

Presented by: HRC
Presented: 06/02/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-23

An Ordinance Amending the Elections Code 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 29.07.100 Absentee voting procedure, is amended as follows:

29.07.100 Absentee voting procedure.

(a) The election official shall provide ballots for use as absentee ballots at least 15 days prior to the election. The election official shall issue rules and instructions to absentee voters to aid them in casting their ballots. The election official shall prescribe the form of and prepare the voter's certificate, envelopes, and other materials used in absentee voting. The election official shall enclose a privacy envelope and a return envelope to each absentee voter. The return envelope shall have printed upon it a certification by which the voter shall place the voter's signature declaring that the voter is a qualified voter, that the voter has not voted in any other manner in this election, and a space for the voter to include at least one personal identifier. The return envelope shall include a place for recording the date the envelope was sealed and be manufactured in such a way that the voter's signature and personal identifiers are concealed once the voter has signed and sealed the envelope.

(b) The application for an absentee ballot shall show the applicant's place of residence, clearly indicate the applicant's right to an absentee ballot, and be signed by the applicant.

(1) *Absentee application for voting by mail.* Beginning on January 1 of each election year, a qualified voter may in person, by mail, by facsimile machine, or by electronic transmission, file a written application for an absentee ballot by mail with the election official. A complete application for a by mail ballot must be received in the office of the election official not less than seven days before the election for which the absentee ballot is sought in order for the absentee ballot to be counted. If a voter fails to provide a specific ballot mailing address on an absentee by mail ballot application, the ballot will be mailed

to the mailing address on the voter's record, or, if no address is provided, to the fax, e-mail, or other electronic transmission acceptable to the election official.

(2) *Absentee application for voting by fax or electronic transmission.* A qualified voter who has submitted an application for an absentee ballot may vote by fax or electronic transmission beginning the day the ballots are available from the election official and through the close of the polls on election day. The voter must submit a written and complete application for a fax or electronic transmission ballot to the election official's office no later than 5:00 p.m. the day before election day in order for the absentee ballot to be counted. An absentee ballot that is completed and returned by the voter by fax or electronic transmission must contain the following statement: "I understand that by using fax or 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."

(3) *Absentee voting in person.* A qualified voter may vote absentee in person on or after the day the ballots are available from the election official up to and including the election day, in a location and at places and times determined by the election official.

(4) *Early voting.* A qualified voter may vote early, as soon as the ballots are available from the election official up to and including election day, in a location and at places and times determined by the election official.

(5) *Absentee voting by personal representative.* A qualified voter who is unable to go to the polling place or vote center on election day due to age, illness or disability, may appoint a personal representative to obtain a ballot for the voter on or after the 15th day before an election, up to and including election day.

Section 3. Amendment of Section. CBJ 29.07.280 Review of election returns, is amended as follows:

29.07.280 Review of election returns.

(a) Beginning on the first Friday after each election, absentee ballots not previously counted and questioned ballots, which the ballot review board and election official determines should be counted, shall be counted. For by-mail elections, the election official will continue to process ballots until the review of the election returns by the canvass review board. 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.

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Section 4. Amendment of Section. CBJ 29.07.350 Definitions, is amended to include the following definition as follows:

29.07.350 Definitions.

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Personal Identifiers as used in this chapter, shall include the following: voter registration identification number, the last four digits of the voter's social security number, the voter's date of birth, or the voter's Alaska driver's license number.

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Section 5. Amendment of Section. CBJ 29.07.360 Elections by mail, is amended as follows:

29.07.360 Elections by mail.

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(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 a certification by which the voter shall declare the voter's qualifications to vote, that the voter has not voted in any other manner in this election, and a space for the voter to include at least one personal identifier. The return envelope shall include a place for recording the date the envelope was sealed and shall conceal the voter's signature and personal identifier once the voter has signed and sealed the envelope. Specific instructions for voting a by-mail ballot and a list of the vote center(s) and hours shall be included with the ballot.

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Section 6. Amendment of Section. CBJ 29.07.370 Alteration of election procedures for elections by mail, is amended as follows:

29.07.370 Alteration of election procedures for elections by mail.

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(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 and personal identifier or the voter's signature and personal identifier cannot be validated in accordance with the process set out in section (3) below; or
- (ii) Reserved.
- (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 and personal identifier as verified in accordance with the process set out in section (3) below; and
- (ii) Reserved.
- (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 and personal identifier on the ballot certification must be compared with the signature(s) and personal identifiers in the voter's voter registration file(s) using the standards established in the election policies developed under CBJ 29.07.350.

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Section 7. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 14th day of June, 2021.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk