

Presented by: HRC  
Presented: 06/08/2020  
Drafted by: R. Palmer III

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2020-24(b)**

**An Ordinance Amending the Elections Code Relating to Vote by Mail for City and Borough of Juneau Municipal Elections.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Section.** CBJ 29.07.280 Review of election returns, is amended to read:

**29.07.280 Review of election returns.**

(a) Beginning on the first Friday after each election, absentee or by-mail ballots not previously counted and questioned ballots, which the ballot review board and election official determines should be counted, shall be counted. The election official and such assistants as may be appointed by the election official shall count such ballots in accordance with the voting systems determined for use in an election.

(b) By the second Tuesday after each election, the election official shall conduct the review of all election returns with the canvass review board. The review may be postponed for cause from day to day, but there shall be no more than three such postponements. The canvass review board, in full view of those present, shall review any additional absentee or by-mail ballots that were postmarked by election day and received in the mail as well as any ballots challenged by the ballot review board and determine whether they will be rejected or counted. The canvass review board will then add those ballots eligible to be counted to the preliminary results the election returns and compile the total number of votes cast for each candidate and for and against each proposition and question to determine the final results to be certified by the election official. The election official will then certify the election in accordance to 29.07.290.

(c) Reserved.

**Section 3. Amendment of Section.** CBJ 29.07.350 Definitions, is amended by incorporation of the following definitions in alphabetical order to read:

**29.07.350 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ballot* means any document provided by the municipal clerk on which votes may be cast for candidates or propositions. As used in this title, the term “ballot” shall mean the official ballot, except where the context clearly indicates it means the sample ballot or both types of ballots.

*Ballot drop box or drop box* means a device placed or designated by the municipal clerk for the purpose of receiving voted ballot envelopes.

*Clerk and municipal clerk* mean the clerk of the municipality or an authorized designee.

*Poll Based Elections* refers to those elections conducted primarily using precinct polling places for in-person voting on election day.

*Vote Center* means any location designated by the election official for the purpose of providing voter assistance that is not solely for casting votes for a specific precinct.

*Voting system* means the mechanical, optical, electronic, or other physical system used for marking, counting, and processing ballots and other election materials.

**Section 4. Amendment of Section.** CBJ 29.07.360 Elections by mail, is amended as follows:

**29.07.360 Elections by mail.**

- (a) At the direction of the Assembly by motion, the election official may conduct an election by mail.
- (b) The notice of election shall state that the election is to be conducted by mail and that there will be no precinct polling place open for regular in-person voting on election day. For each election conducted by mail, the notice of election published pursuant to CBJ 29.07.010(d) shall include:
  - (1) the date and type of the election, regular or special;
  - (2) an explanation that the election will be conducted by mail and that no precinct polling place will be available for regular in-person voting on election day;
  - (3) qualifications of voters;

- (4) the offices to be filled, the propositions submitted to the electors, and the full text of any proposed charter amendment;
- (5) the date by which ballots will be mailed to voters;
- (6) instructions to voters who will not be at their current mailing addresses when the ballots are to be mailed or who do not receive their ballot through the mail;
- (7) a listing of vote center locations and hours; and
- (8) an explanation of by-mail voting deadlines;

(c) When the election official conducts an election by mail, he or she shall mail a ballot to each person whose name appears on the 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 election official in writing of a different address to which the ballot should be sent. The election official is not required to mail a ballot to any voter who does not have a valid residence address, or is in the condition of purge notice (PN), undeliverable (UN), or list maintenance undeliverable (LU), as described in AS 15.07.130. Any qualified voter not mailed a ballot will not later be refused a ballot when requested, but may be required to vote a questioned ballot. The election official shall send ballots by first class, nonforwardable, mail, on or before the 21<sup>st</sup> day before the election.

(d) The election official shall enclose a privacy envelope and a return envelope to each by-mail voter. The return envelope shall have printed upon it an affidavit by which the voter shall declare his or her qualifications to vote, followed by provision for attestation by a person qualified to administer oaths or one attesting witness who is at least 18 years of age. Specific instructions for voting a by-mail ballot and a list of the vote center(s) and hours shall be included with the ballot.

(e) In a by-mail election, regardless of whether or not a voter has received a ballot by mail, a voter may cast a ballot:

- (1) by mail as provided in the instructions from the election official;
- (2) in person at the election official's office or at a vote center; or
- (3) under the absentee voting procedures set forth in CBJ 29.07.100.

(f) In a by-mail election, ballots must be received by the election official, placed in a ballot drop box, or received at a vote center all before 8:00 p.m. on election day, or be postmarked by the post office on or before election day.

(g) The election official shall review and count ballots voted under this section under election policies established for the review and counting of by-mail and absentee ballots.

