting booths in plain view of the election officials, voters and other persons at the polling place.

4.10.130. Election expenses.

A. The borough shall pay all necessary expenses relating to the conduct of each borough election, including those of securing polling places, and shall provide ballot boxes, ballots, voting booths or screens, national flags, and other supplies and any wages to election officials unless otherwise provided by this code.

B. The borough shall pay each election board member and canvass board member an hourly rate for time spent at his election duties, including the receiving of instructions and posting of notices. The election supervisor shall set the hourly compensation to be paid for time spent by election officials at a rate comparable to that paid by the state for state elections. The clerk shall retain a record for auditing and payment of election expenses, including the cost of giving notice, renting polling places, paying election officials, securing ballot boxes, booths and other election necessities.

4.10.140. Preservation of election ballots, papers and materials.

The clerk shall preserve all precinct election certificates, tallies, and registers, receipts for ballots, all voted ballots and declarations of candidacy filed for one year after the election. These materials may be destroyed after their retention period has lapsed unless their destruction is stayed by an order of the court. Certificates of the canvass board are to be preserved as permanent records.

Chapter 4.20. VOTER QUALIFICATIONS.

4.20.010. Voter qualifications.

- A. A person is qualified to vote in borough-wide elections who:
1. is a citizen of the United States;
 2. has passed his 18th birthday or is such other age as prescribed by law for voting in state elections;
 3. has been a resident of the borough and the precinct in which he votes as provided by the state election code;

4. is registered to vote as required by the state election code in state elections at least 30 days before any election;

5. is registered to vote in state elections at a residence address within the borough at least 30 days before the borough election at which the person seeks to vote.

B. A person is qualified to vote in assembly elections if he meets the requirements of Section 4.20.010(A) and has been a resident of the assembly district in which he seeks to vote for at least 30 days immediately preceding the election.

C. A person is qualified to vote in a service area election if he meets the requirements of Section 4.10.010 and has in addition been a resident of the service area in which he seeks to vote for at least 30 days immediately preceding the election.

4.20.020. Rules for determining residence of voter.

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

A. The residence of a person is that place in which habitation is fixed, and to which, whenever he is absent, he has intention to return. If a person resides in one place but does business in another, the former is the person's place of residence. Temporary camps do not constitute a dwelling place.

B. A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.

C. A person does not gain or lose his residence solely by reason of his presence while employed in the service of the United States or of this state, or while a student of an institution or asylum at public expense, or while confined in a public prison or while residing upon an Indian or military reservation, or while residing at the Alaska Pioneers Home.

D. No member of the armed forces of the United States, his spouse or his dependent is a resident of this state solely by reason of being stationed in the state.

E. A person does not lose his residence if he leaves his home and goes to another country, state, or place within this state for temporary purposes only and with the intention of returning.

F. A person does not gain a residence in a place to which he comes without a present intent to establish a permanent dwelling there.

G. A person loses his residence in this state if he votes in an election held in another state, and has not upon his return regained his residence in this state under the provisions of this chapter and state law.

H. The term of residence is computed by including the day on which the person's residence commences and by excluding the day of the election.

4.20.030. Registration.

A. No person may vote in an election unless he is a qualified voter under the Alaska State Constitution and laws of Alaska and has prescribed by this chapter and has registered as required by the state election code and KPB 4.20.010.

B. The precinct election officials at any election shall allow a person to vote whose name is on the official registration list for that precinct and who is qualified under this chapter and AS 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot.

4.20.040. Voter disqualification for felony conviction.

A person whose qualifications to vote have been questioned on the basis of a felony conviction must vote a questioned ballot. A person's vote shall not count where the voter has been convicted either by state courts of Alaska, by the courts of another state or by the federal courts of a felony involving a moral turpitude under Alaska law unless his civil rights have been restored by law or by proper authority in the jurisdiction in which the person was convicted. Felonies involving moral turpitude include, but are not limited to, the crimes of murder, rape, robbery, kidnapping, burglary, incest, and other crimes, which are punishable by imprisonment in the penitentiary under Alaska law and which involve conduct contrary to justice, honesty, modesty, or good morals.

4.20.050. Bonded indebtedness.

A. Only qualified voters may vote on a question of incurring bonded indebtedness by the borough. If the debt to be incurred is to be an areawide debt, the vote shall be areawide. If the debt to be incurred is to be limited to the area outside cities or a service area only, the vote shall be limited to the qualified voters who reside in the affected area.

B. Notice of bonded indebtedness shall be given consistent with the provisions of KPB 4.10.060(D) and AS 29.47.190.

Chapter 4.30. CANDIDATE QUALIFICATIONS.

4.30.010. Candidate qualifications.

A. A candidate for borough mayor must be a qualified voter of the State of Alaska and a resident of the Kenai Peninsula Borough for 180 days immediately preceding filing for office. A person who has served as mayor for two consecutive full terms may not be reelected to that office until 180 days has intervened.

B. A candidate for borough assembly must be a qualified voter of the State of Alaska and a resident of the district from which the candidate seeks election for at least 180 days immediately preceding filing for office. A person who has served on the assembly for two consecutive full terms may not be reelected to the assembly until 180 days has intervened.

C. A candidate for school board must be a qualified voter of the State of Alaska and a resident of the Kenai Peninsula Borough for 180 days immediately preceding filing for office. A person who has served on the school board for two consecutive full terms may not be reelected to that office until 180 days has intervened.

D. A candidate for a service area board must be a qualified voter of the State of Alaska and a resident of the service area for at least 180 days immediately preceding filing for office.

4.30.020. Declaration of candidacy.

A. A candidate for municipal office is nominated by executing a declaration of candidacy under oath and filing it with the clerk in accordance with this section.

B. A declaration of candidacy shall be in a form provided by the clerk and shall state the following:

1. the full name of the candidate, and the manner in which he wishes his name to appear on the ballot;

2. the full residence and mailing addresses of the candidate;
3. the office for which the candidate declares;
4. that the candidate is qualified for the office as provided by law;
5. the date and notarized statement of the candidate;
6. the candidate shall certify information contained in the declaration of candidacy is true and accurate;
7. any other information that the clerk reasonably requires to determine whether the candidate is qualified for the office as provided by law.

D. Declarations of candidacy shall be provided by the clerk not earlier than seven days prior to the opening of the filing period.

E. Filing for elective offices of mayor, assembly, school board and service area boards shall be made by filing a declaration of candidacy with the borough clerk from August 1st through August 15th, 4:30 p.m. Should August 15 be a Saturday or Sunday, then candidates shall have until noon on the first Monday following to file their declaration.

F. Filing for the elective offices of assembly member shall be made in accordance with Chapter 22.30 of this code and the reapportionment plans adopted in accordance with state law.

G. Declarations of candidacy may be filed with the clerk by electronic transmission and the original signed and notarized statement must be delivered to the clerk . If the original is not received by the clerk no later than seven days following the electronic transmission, the candidate's name shall not appear on the ballot.

H. Within four days after the filing of a declaration of candidacy, the clerk shall notify the candidate named in the declaration of candidacy whether or not it is in proper form. If not, the clerk shall immediately return it with a statement certifying wherein the declaration of candidacy is deficient to the candidate. A new declaration of candidacy for the same candidate may be filed within the time for filing declarations of candidacy.

4.30.030. Conflict of interest statements.

A. Candidates for elective borough office and declared write-in candidates shall file a conflict of interest statement with the borough clerk as required by the provisions of AS 39.50 at the time of filing a declaration of candidacy. The name of the candidate shall be placed on the ballot by the borough clerk only after the candidate has complied with this requirement. This subsection does not apply to candidates for service area boards.

B. 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 this requirement.

4.30.040. Correction, amendments and withdrawal of declarations of candidacy.

A. Any candidate may withdraw his nomination at any time during the period for filing a declaration of candidacy by appropriate written notice to the clerk. However, after the filing has closed, no declaration may be corrected, amended or withdrawn.

B. A declaration of candidacy presented shall not be changed as to term of office. If a candidate desires to file for a different seat, he shall request a new form from the clerk.

4.30.050. Review of candidate qualifications.

The clerk shall determine whether each candidate for borough office is qualified as provided by law. At any time before the election the clerk may disqualify any candidate whom the clerk finds is not qualified and immediately notify that candidate by certified mail. A candidate who is disqualified may request a hearing before the clerk within five days of receiving the notice. The hearing shall be held no later than five days after the request unless the candidate agrees in writing to a later date.

4.30.060. Prohibitions.

A. A person may not serve simultaneously as mayor and as a member of the assembly, as mayor and a member of the school board, or as a member of the assembly and member of the school board.

B. No elected official of the borough may hold any other compensated borough office or borough employment, or elected position in the state or federal government while in office.

4.30.070. Notice of vacancies.

At least three days before nominations are open for each regular election, the clerk shall publish in one or more newspapers of general circulation in the borough a notice of offices to be filled at the election and the procedure for filing a declaration of candidacy for the offices.

Chapter 4.40. BALLOTS.

4.40.010. Ballot form.

A. Names of candidates for office of borough mayor, assembly or school board member shall be rotated in the form prescribed for state elections. Names of candidates for service area offices need not be rotated.

B. The title of the 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 no more than _____" with the appropriate number replacing the blank, shall be placed before the list of candidates for each office. The names of the candidates shall be printed as they appear upon the declaration filed with the clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of a proper name. The names of candidates shall be arranged alphabetically, and their positions changed from one ballot to the next as required by subsection A of this section.

C. The propositions to be voted on shall follow the candidates for office or shall be on separate ballots, as the clerk may determine. The words "yes" and "no" shall appear below each proposition.

D. Each ballot shall bear the words "Official Ballot," and the date of the election.

E. A ballot shall be printed either on paper or on punch card stock as provided in this title.

F. The ballots shall be consecutively numbered.

4.40.020. Preparation and distribution.

A. The clerk shall obtain the printing of all ballots for borough elections. The clerk shall possess the printed ballots at least 15 days before each regular election and at least 10 days before each special and run-off election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or by his authorized agent, and any discovered mistake shall be corrected immediately.

B. The clerk may contract for the preparation and printing of the ballots without obtaining competitive bids.

C. The clerk shall arrange for delivery of ballots to each election board prior to or on the date of the election before the opening of the polls. The ballots shall be delivered in separate containers, with the number of ballots enclosed in each container clearly marked on the outside of it. A receipt for each package shall be taken from the election board to which it is delivered.

4.40.030. Sample ballots.

The clerk shall obtain the printing of sample ballots. Sample ballots shall be printed on non-white and be clearly labeled "Sample Ballot." Sample ballots shall be delivered to the election board in each precinct.

4.40.040. Propositions — Clarity — Conciseness.

All ballot propositions shall be stated in a concise and clear language to avoid verbosity and with the object of informing and advising the voter of the issue in a clear and forthright manner. All ballot propositions shall be stated in the affirmative and not the negative so that a yes vote will always mean that the voter approves of the affirmative of a position and not the negative; and a no vote disapproves the affirmative statement of an issue. Ballot propositions shall not be used to obtain a negative result by the casting of a yes vote. Words of multi-syllables will be avoided in ballot propositions, and simple sentences shall be used in preference to complex or compound sentences, with the object of making ballot propositions understandable to the average reader.

Chapter 4.50. OPERATION OF POLLS.

4.50.010. Election officials.

A. Before each election, the clerk, subject to approval by the assembly, shall appoint at least 3 judges in each precinct. The clerk shall designate one election judge from each precinct as the chairman, who shall be primarily responsible for administering the election in that precinct.

B. The borough clerk may appoint clerks and counters at any polling place where they are needed to conduct an orderly election and to relieve the election judges of undue hardship.

C. If any appointed election official is not able or refuses to serve on election day, the clerk may appoint a replacement for that official.

D. Each election official serving at a precinct polling place must be a qualified voter and, if possible, a resident within the precinct for which he is appointed.

E. All election judges, clerks and counters before entering upon their duties must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in

the manner prescribed by the clerk.

F. Candidates shall not serve as election officials. Certain familial relationships may not exist between a candidate and a precinct election judge, election clerk, or member of a ballot counting team in regular, run-off or special elections. Those familial relationships are:

1. mother, mother-in-law, stepmother;
2. father, father-in-law, stepfather;
3. sister, sister-in-law, stepsister;
4. brother, brother-in-law, stepbrother;
5. spouse; or
6. person sharing the same living quarters.

G. If the election supervisor knows or learns that any of these relationships exist, the precinct election judge, election clerk, or member of the ballot counting team shall be notified and replaced.

4.50.020. Opening of polling place.

A. On the day of the election, each election board shall open the polls for voting at 7:00 a.m., shall close the polls for voting at 8:00 p.m., and shall keep the polls continuously open during the time between those hours. The election board shall report to the polling place by 6:30 a.m. so that voting will start promptly at 7:00 a.m. The chairman of the election board shall rotate times at which election judges, board members, and clerks may be relieved for breaks or meals; provided, however, that at all times at least 2 judges from the election board are present at the polling place.

B. Before issuing any ballots, the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box then shall be closed and shall not be opened again or removed from the polling place until the polls have closed.

4.50.030. Voter registration.

The judges shall keep an original register or registers in which each voter before receiving his ballot shall sign his name and give both his residence and mailing address. A record shall be kept in the registration book, in a space provided, of the names of persons who offer to vote but who actually do not vote, and a brief statement of explanation. The signing of the register constitutes a declaration by the voter that he is qualified to vote. If any election official present believes the voter is not qualified, he may question the vote in accordance with the provisions of this title.

4.50.040. Voter identification at polls.

A. Before being allow to vote, each voter shall exhibit to an election official one form of identification, including but not limited to an official voter registration card, driver's license, passport, or hunting or fishing license.

B. An election official may waive the identification requirement if the election official knows the identity of the voter.

C. A voter who cannot exhibit a satisfactory form of identification shall be allowed to vote a questioned ballot.

4.50.050. Persons not on official registration list.

If a person's name does not appear on the official registration list in the precinct in which the person seeks to vote, the person may vote a questioned ballot.

4.50.060. Providing ballot to voter.

When a voter has qualified to vote, the election official shall give the voter an official ballot. The voter shall retire to a booth or private place to mark the ballot.

4.50.070. Assisting voter.

A qualified voter who cannot read, mark the ballot, or sign his name may request an election official or not more than two persons of his choice to assist him. If the election official is requested, he shall assist the voter. If any other person is requested, the person shall state upon oath before the election official that he will not divulge the vote cast by the person whom he assists.

4.50.080. Spoiled ballots.

The election supervisor shall specify uniform procedures for replacement, registration and disposition of spoiled ballots. These uniform procedures shall be provided in writing to the election judges.

4.50.090. Placing ballot in ballot box.

When the voter has marked the ballot, the voter shall inform the election official. The clerk may require that the voter return the ballot to the election official temporarily so that any stub which may be part of the ballot may be removed by the election official. Any such requirement shall protect the secrecy of the ballot. In all cases the ballot shall be deposited in the ballot box by the voter in the presence of the election official unless the voter requests the election official to deposit the ballot.

4.50.100. Questioning procedure.

A. If the polling place of a voter is in question, the voter shall vote a questioned ballot after complying with subsection C.

B. Every election official and election judge shall question, and every watcher and any other person qualified to vote in the precinct, or qualified to vote in the particular election involving less than an entire precinct in the case of service areas, may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote in the election. All questions regarding a person's qualifications to vote shall be made in writing, setting out the reason that the person has been questioned.

C. The questioned person, before voting, shall subscribe to an oath or affirmation on a form provided by the election official attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election. If the question is to residence within the precinct or voting area, the person shall also state the place from which that person came immediately before living in the precinct where offering to vote and the length of time of residence in the former place. After the questioned person has executed the oath or affirmation, the person may vote. If the questioned person refuses to execute the oath or affirmation, the person shall not vote.

D. A voter who casts a questioned ballot shall vote his ballot in the same manner as prescribed for other voters. After the election official or judge removes the numbered stub from the ballot, the voter shall insert the ballot into a small envelope and put the small envelope into a larger envelope on which the statement he previously signed is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be segregated, counted, compared to the voting list, and delivered to the election canvassing board. The election canvassing board shall review and judge the applicability of questioned ballots in accordance with Sections 4.90.020 and 4.90.030.

4.50.110. Closing of the polls.

A. Fifteen minutes before the closing of the polls, and at the time of closing the polls, an election official shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement at 15 minutes before closing time shall not in any way invalidate the election or extend the time for closing of the polls. After closing, no person will be allowed to enter the polling place for purposes of voting. Every qualified voter present and in line at the time prescribed for closing the polls may vote.

B. When the polls are closed and the last vote has been cast, the election board shall account for all ballots by completing a ballot statement containing, in a manner prescribed by the clerk, the number of official ballots supplied.

C. The election board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted on the ballot statement.

4.50.120. Voters in line when polls close.

Every qualified voter present and in line at the time prescribed for closing the polls may vote.

4.50.130. Prohibitions.

A. During the hours that the polls are open, no election official may discuss any political party, candidate or issue while on duty.

B. During the hours the polls are open, no person who is in the polling place or within 200 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. For the purposes of this section, the entrance to a polling place that is in a school is the entrance to the school building. The election board shall post warning notices in the form and manner prescribed by the clerk.

C. No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in Section 4.50.070.

D. While the polls are open no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.

F. No person may leave the polling place with the official ballot that the person received to mark.

4.50.140. Unused ballots.

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 preserved for 60 days unless the election is contested.

Chapter 4.60. PUNCHCARD VOTING.

4.60.010. Authorized.

The election supervisor may provide for punchcard voting at one or more voting places for one or more questions or offices on the ballot.

4.60.020. Boards and teams.

A. Receiving team: The election supervisor shall appoint as many receiving teams as needed, consisting of at least 3 members each. Receiving teams are responsible for receiving the ballots from precinct delivery teams, logging information regarding the same in a receiving team log, inspecting the seal on the ballot container, completing a delivery receipt and copying the delivery team with the same, and delivering the ballots to the control board.

B. Control board: The election supervisor shall appoint a control board consisting of at least three members. The control board is responsible for delivering the questioned, absentee, and personal representative ballots to the clerk; reviewing the ballots for damage, write-in votes, loose debris, or other irregularities; and delivering ballots containers to the data processing review board.

C. Counting teams: The election supervisor shall appoint as many counting teams as needed, consisting of at least four members each. The counting team shall count nonprocessable and write-in ballots with one member reading, one checking and two counting. The counting team shall also hand tally sample races as a test of the accuracy of the computer ballots.

D. Data processing review board: The election supervisor shall appoint a data processing review board consisting of at least three members. The data processing review board is responsible for ensuring that all punchcard ballots are completely and accurately counted.

E. The election supervisor shall appoint a chairperson who is a member of the data processing review board who shall oversee the data processing review board, counting teams, receiving team and control board.

F. The election supervisor shall administer the oath prescribed for election officials to the chairperson, and the supervisor or chairperson shall administer the oath to the board and team members. A vacancy on a board or team shall be filled by the election supervisor.

G. Any qualified voter of the borough may be appointed for the boards and teams.

4.60.030. Use of computers.

The election supervisor shall designate the computers to be used in counting the ballots and may negotiate and contract with the state or a private computer service for the needed computer services.

4.60.040. Tests and security.

A. No later than one week before the election, the computer punchcard vote-counting program must be tested in the presence of, and to the satisfaction of, the data processing control board.

B. In addition to the test specified in subsection (A) of this section, other tests shall be made to ensure that the system is functioning properly:

1. At least one day before the election at a time specified by the data processing review board;
2. On the day of the election one hour before the polls close;
3. Immediately after the final vote tabulation is completed.

4.60.050. Demonstration.

A demonstration of the punchcard process shall be made available to each voter on request at the polling place before he begins voting, and each voter shall be informed that the demonstration is available.

4.60.060. Voting ballots.

The voter shall be given one ballot for candidates and/or proposition, and shall retire alone to a voting booth. There, the voter without undue delay shall prepare his ballots by following the instructions provided at the polling place. Before leaving the voting booth the voter shall place his ballot in a secrecy sleeve in a manner displaying the numbered stub. The voter shall deliver the ballot to one of the election officials, who shall tear the numbered stub off and hand the ballot back to the voter who shall deposit the ballot in the ballot box.

4.60.070. Delivery of ballots to counting center.

The delivery of ballots from the precinct polling place to the designated computer counting center shall be made by a delivery team consisting of at least two members of each precinct election board. The delivery team shall accompany the ballots from the precinct polling place to the receiving board at the counting center.

4.60.080. Processing of ballots.

The election supervisor shall issue rules prescribing the manner in which ballots shall be processed and counted to ensure accuracy, security and to expedite the process subject to the following procedures:

A. Precinct delivery teams shall deliver ballots to the receiving board at the counting center pursuant to KPB 4.60.070.

B. The receiving board shall issue a receipt for ballots received, such receipt to be signed by the delivery team and the receiving board.

C. The control board shall transport ballots from the receiving board to the counting area.

4.60.090. Manual counting.

The election supervisor shall appoint one or more counting teams to count write-in votes and nonprocessable punchcard ballots. If an equipment failure occurs and the election supervisor determines that the ballots are to be counted manually, the counting teams shall count the

punchcard ballots. Manual counting shall be done in accordance with written rules issued by the election supervisor.

Chapter 4.70. BALLOT COUNTING PROCEDURES.

4.70.010. Report, oath and vacancies of counters.

Counters shall report to the election board at the polls at the time designated by the election supervisor or the chairman of the election board to assume their duties to assist the election board in counting the vote. Before undertaking the duties of office, each counter shall subscribe to an oath to honestly, faithfully, impartially, and promptly carry out the duties of his position. An election judge may administer the oath. If an appointed counter fails to appear and subscribe to the oath at the time designated by the election supervisor, the election board shall appoint any qualified voter to fill the vacancy.

4.70.020. Commencement of ballot count.

A. For counting paper ballots, when the polls are closed and the last vote has been cast, the election board and clerks or counters shall immediately proceed to open the ballot box, separate the questioned ballot envelopes from other ballots and then proceed to count the votes cast. In all cases the election board shall cause the count to be continued without adjournment until the count is complete.

B. For punchcard voting with computer use, when the polls have closed and the last vote has been cast, the election board shall immediately proceed to open the ballot box and separate the questioned ballots from the other ballots and place all nonprocessable ballots in an envelope provided by the clerk. Ballots with write-in votes shall be segregated, rubber banded, and placed in the back of the special ballot container. All voted ballots are placed in the tamperproof box and sealed.

4.70.030. General procedure for ballot count.

A. The election supervisor may issue rules prescribing the manner in which the precinct ballot count is accomplished so as to assure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4) the number of official ballots unused and destroyed. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted and the numbers included in the certificate prescribed by the election supervisor. When hand counting ballots, the election board shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may have a marking device in hand or remove a ballot from the immediate vicinity of the polls.

B. Ballots may not be counted before 8:00 p.m., local time, on the day of the election.

4.70.040. Rules for counting hand-marked and punchcard ballots.

A. The election board shall count hand-marked and punchcard ballots according to

the following rules:

1. A voter may mark his ballot only by using punch marks as may be made through use of the provided ballot marking machine or, if paper ballots are used, a cross mark, "X" mark, diagonal, horizontal or vertical mark, solid mark, star, circle, asterisk, check or plus sign shall be made with pencil or pen and ink. The marks will be counted only if they 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.
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 specified in subsection 1 of this section 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 marked.
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.

B. The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

C. The rules set out in this section apply to handmarked punchcard ballots if punchcard machines are not available in a precinct.

4.70.050. Write-in votes.

A. 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.

B. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and, in addition, mark the square opposite the candidate's name in accordance with (1) of this section. Stickers may not be used on punchcard ballots. Use of stickers on punchcard ballots can cause that portion of the ballot to be invalidated.

C. Write-in votes shall only be tabulated by person if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.

4.70.060. Disqualified candidate.

Votes cast for a candidate who is disqualified shall not be counted for any purpose.

4.70.070. Tally of votes.

A. Tally of votes cast by paper ballots. The election supervisor shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy and to expedite the process. The election board shall canvass and count the votes according to the rules for determining marks on ballots prescribed in Section 4.70.040. The election board shall canvass the ballots in a manner that allows watchers to see the ballots

when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the election supervisor may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.

B. Tally of voters by computer.

1. Upon receipt of the ballot container, a receiving board member shall test the seal and certify that it has not been broken. If there is a discrepancy, it shall be brought to the clerk's attention at the time.

2. After certification that the seal on the ballot container was intact upon receipt, a control board member shall break the seal and remove the ballots. Those ballots that cannot be processed by the computer due to physical damage shall be placed in an envelope marked "Nonprocessable Ballots" and delivered with the ballot container to the data processing review board.

3. Nonprocessable ballots shall be counted by a counting team and the results added into the computer count for the precinct from which the nonprocessable ballots were voted.

4. When the tally of all ballots has been completed, the voted ballots shall be sealed into containers and delivered to the clerk to be preserved for one year. Ballot containers may only be opened by the canvas board or recount team or if the clerk is ordered to do so by the assembly or by the court.

4.70.080. Completion of ballot count.

When the tally of hand counted ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results. The certificate includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the election supervisor. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the election supervisor one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed or hand delivered to the election supervisor. The package shall clearly indicate the precinct from which it came. In those areas of the borough where ballots are counted by hand and computer counting centers away from the central counting center, the chairman shall forward their election results by telephone, telegram, radio or electronic transmission on the night of the election. To assure adequate protection the election supervisor shall prescribe the manner in which the ballots, registers and all other election records and materials are thereafter preserved, transferred and destroyed.

4.70.090. Determination of tie votes.

A. If two or more candidates tie in having the highest number of votes for the same office for which there is to be elected only one candidate, the clerk shall so notify the candidates who are tied. The clerk shall immediately proceed with the recount of votes in the manner provided by this title.

B. If there is still a failure to elect because of a tie vote after completion of the recount, the election shall be determined fairly, by lot, from among the candidates tying, in a meeting of the assembly and under its direction. After the determination has been made by lot, the assembly shall certify the result.

Chapter 4.80. ABSENTEE VOTING.

4.80.010. Administration of absentee voting.

The clerk shall provide general administrative supervision over the conduct of absentee voting. The clerk shall make available instructions to absentee voters regarding the procedure for absentee voting.

4.80.020. Designation of absentee voting officials.

The borough clerk may appoint city clerks or registrars listed with the state to act as absentee voting officials. The clerk shall supply adequate voting supplies and ballots to the city clerks or voter registrars who shall serve as absentee voting stations. After taking an oath in the form required of election judges, an absentee election official may perform all the duties of the election official with respect to the issuance, witnessing and receipt of absentee ballots at such places and times as the election official may designate. Each absentee voting official shall transmit the dated envelopes containing the marked ballots by the most expeditious mail service to the clerk. Upon receipt of the absentee ballots the clerk shall stamp on the envelope the date on which the ballot is received.

4.80.030. Eligibility.

Any qualified voter may vote an absentee ballot for the precinct in which he resides and is registered (1) if he believes he will be unavoidably absent from his voting precinct on election day, whether inside the borough or not, or (2) if he will be unable to be present at the polls because of physical disability.

4.80.040. Fee prohibited.

No person may receive a fee from the voter for attesting to any voter's certificate required in voting absentee.

4.80.050. Materials for absentee voting.

The clerk shall provide ballots for use as absentee ballots for all precincts, and shall provide a small envelope in which the voter shall initially place the marked ballot, and shall provide a larger envelope, with the prescribed voter's certificate on the back, in which the smaller envelope with ballot enclosed shall be placed. The clerk shall provide the form of and prepare the voter's certificate on the back, in which the smaller envelope with ballot enclosed shall be placed. The clerk shall provide the form of and prepare the voter's certificate which shall include an oath, for use when required, that the voter is a qualified voter in all respects, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and identified himself, blanks for the attesting official or witnesses, and a place for recording the date the envelope was sealed and witnessed.

4.80.060. Absentee voting — In person.

A. A qualified voter may apply in person for an absentee ballot at the office of the borough clerk during regular office hours, or the voter may apply to the nearest city clerk's office or absentee voting official in his area during regular office hours.

B. On receipt of an application in person for an absentee ballot and exhibition of

proof of identification as required in this title, the clerk shall issue the ballot to the applicant.

C. The voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope in the presence of the election official who shall sign as attesting official and date of his signature. The election official shall then accept the ballot.

D. The election official may not accept a marked ballot that has been exhibited by an absentee voter with intent to influence other voters. If the absentee voter improperly marks or otherwise damages a ballot, the voter may request, and the election official shall provide him with another ballot up to a maximum of three. Exhibited, improperly marked, or damaged ballots shall be destroyed. The numbers of all ballots destroyed shall be noted on the ballot statement.

E. Each absentee voting official shall keep a record of the names and the signatures of voters who cast absentee ballots before him and the dates on which the ballots were cast.

4.80.070. Absentee voting — By mail.

A. A qualified voter may apply for an absentee ballot by mail if postmarked not earlier than the first of the year in which the election is to be held nor less than seven days before an election. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature.

B. After receipt of an application by mail, the borough clerk shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. The materials shall be sent as soon as they are ready for distribution. The return envelope sent with the materials shall be addressed to the borough clerk.

D. Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date his signature. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall have the ballot witnessed by 2 persons over the age of 18 years.

E. An absentee ballot must be marked and attested on or before the date of the election. If the voter returns the ballot by mail, he shall use the most expeditious mail service and mail the ballot not later than the day of the election to the borough clerk. It must be postmarked on or before midnight of election day and received by the clerk no later than the Monday following the election. Ballot envelopes received after that time shall not be opened but shall be marked "invalid", with the date of receipt noted thereon, and shall be preserved with other ballot of the election.

F. The clerk may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of his identity.

G. The clerk shall maintain a record of the name of each voter to whom an absentee ballot is sent by mail. The record must list the date on which the ballot is mailed and the date on which the ballot is received by the borough clerk and the dates on which the ballot was executed and postmarked.

4.80.080 Application for absentee voting by electronic transmission.

A. A qualified voter may apply for an absentee ballot to be sent by electronic transmission. Such request must be made not less than two days before an election. Absentee ballots will be electronically transmitted to the location designated in the application. If no location is designated, the ballot will be mailed in the manner provided in Section 4.80.070 for absentee ballots by mail. The clerk will provide reasonable conditions for electronically transmitting absentee ballots.

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

C. The voter shall mark the ballot on or before the date of the election and shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the clerk. The ballot may not be counted unless it is received by the close of business on the 7th day after the election.

D. An electronically transmitted 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.

4.80.090. Absentee voting — By personal representative.

A. A qualified voter who is physically disabled may apply for an absentee ballot through a personal representative to the following election officials at the times specified:

1. To the borough clerk's office on or after the 15th day before an election up to and including the day of election;
2. To the nearest city clerk's office to the voter's residence in the borough after the 15th day before an election up to and including the day of election;
3. To the election board chairman or his designee on election day in the precinct in which the voter is entitled to vote.

B. Upon receipt of a written application by personal representative, the election official authorized to issue the absentee ballot shall provide the ballot and other absentee voting material to the personal representative if the written application is signed by the applicant and is accompanied by a letter from a licensed physician or a statement signed by two qualified voters stating that the applicant will be unable to go to the polling place because of physical disability.

C. The personal representative shall deliver the absentee ballot to the voter as soon as practicable. Upon receipt of an absentee ballot through a personal representative, the voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the envelope in the presence of the personal representative who shall sign as attesting witness and the date his signature. The voter shall then return the absentee ballot to his personal representative who shall deliver the ballot to the election official who provided the ballot. The absentee ballot must be returned to the election official within 3 days from the date it is obtained

but not later than 8:00 p.m. on election day. An election ballot that is not returned to the election official by the close of business on the third day from the day it is obtained may not be counted but the voter may vote in the election.

D. Each election official shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested. The election official shall record the date and time the absentee ballot is provided and the time the ballot is returned to the election official.

E. A candidate for office at that election may not act as a personal representative.

4.80.100. Counting of ballots.

To be counted in the election, an absentee ballot must be postmarked on or before election day and be received by the clerk no later than the Tuesday following the election. Absentee ballot envelopes received after the canvass board has completed absentee ballot counting shall not be opened, but shall be marked "invalid" with the date of receipt noted thereon. Such envelopes shall be retained with the other election records and destroyed with them as provided by the borough's records retention schedule. Absentee ballot envelopes shall be examined by the canvass board who shall determine whether the absentee voter is qualified to vote at the election and whether the ballot has been properly cast.

4.80.110. Names of absentee voters to be made available.

The clerk and election officials shall have available for public inspection the names and addresses of persons who voted absentee. The absentee voting officials shall mail to the borough clerk the names and addresses of those persons who voted or attempted to vote absentee before him on the day following the borough election.

Chapter 4.90. CANVASSING AND CERTIFICATION OF ELECTION RESULTS.

4.90.010. Canvass board.

Before each election, the clerk, subject to approval of the assembly, shall appoint four or more qualified voters who shall constitute the election canvass board for that election. All members of the election canvass board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the clerk.

4.90.020. Canvass of returns.

A. No later than the Monday following each election, the election canvass board shall meet in public session and canvass all election returns. In full view of those present, the election canvass board shall judge the applicability of absentee and questioned ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. The canvass of the ballot vote counted by the precinct election boards shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's certificate of results. All obvious errors found by the election canvass in the transfer of totals from the precinct tally sheets to the precinct certificate of results shall be corrected by the canvass board. A mistake which has been made in precinct returns that is not clearly an error in the transfer of the results from the tallies to the certificate of results, empowers the

canvassing board to recommend a recount of the results of the precinct or precincts for that portion of the returns in question.

B. Upon completion of the canvass, the canvassing board shall prepare a final certificate of the results of votes cast by absentee, questioned and challenged ballots and of votes cast by regular ballot, and shall prepare a written report of the results to be submitted to the assembly.

C. If election materials have not been received from a precinct prior to completion of the canvass, but election results have been transmitted by telephone, telegram, radio or electronic transmission, the canvassing board shall count the election results received. If the borough clerk has reason to believe that a missing precinct certificate, if received, would affect the result of the election, the clerk shall await the receipt of the certificate until 2:00 p.m. on the Tuesday following the election. If the certificate is not received by the clerk by 2:00 p.m., Tuesday, then the certificate shall not be counted nor included in the final certification of the canvassing board.

4.90.030. Procedures for handling questioned ballots.

The canvassing board by majority vote may refuse to accept the question and count the ballot of a person properly questioned. If the ballot is refused, the clerk shall return a copy of the statement questioning the ballot to the voter, and shall enclose all rejected ballots in a separate envelope with statements of the basis for the question. The envelope shall be labeled with "rejected ballots" and shall be preserved with other voted ballots. If the ballot is not refused, the large envelope shall be opened, the smaller inner envelope shall be placed in a container and mixed with other absentee ballot envelopes or, in the case of counting questioned ballots, with other questioned ballot envelopes. The mixed smaller envelopes shall be drawn from the container and opened, and the ballots shall be counted according to the rules for determining properly marked ballots.

4.90.040. Voters not on official registration list.

A person whose registration has been cancelled under AS 15.07.130(b) and who votes a questioned ballot shall not have the ballot counted.

4.90.050. Certification of the election results.

A. As soon as possible after completion of the canvass, but no later than the Tuesday following the election, the assembly shall meet in public session to receive the report of the canvass board. If, after considering the report, the assembly determines that the election was validly held, the election shall be certified by resolution and entered upon the minutes of the meeting, together with the total number of votes cast for each candidate and for or against each proposition or question.

B. If the canvass board reports that a failure to comply with provisions of state law and borough ordinances, or an illegal election practice has occurred, and that such failure is sufficient to change the outcome of the election, then the assembly may exclude the votes cast in one or more precincts where such failure or illegal practices occurred from the total returns, or may declare the entire election invalid and order a new election.

C. If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the assembly may order a recount of votes cast in said precinct or precincts. Such

recount shall be conducted immediately by the canvass board and the results shall be reported to the assembly. The assembly shall meet as soon as possible to certify the results of the election recount.

D. Upon certification of a valid election, the clerk shall deliver to each person elected to office a certificate of election, signed by the clerk and authenticated by the seal of the borough.

Chapter 4.100. ELECTION RECOUNT.

4.100.010. Recount application.

A. A defeated candidate, or ten qualified voters who believe there has been a mistake made by an election official or by the canvass board in counting the votes in an election, may file an application with the clerk requesting a recount no later than five p.m. on the day of the certification of the election results or by delivering the application for recount to the assembly at its meeting to certify the election returns. The date on which the clerk receives an application rather than the date of mailing or transmission determines whether the application is filed within the time allowed under this subsection.

B. If two or more candidates tie in having the highest number of votes for the same office, to which only one candidate is to be elected, the clerk shall initiate a recount.

4.100.020. Form of application.

A. A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular precinct, office, proposition or question for which the recount is to be held and shall state that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or person making the application shall designate by full name and mailing address two persons who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by ten qualified voters shall also include the designation of one of the number as chairman. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

B. The application shall include a deposit in cash or by certified check for one hundred dollars. The deposit shall be applied against any costs incurred or refunded if there is no liability for recount costs.

4.100.030. Date of recount — Notice.

A. If the clerk determines that the application is substantially in the required form, the clerk shall fix the date of the recount to be held within three days after the receipt of an application requesting a recount of the votes in a borough election after it has been initiated under KP.B 4.100.010.

B. The clerk shall give the recount applicant and other directly interested parties notice of the time and place of the recount by certified mail, by telegram, by telephone or by electronic transmission.

4.100.040. Procedure for recount.

A. If a recount of ballots is demanded, the clerk shall appoint a recount board of four

or more qualified voters to conduct the recount of ballots or those precincts cited in the application for recount.

B. In conducting the recount, the recount board shall review all ballots to determine which ballots, or parts of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate, and the review. For administrative, the clerk may join and include two or more applications in a single review and count of votes. The rules governing the counting of marked ballots shall be followed in the recount.

C. The ballots and other election materials shall remain in the custody of the clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within ten days.

4.100.050. Certification of recount result.

Upon completion of the recount, the recount board shall meet and adopt a report of the results of the recount for submission to the assembly. The assembly shall abide by procedures for issuing a certificate of the election as set forth in this title.

4.100.060. Return of deposit and apportionment of expenses upon recount.

If, upon recount, a different candidate or position on a proposition or question is certified or if the vote on recount is 2 percent or more in excess of the vote originally certified for the candidate or position on a proposition or question supported by the recount application, the entire deposit shall be refunded to the recount application. If this section does not require that the entire deposit be refunded, the clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If it is determined that the contestant shall bear the costs of the recount pursuant to this section and the deposit is insufficient to cover the costs the borough may recover the excess costs from the contestant. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expense.

Chapter 4.110. CONTEST OF ELECTION.

4.110.010. Grounds for election contest.

A candidate or ten qualified voters may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

- A. malconduct, fraud or corruption by an election official sufficient to change the result of the election;
- B. the person elected is not qualified under law or ordinance;
- C. existence of a corrupt election practice as defined by the laws of the State of Alaska sufficient to change the result of the election.

4.110.020. Contest procedure.

A. Notice of contest of an election shall be submitted in writing to the clerk before five p.m. on the day of the certification of the election or to the assembly at its meeting to certify the election returns. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

The undersigned contest the regular (or special) election of the Kenai Peninsula Borough held on the ____ day of _____, _____. The ground for the contest are as follows:

Signature of Candidate or
Persons Contesting Election

SUBSCRIBED AND SWORN to before me this ____ day of _____, _____.

Notary Public for Alaska

B. Upon receiving a notice of contest, the assembly shall order an investigation be conducted by the clerk and borough attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.

C. If the contest involves the eligibility of voters the assembly shall direct the clerk to recheck the most current state registration lists. 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.

D. If the contest involves other prohibited election practices which are shown to have taken place, the assembly in certifying 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 and certify the results pursuant to this title.

E. The contestants shall pay all costs and expenses incurred in a recount of an election as provided by KPB 4.100.060.

4.110.030. Appeal or judicial review.

A person may not appeal or seek judicial relief of an election for any cause or reason unless the person is qualified to vote in the borough, has exhausted the administrative remedies before the assembly, and has commenced within ten days after the assembly has finally declared the election results, an action in the superior court. If an action under this section is not commenced with the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

Chapter 4.120. ELECTIONS BY MAIL.

4.120.010. 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.

4.120.020. Casting ballots.

A. Upon receipt of a mail-in ballot, the voter shall cast his ballot in the manner specified in KPB §4.80.070. 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 §4.80.060.

C. A voter may return the mail-in ballot to an absentee voting official as provided in KPB §4.120.040.

4.120.030. Notice of election - Election date - Public notice.

A. 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 received by the borough clerk.

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 §4.120.040.

4.120.040. Absentee voting officials - Duties.

A. The borough clerk may, with the approval of the city clerks in the borough, appoint city clerks or others in the area 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 §4.80.060 and absentee voting through a personal representative on any date including the day of the election following the procedures in KPB §4.80.090 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 absentee voting official 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.

4.120.050. Notification to voters.

In addition to the public notice required by KPB §4.120.020, 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:

- A. the date of the election;
- B. 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;
- C. 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;
- D. designation of the date on which ballots are expected to be mailed to the voters;
- E. 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 §4.120.030;
- F. a listing of appointed absentee voting officials and their hours and locations, and the services they can provide;
- G. 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
- H. brief general instructions on how the ballots must be voted and how the oath and affidavit envelope must be completed.

4.120.060. 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.

Chapter 4.130. INITIATIVE AND REFERENDUM.

4.130.010. Purpose.

It is the purpose of this chapter to define and clarify the procedures to be followed in initiative and referendum proceedings. The initiative and referendum are forms of direct democracy and as such their availability to, and utilization by, the public must be facilitated while, at the same time, the integrity of the procedures must be maintained through mechanisms which discourage, reduce, and prevent both the occurrence and appearance of fraud. Further, in order to insure

clear, fixed and reliable standards, it is necessary that citizens and those officials charged with the validation of petitions be able to rely on designated official, published maps, plats and records of the borough and on the published voter registration records of the state.

4.130.020. Application for petition.

A. An initiative or referendum is proposed by filing an application with the borough clerk containing the ordinance or resolution to be initiated or the ordinance or resolution to be referred and the name and address of the contact person and an alternate to whom all correspondence relating to the petition may be sent. The application shall be on a form provided by the clerk. An application shall be signed by at least 10 voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within two weeks the clerk shall certify the application if the clerk finds that it is in proper form and, for an initiative petition, that the matter

1. is not restricted by AS 29.26.100;
2. includes only a single subject;
3. relates to a legislative rather than to an administrative matter; and
4. would be enforceable as a matter of law.

B. A decision by the clerk on an application for petition is subject to judicial review.

4.130.030. Petition format.

A. The petition prepared by the clerk for issuance to the petitioner sponsors shall be in substantial compliance with this section. The petition shall be prepared within two weeks after certification of the application.

B. The front of the cover page of the petition shall provide a space for the name of the person who is circulating the petition and shall contain a statement in bold type identifying the petition as a referendum or initiative petition as appropriate, the initiative or referendum request, an impartial summary of the ordinance to be initiated or referred, a statement in bold type that a notice to petition signers is on the back of the cover sheet and that the ordinance to be initiated or referred is inside the first page of the petition, the date on which the petition is issued by the clerk, a notice that all signatures must be secured within 90 days after the date the petition is issued, and a petition booklet number. On the back of the cover sheet, the clerk shall cause to have printed a notice to the petition signers that signatures must be in ink, the residence address and printed name must be legible, that the signer must be a registered voter, and the acceptable and unacceptable forms of residence address which appear in Section 4.130.100(B) and (C).

C. The second and such subsequent pages as are necessary shall contain the full text of the ordinance to be initiated or referred.

D. Following the full text of the ordinance shall be not less than five nor more than ten signature pages. Each signature page shall be ruled in lines and shall contain six columns which shall be titled as follows: Voter Registration No., Signature, Printed Name, Residence Address, Mailing Address and Zip Code, Date Signed. The clerk shall number each signature page serially in a sequence of numbers which shall be continuous through all booklets issued. Above the column titles shall be the petition request which shall make reference to the ordinance or measure to be initiated or referred and its location in the booklet. At the bottom of each signature page shall be a statement that to be valid, the signature must be in ink, the name as

printed and signed must be the same form as the name appears on the state voter registration rolls and the printed name and residence address must be legible.

E. Following the last signature page shall be the sponsor's sworn statement and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be. This page shall be the last page of the petition booklet.

F. Each booklet shall be assembled by the clerk and all pages within each booklet shall be stapled or otherwise fastened together.

G. The clerk shall notify the contact person in writing when the petition is available. The contact person is responsible for notifying sponsors. Copies of the petition shall be provided by the clerk to each sponsor who appears in the clerk's office and requests a petition, and the clerk shall mail the petition to each sponsor who requests that the petition be mailed.

4.130.040. Instructions to sponsors.

The clerk shall issue written instructions to the sponsors setting forth the requirement that to be valid the signature line must contain the signature in ink, the legible printed name, and the legible residence address of the municipal voter signing the petition. The instructions shall also include the types of addresses which are and are not acceptable as residence addresses.

4.130.050. Submission and receipt of petitions.

A. The sponsors shall file the petitions as a single instrument. After the filing, no additional petition booklets may be received by the clerk for validation whether such additional booklets are submitted before or after the expiration of the petition period. Such late booklets shall be received only for the purpose of preservation for the record.

B. Filing shall be done during borough business hours. If the last day of the period falls on a Saturday which is not a borough holiday, the clerk shall make arrangements with the sponsors to receive the petitions at the clerk's office at or before four-thirty p.m. on that Saturday. If the last day of the period falls on a Sunday or other borough holiday, the sponsors may file the petition no later than nine a.m. on the first weekday which is not a holiday.

C. Immediately upon receipt of the petition, and in the presence of the person submitting the petition, the clerk shall check each booklet and shall mark as rejected on its face, and the reason for rejection, any petition booklet which:

1. Shows evidence of having been disassembled and reassembled;
2. does not contain all pages of the ordinance to be initiated or referred;
3. does not contain the fully completed, signed and notarized affidavit of the sponsor.

4.130.060. Signature requirements.

A. The signatures on an initiative or referendum petition shall be secured within 90 days after the clerk issues the petition. The statement provided under KPB 4.130.040(E) shall be signed and dated by the sponsor. Signatures shall be in ink.

B. The clerk shall determine the number of signatures required on a petition and inform the contact person in writing. Except as provided in (D) of this section, a petition shall be signed by 15 percent of votes cast at the last regular election held before the date written

notice is given to the contact person that the petition is available.

C. A petition signer may withdraw the signer's signature on written application to the clerk before certification of the petition.

D. If the ordinance of resolution that is the subject of an initiative or referendum petition affects only an area that is less than the entire area of a municipality, only voters residing in the affected area may sign the petition. The clerk shall determine the number of signatures required on the petition and inform the contact person in writing. The petition shall be signed by a number of voters based on the number of votes cast in that area at the last regular election held before the date written notice is given to the contact person that the petition is available equal to

1. 25 percent of the votes cast if the area has fewer than 7,500 persons; or
2. 15 percent of the votes cast if the area has 7,500 persons or more.

4.130.070. Sufficiency of petition.

A. All copies of an initiative or referendum petition shall be assembled and filed as a single instrument. Within 10 days after the date the petition is filed, the clerk shall

1. certify on the petition whether it is sufficient; and
2. if the petition is insufficient, identify the insufficiency and notify the contact person by certified mail.

4.130.080. Supplemental petition.

A. If the clerk determines that there is an insufficient number of valid signatures on the petitions filed during the 90-day period, he shall send a notice of the insufficiency to the contact person by certified mail, return receipt requested. The sponsors shall have an additional ten days from receipt of the notice to gather additional signatures on petitions supplied to the sponsors by the clerk for that purpose. The petitions supplied by the clerk for the supplemental period shall be in the format specified in Section 4.130.030, except that the signature page numbering shall not duplicate that utilized for the 90-day period.

B. Petitions shall be submitted and received in the manner provided in Section 4.130.060.

C. No signatures obtained on booklets issued during the first 90-day period shall be valid if submitted with the supplemental petition.

4.130.090. Validation of signatures.

A. The clerk shall reject the signature of any person whose name does not appear on the most recent printed voter registration list available from the state elections office and is determined by the state elections office to be a person who is not registered on the day the clerk requests state verification of the voter status of the person.

B. The clerk shall reject the signature of any person whose signed and printed name are so illegible that the clerk cannot identify the name, provided, however, the clerk may accept an otherwise illegible name if the voter has provided registration number and the legible address information given by the person corresponds to voter registration information of the person registered to the voter registration number given.

C. The clerk shall reject all but one signature of any person who has signed his or her name two or more times to petition booklets.

D. The clerk shall reject the signature of any person whose signature is not executed in ink.

E. The clerk shall reject the signature of any person who fails to provide a legible and adequate residence address as provided in Section 4.130.090.

F. The clerk shall reject the signature of any person whose petition signature and printed name are not the form in which the person is registered to vote unless the clerk is able to determine from the voter registration number of the address information from the state elections office that the signature is that of a registered voter.

4.130.100. Residence address requirements.

A. A residence address for the purpose of initiative and referendum petition requirements is a locatable address where the person lives. A residence address is adequate only if it contains sufficient information to permit the person's place of residence to be found by an ordinary person with no particular knowledge of the borough area if such person is given the residence address information which appears on the petition, the official map of the borough, the approved house numbering maps of the cities, and relevant approved plan maps.

B. Notwithstanding the general definition provided in subsection A of this section, the following shall be deemed to be adequate residence addresses.

1. A subdivision name with a lot and block number;
2. A United States Survey number when the smallest recorded subdivision which is applicable to the property is included;
3. A milepost when accompanied by a road or highway name;
4. A boat harbor or marina name when the stall, slip, or boat name is also included;
5. A hotel or motel if the room number is numbered;
6. A trailer court if the space number or street name and a number within the trailer court is given;
7. A house number with a street or highway name;
8. An apartment or condominium name when accompanied by an apartment or unit number.

C. The following types of addresses are inadequate as a residence address

1. a street name without a house number;
2. a milepost without a highway or road name;
3. a highway or road name without a milepost or house number;
4. Alaska, Kenai Peninsula, Seward, Homer, College Heights, Woodland, or any other similar designation by a geographic area or subdivision only;
5. a rural route box number;
6. a post office box number;
7. a street, highway or road intersection;
8. any address which is ambiguous either on its face or becomes ambiguous upon consulting a map or plat to which one would be led from the residence address information;
9. an illegible address.

D. If there is a dispute as to the adequacy of a residence address given by a person whose name has been rejected by the clerk, the name shall be rejected if it is determined that

a house number has been assigned to the place of residence of the person whose name has been rejected unless the assigned street name and house number or an accurate legal description of the property has been used on the petition.

4.130.110. Petition and signature rejection for other reasons.

A. If any allegation of fraud or misconduct is filed with the clerk prior to the certification or notice of insufficiency of the petitions, he shall immediately investigate such allegations and reject the challenged petitions or signatures if such investigation reveals fraud or other irregularities which warrant rejection.

B. Any allegation of fraud or misconduct filed after certification of the petition which would or may result in the invalidation of a sufficient number of signatures to cause a petition to be insufficient shall be referred immediately to the assembly. The assembly shall schedule a hearing on the matter and take such action as it deems appropriate with respect to signatures or petitions which are affected by any fraud or misconduct it finds.

C. It shall be fraud sufficient to reject an entire petition booklet if it is shown that a petition sponsor has either failed to do any act or had no reasonable basis for a belief to which he is required to swear under Section 4.130.040(E).

4.130.120. New petition.

Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition on substantially the same matter may not be filed sooner than six months after a petition is rejected as insufficient.

4.130.130. Termination of suspension of ordinance effective date.

An ordinance which has been suspended by the filing of a petition shall become effective five working days after notice of insufficiency has been delivered to the prime sponsor unless an appeal of the clerk's decision is filed within that time.

4.130.140. Initiative election.

A. Unless substantially the same measure is adopted, when a petition seeks an initiative vote the clerk shall submit the matter to the voters at the next regular election occurring no sooner than 45 days after certification of the petition. If no regular election occurs within 75 days after the certification of a petition, the assembly shall hold a special election within 75 days, but not sooner than 45 days after certification.

B. If the assembly adopts substantially the same measure, the petition is void and matter initiated may not be placed before the voters.

C. The ordinance or resolution initiated shall be published in full in the notice of the election, but may be summarized on the ballot to indicate clearly the proposal submitted.

D. If a majority vote favors the ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution.

4.130.150. Referendum election.

A. Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote the clerk shall submit the matter to the voters at the next election occurring no sooner than

75 days after certification of the petition. If no election occurs within 75 days of certification of a petition, the assembly shall hold a special election within 75 days, but not sooner than 45 days after certification.

B. If a petition is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the assembly may not enact an ordinance or resolution substantially similar to the suspended measure.

C. If the assembly repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

D. If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election.

4.130.160. Effect.

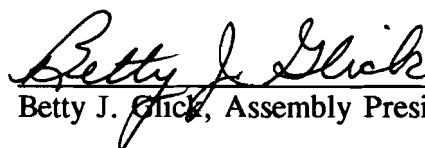
A. The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed.

B. If an ordinance or resolution is repealed in a referendum election or by the assembly after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the assembly for a period of two years.

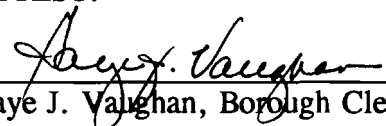
C. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified.

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

ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 3rd DAY OF MAY, 1994.


Betty J. Glick, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk