

Introduced by:	Policies & Procedures Committee
Date:	7/09/96
Hearing:	8/06/96
Postponed to:	8/20/96
Action:	Enacted as Amended
Vote:	Unanimous

**KENAI PENINSULA BOROUGH  
ORDINANCE 96-30**

**AN ORDINANCE AMENDING KPC 4.80.080,  
ABSENTEE VOTING BY ELECTRONIC TRANSMISSION**

**WHEREAS,** the Kenai Peninsula Borough Assembly adopted Ordinance 94-04 which allowed ballots to be electronically transmitted to absentee voters, but the ballots had to be returned to the Borough Clerk by mail; and

**WHEREAS,** the State Legislature passed HB 42 during the 1996 session which allows for absentee voting by electronic transmission; and

**WHEREAS,** the KPB Assembly is desirous of affording voters the same options for absentee voting as provided by the State;

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

**SECTION 1.** That KPC Section 4.80.080 shall be amended to read:

**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 four [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. An absentee ballot that is completed and returned by the voter by electronic transmission must

1. contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature; and

2. be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by one United States citizen who is 18 years of age or older.

D[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.

E. A voter who returns the absentee ballot by electronic transmission must comply with the

same deadlines as for voting in person on or before the closing hour of the polls.

E. When a completed absentee ballot is received by electronic transmission, the clerk will note the date of receipt on the absentee ballot application log and, if the ballot is received on election day, the time of receipt. The clerk will then

1. remove the ballot portion of the transmission from the portion that identifies the voter;
2. place the ballot portion in a secrecy sleeve;
3. seal the secrecy sleeve in an outer envelope of the type used for absentee ballots returned by mail, and seal that envelope;
4. attach the voter identification portion to the outer envelope; and
5. forward the outer sealed envelope to the canvas board for review.

G[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.

**SECTION 2.** That KPC Section 4.80.110 shall be amended to read:

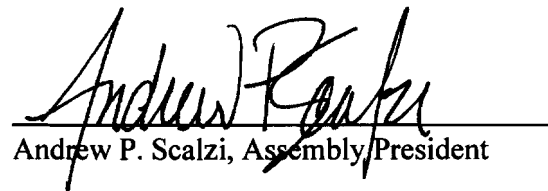
**4.80.110 Names of absentee voters. [TO BE MADE AVAILABLE.]**

The clerk shall maintain a record of the name of each voter to whom an absentee ballot is sent under this section. The record must list the date on which the ballot is mailed or provided by electronic transmission and the date on which the ballot is received by the clerk. The record [AND ELECTION OFFICIALS] shall be [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.

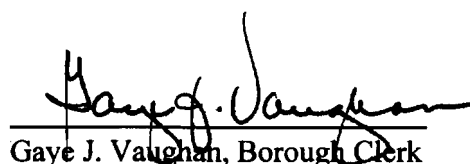
**SECTION 3.** Review and analysis. Within 60 days of the first borough election using the procedure authorized by this ordinance, the Borough Clerk shall provide the Assembly with a report describing any perceived impact this ordinance had on the election.

**SECTION 4.** That this ordinance shall take effect following the first state election employing the new procedures authorized in HB 42.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20th DAY OF AUGUST, 1996.**

  
Andrew P. Scalzi, Assembly President

ATTEST:

  
Gaye J. Vaughan, Borough Clerk