**Section 5. Amendment of Chapter.** Chapter 29.07 Election Procedures, is amended by adding a new section to read:

**29.07.370 Alteration of election procedures for elections by mail.**

Procedures for the conduct of by-mail elections shall be as provided for regular and/or special elections as appropriate, or in election policies issued pursuant to CBJ 29.07.350, except as follows:

(a) **Election Officials.** In addition to the requirements of section 29.07.020, the following provisions apply to by-mail elections:

(1) The Election Official may contract, without obtaining competitive bids, any portions of the election process with the State of Alaska Division of Elections or other governmental entity or agency to ensure the timely and secure conduct of a particular election called for by the Assembly under this section.

(2) For the purposes of by-mail elections, each election worker must be a qualified voter of Alaska.

(b) **Candidates; nomination; write-in.** The following time requirements of section 29.07.050 are modified when conducting a by-mail election:

(1) Nominating petitions must be completed and filed with the election official, accompanied by any required state financial disclosure forms, not earlier than 81 days, nor later than 4:30 p.m. of the 71<sup>st</sup> day, before the election.

(2) Any candidate nominated may withdraw his or her nomination not later than 4:30 p.m. of the 67<sup>th</sup> day before the election.

(3) A write-in candidate filing a letter of intent with the election official shall do so not earlier than 67 days, nor later than 4:30 p.m. of the seventh day, before the election.

(c) **Official Candidate Statement.** The following time requirements of section 29.07.055 are modified when conducting a by-mail election:

(1) Online publication on the municipal website of candidate statements will take place at least 30 days prior to the election and will not include write-in candidates.

(2) A candidate providing an official candidate statement under section 29.07.055(b) must provide all information to the election official no later than 46 days prior to the election.

(d) **Boards.** In addition to the requirements of section 29.07.210, the election official shall appoint workers to serve as a ballot review board when conducting a by-mail election.

(e) **Ballot review procedure.** The ballot review board shall examine each ballot envelope and shall determine whether the voter is a qualified voter as required under CBJ Charter section 6.3

and whether the ballot has been properly cast under election policies established for the review and counting of by-mail ballots. The ballot review board may begin reviewing and processing by-mail ballots prior to election day as part of the election review process to prepare them for counting. The counting of ballots will not begin until after 8:00 p.m. on election day. The following standards shall guide the election policies:

- (1) A by-mail ballot shall not be counted if:
  - (i) The voter failed to properly execute the certification on the envelope with a valid signature or the voter's signature cannot be validated in accordance with the process set out in section (3) below; or
  - (ii) The witness authorized by law to attest the voter's certificate failed to properly execute the witness certificate on the envelope, except that a ballot cast in person and accepted by an election official may be counted despite failure of the election official to properly sign and date the witness' declaration; or
  - (iii) The ballot return envelope, if mailed, is received after election day, has no postmark, and USPS cannot verify the ballot return envelope was mailed on or before election day; or
  - (iv) The ballot return envelope is not received before the beginning of the canvass review board review process; or
  - (v) The voter has already voted in the election.
- (2) A by-mail ballot shall be counted if:
  - (i) The voter properly executed the certification on the envelope with a valid signature as verified in accordance with the process set out in section (3) below; and
  - (ii) The witness authorized by law to attest the voter's certificate properly executed the witness certificate on the envelope; and
  - (iii) The ballot return envelope was received at a voter center or deposited in a ballot drop box no later than 8:00 p.m. on election day; or
  - (iv) The ballot return envelope, if mailed, was postmarked or the USPS can verify that the ballot return envelope was mailed on or before election day; and
  - (v) The ballot return envelope was received before the beginning of the canvass review board review process;
- (3) Signature verification process:

(i) The voter's signature on the ballot certification must be compared with the signature(s) in the voter's voter registration file(s) using the standards established in the election policies developed under section 29.07.350.

(ii) The election official may designate, in writing, election workers to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the election official regarding the discharge of their duties. Personnel shall be trained in the signature verification process prior to actually comparing any signatures.

(iii) Missing or invalid signature. If a voter's signature is missing or determined to be invalid, the election official shall, within three days of initial processing of the envelope, send a letter to the voter explaining the lack of a valid signature.

(A) The letter shall be sent to the address to which the ballot was mailed.

(B) The voter may:

I. Fill out the form included with the letter and return the form to the address specified on the form; or

II. Come to the location identified in the letter and present valid identification to an election official and sign a form provided by the election official authenticating the envelope.

(C) If the authentication is still determined to be invalid, the voter shall be notified in writing that their ballot is rejected.

(4) The ballot review board may begin reviewing and processing by-mail ballots prior to election day as part of the election review process to prepare them for counting. The counting of ballots will not begin until after 8:00 p.m. on election day.

(f) **Multiple and replacement ballots.** In accordance with the 29.07.120(f) and the election policies developed under section 29.07.350, if the voter is issued a replacement ballot, the first valid ballot received is counted. Subsequently received ballots from the same voter are not counted. Subsequent ballot envelopes received from a voter who has already voted shall be marked "rejected," segregated from approved ballot envelopes, remain unopened, and forwarded to the canvass review board for final adjudication. The voter shall be notified by letter mailed to their mailing address and, if applicable, temporary mailing address.

**Section 6. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 29<sup>th</sup> day of June, 2020.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk